

State of Iowa

2021

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2021 REGULAR SESSION

and the

2021 SECOND EXTRAORDINARY SESSION

of the

Eighty-Ninth General Assembly

of the

State of Iowa

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

REGULAR SESSION CONVENED ON THE ELEVENTH DAY OF JANUARY
AND ADJOURNED ON THE NINETEENTH DAY OF MAY, A.D. 2021

FIRST EXTRAORDINARY SESSION HELD ON THE FIFTH DAY OF OCTOBER, A.D. 2021

SECOND EXTRAORDINARY SESSION HELD ON THE TWENTY-EIGHTH DAY OF OCTOBER, A.D. 2021



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

PREFACE

CERTIFICATION

We, Timothy C. McDermott, Interim Director and Legal Services Division Director, Legislative Services Agency, 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 2021 Regular Session and the 2021 Second Extraordinary Session of the Eighty-ninth 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 2022 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2022 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 2021 Regular Session generally took effect on July 1, 2021, unless otherwise provided. There were no Acts enacted during the 2021 First Extraordinary Session. The Acts of the 2021 Second Extraordinary Session took effect upon enactment.

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. 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
 Ryan Capps, Scheduler

LIEUTENANT GOVERNOR

ADAM GREGG Polk
 John Hirl, 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

SECRETARY OF AGRICULTURE

MIKE NAIG Polk
 Julie Kenney, Deputy Secretary of Agriculture

ATTORNEY GENERAL

THOMAS J. MILLER Polk
 Jeffrey S. Thompson, Solicitor General
 Nathan Blake, Chief Deputy Attorney General
 Jessica Whitney, Deputy Attorney General
 Matt Gannon, First Assistant Attorney General
 Lynn Hicks, Chief of Staff

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
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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Boulton, Nate Des Moines	Attorney	16th— <i>Polk</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Carlin, Jim Sioux City	Attorney	3rd—Plymouth, <i>Woodbury</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Celsi, Claire West Des Moines		21st— <i>Polk</i> , Warren	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Cournoyer, Chris LeClaire	Website Designer/ Substitute Teacher	49th—Clinton, <i>Scott</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Dawson, Dan Council Bluffs	Peace Officer	8th— <i>Pottawattamie</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Dickey, Adrian Packwood	President of Dickey Transport/Volunteer Fire Fighter	41st—Davis, <i>Jefferson</i> , Van Buren, Wapello	89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 89(1st), 89(1st)X, 89(1st)XX
Driscoll, Dawn Williamsburg		38th—Benton, Iowa, Poweshiek	89(1st), 89(1st)X, 89(1st)XX
Edler, Jeff State Center		36th—Black Hawk, Marshall, Tama	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Garrett, Julian B. Indianola	Farmer	13th—Madison, Warren	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Giddens, Eric Cedar Falls	University of Northern Iowa Center for Energy and Environmental Education Program Manager	30th— <i>Black Hawk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Goodwin, Tim Burlington		44th— <i>Des Moines</i> , Louisa, Muscatine	89(1st), 89(1st)X, 89(1st)XX
Green, Jesse Harcourt		24th—Boone, Greene, Hamilton, Story, Webster	89(1st), 89(1st)X, 89(1st)XX
Guth, Dennis Klemme	Farmer	4th—Emmet, <i>Hancock</i> , Kossuth, Winnebago, Wright	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Hogg, Robert Cedar Rapids	Legislator	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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Johnson, Craig Independence	Business Development/ Legislator	32nd—Black Hawk, Bremer, <i>Buchanan</i> , Fayette	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Senatorial District	Legislative Service
Kinney, Kevin Oxford	Farmer/Retired Deputy Sheriff	39th— <i>Johnson</i> , Keokuk, Washington	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Klimesh, Mike Spillville	Management/Small Business Owner	28th—Allamakee, Clayton, Fayette, <i>Winneshiek</i>	89(1st), 89(1st)X, 89(1st)XX
Koelker, Carrie Dyersville	Executive Director—Tourism and Economic Development	29th— <i>Dubuque</i> , Jackson, Jones	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Kraayenbrink, Tim Fort Dodge	Investment Advisor	5th—Calhoun, Humboldt, Pocahontas, <i>Webster</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Lofgren, Mark S. Muscatine	Real Estate Sales Associate	46th— <i>Muscatine</i> , Scott	84(1st), 84(2nd), 85(1st), 85(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Nunn, Zach Altoona	Military Officer	15th—Jasper, <i>Polk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Ragan, Amanda Mason City	Director—Community Kitchen of North Iowa/Executive Director—Meals on Wheels	27th—Butler, <i>Cerro Gordo</i> , Franklin	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), 89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Senatorial District	Legislative Service
Reichman, Jeff Montrose		42nd—Henry, Jefferson, <i>Lee</i> , Washington	89(1st), 89(1st)X, 89(1st)XX
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th—Appanoose, <i>Mahaska</i> , Marion, Monroe, Wapello	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Shiple, Tom Nodaway	Farmer/Legislator	11th— <i>Adams</i> , Cass, Pottawattamie, Union	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Sinclair, Amy Allerton		14th— <i>Clarke</i> , Decatur, Jasper, Lucas, Marion, <i>Wayne</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Smith, Jackie Sioux City		7th— <i>Woodbury</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Sweeney, Annette Alden	Farmer	25th— <i>Butler</i> , Grundy, <i>Hardin</i> , Story	83(1st), 83(2nd), 84(1st), 84(2nd), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Taylor, Jeff Sioux Center		2nd— <i>Cherokee</i> , O'Brien, Plymouth, <i>Sioux</i>	89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Trone Garriott, Sarah Windsor Heights	Minister	22nd— <i>Dallas</i> , <i>Polk</i>	89(1st), 89(1st)X, 89(1st)XX
Wahls, Zach Coralville	Small Business Owner/Credit Union Executive	37th— <i>Cedar</i> , <i>Johnson</i> , <i>Muscatine</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Whiting, Zach Spirit Lake		1st— <i>Clay</i> , <i>Dickinson</i> , Lyon, Osceola, Palo Alto	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Williams, Craig Manning		6th— <i>Audubon</i> , Buena Vista, <i>Carroll</i> , <i>Crawford</i> , Sac	89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 89(1st), 89(1st)X, 89(1st)XX
Zumbach, Dan Ryan	Farmer	48th—Buchanan, <i>Delaware, Jones,</i> Linn	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX

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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Andrews, Eddie Johnston		39th— <i>Polk</i>	89(1st), 89(1st)X, 89(1st)XX
Bacon, Robert P. Slater	Funeral Director Consultant	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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Bennett, Liz Cedar Rapids	Website Expert—Wix	65th— <i>Linn</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Bergan, Michael R. Dorchester	Accountant	55th—Clayton, Fayette, <i>Winneshiek</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Bloomingtondale, Jane Northwood		51st—Howard, Mitchell, <i>Winneshiek, Worth</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Boden, Brooke Indianola		26th— <i>Warren</i>	89(1st), 89(1st)X, 89(1st)XX
Bohannon, Christina Iowa City	Professor	85th— <i>Johnson</i>	89(1st), 89(1st)X, 89(1st)XX
Bossmann, Jacob Sioux City		6th— <i>Woodbury</i>	87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
¹ Bousselot, Michael Ankeny		37th— <i>Polk</i>	89(1st)X, 89(1st)XX
Bradley, Steven P. Cascade	Dentist/Flight Instructor	58th—Dubuque, <i>Jackson, Jones</i>	89(1st), 89(1st)X, 89(1st)XX
² Breckenridge, Wes Newton	Adjunct Instructor—DMACC	29th— <i>Jasper</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st)
Brink, Holly Oskaloosa	Benefits Consultant	80th—Appanoose, <i>Mahaska, Monroe,</i> <i>Wapello</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Brown-Powers, Timi Waterloo	Therapist—MercyOne	61st— <i>Black Hawk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX

¹ Elected in Special Election September 14, 2021² Resigned September 10, 2021

Name and Residence	Occupation	Representative District	Legislative Service
Bush, Dennis Cleghorn	Farmer	3rd— <i>Cherokee</i> , O'Brien, Plymouth, Sioux	89(1st), 89(1st)X, 89(1st)XX
Cahill, Sue Marshalltown	Teacher	71st— <i>Marshall</i>	89(1st), 89(1st)X, 89(1st)XX
Cisneros, Mark Muscatine		91st— <i>Muscatine</i>	89(1st), 89(1st)X, 89(1st)XX
Cohon, 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), 89(1st), 89(1st)X, 89(1st)XX
Deyoe, Dave Nevada	Farmer	49th— <i>Hardin</i> , <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), 89(1st), 89(1st)X, 89(1st)XX
Dolecheck, Cecil Mount Ayr	Retired Farmer	24th— <i>Montgomery</i> , Page, <i>Ringgold</i> , Taylor	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), 89(1st), 89(1st)X, 89(1st)XX
Donahue, Molly Cedar Rapids	Educator	68th— <i>Linn</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
³ Dunwell, Jon Newton		29th— <i>Jasper</i>	89(1st)XX
Ehlert, Tracy Cedar Rapids	Early Childhood Educator/Small Business Owner	70th— <i>Linn</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Fisher, Dean Montour	Engineering/Farming	72nd— <i>Black Hawk</i> , Marshall, <i>Tama</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX

³ Elected in Special Election October 12, 2021

Name and Residence	Occupation	Representative District	Legislative Service
Fry, Joel Osceola	Therapist	27th— <i>Clarke</i> , Decatur, Lucas, Wayne	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Gaines, Ruth Ann Des Moines	Adjunct Professor—DMACC	32nd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Gerhold, Thomas D. Atkins	Research Associate	75th— <i>Benton</i> , Iowa	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Gjerde, Eric Cedar Rapids	Teacher	67th— <i>Linn</i>	89(1st), 89(1st)X, 89(1st)XX
Gobble, Garrett Ankeny	Teacher	38th— <i>Polk</i>	89(1st), 89(1st)X, 89(1st)XX
Grabner, Martin L. Fort Madison	Financial Advisor	83rd— <i>Lee</i>	89(1st), 89(1st)X, 89(1st)XX
Grassley, Pat New Hartford	Farmer	50th— <i>Butler</i> , Grundy, Hardin	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), 89(1st), 89(1st)X, 89(1st)XX
Gustafson, Stan Cumming	Retired—United States Marine Corps/Retired Attorney	25th— <i>Madison</i> , Warren	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Hansen, Steven Sioux City	Director—Sioux City Public Museum	14th— <i>Woodbury</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, 89(1st), 89(1st)X, 89(1st)XX
Hein, Lee Monticello	Farmer	96th— <i>Delaware</i> , <i>Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Hite, Dustin D. New Sharon	Attorney	79th— <i>Mahaska</i> , Marion	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Holt, Steven Denison	Retired—United States Marine Corps	18th— <i>Crawford</i> , Harrison, Shelby	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Ingels, Chad Randalia	Farmer	64th— <i>Buchanan</i> , <i>Fayette</i>	89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Representative District	Legislative Service
Isenhart, Charles Dubuque	Small Business Owner	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), 89(1st), 89(1st)X, 89(1st)XX
Jacobsen, Jon Council Bluffs	Senior Trust Officer/VP/Attorney	22nd— <i>Pottawattamie</i>	87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Jacoby, Dave Coralville	STEM Coordinator/Retired	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), 89(1st), 89(1st)X, 89(1st)XX
James, Lindsay Dubuque	Presbyterian Pastor	99th— <i>Dubuque</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Jeneary, Tom Le Mars	Retired Dentist	5th— <i>Plymouth,</i> <i>Woodbury</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Jones, Megan Sioux Rapids	Nonpracticing Attorney/Farm Wife	2nd— <i>Clay, Dickinson,</i> <i>Palo Alto</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Judge, Kenan Waukeee		44th— <i>Dallas</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Kaufmann, Bobby Wilton	Grain and Livestock Farmer/Small Business Owner	73rd— <i>Cedar, Johnson,</i> <i>Muscatine</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Kerr, David Morning Sun	Retired Farmer/ Retired—Kinder Morgan Inc.	88th— <i>Des Moines,</i> <i>Louisa, Muscatine</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Klein, Jarad J. Keota	Farmer	78th— <i>Keokuk,</i> <i>Washington</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Konfrst, Jennifer Windsor Heights	Professor—Drake University	43rd— <i>Polk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
Kurth, Monica Davenport	Retired Teacher—Eastern Iowa Community Colleges	89th— <i>Scott</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
⁴ Landon, John R. Ankeny	Retired—Ag Business	37th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st)
Latham, Shannon Sheffield		54th— <i>Butler, Cerro</i> <i>Gordo, Franklin</i>	89(1st), 89(1st)X, 89(1st)XX

⁴ Died in office July 29, 2021

Name and Residence	Occupation	Representative District	Legislative Service
Lohse, Brian K. Bondurant	Attorney	30th— <i>Polk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Lundgren, Shannon Peosta	Small Business Owner	57th— <i>Dubuque</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Mascher, Mary Iowa City	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), 89(1st), 89(1st)X, 89(1st)XX
Maxwell, David E. Gibson	Drainage Contractor/Farmer	76th—Iowa, <i>Poweshiek</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
McClintock, Charlie Alburnett	911 Manager	95th— <i>Buchanan, Linn</i>	89(1st), 89(1st)X, 89(1st)XX
McConkey, Charlie Council Bluffs	Retired Steelworker	15th— <i>Pottawattamie</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Meyer, Ann Fort Dodge	Registered Nurse	9th— <i>Webster</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Meyer, Brian Des Moines	Attorney	33rd— <i>Polk</i>	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Mitchell, Joe Mount Pleasant		84th— <i>Henry, Jefferson, Lee, Washington</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Mohr, Gary M. Bettendorf	Retired Community College Administrator	94th— <i>Scott</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Mommsen, Norlin DeWitt	Farmer	97th— <i>Clinton, Scott</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Moore, Thomas Jay Griswold	Retired	21st— <i>Adams, Cass, Pottawattamie, Union</i>	86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Nielsen, Amy North Liberty		77th— <i>Johnson</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Nordman, Carter F. Adel	Business Owner	19th— <i>Dallas, Polk</i>	89(1st), 89(1st)X, 89(1st)XX
Oldson, Jo Des Moines		41st— <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), 89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Representative District	Legislative Service
Olson, Rick L. Des Moines	Attorney	31st— <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), 89(1st), 89(1st)X, 89(1st)XX
Osmundson, Anne Volga	Small Business Owner	56th— <i>Allamakee, Clayton</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Paustian, Ross C. Walcott	Farmer	92nd— <i>Scott</i>	84(1st), 84(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Prichard, Todd Charles City	Attorney	52nd— <i>Cerro Gordo, Chickasaw, Floyd</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Running-Marquardt, Kirsten Cedar Rapids		69th— <i>Linn</i>	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Salmon, Sandy Janesville	Retired Home Educator	63rd— <i>Black Hawk, Bremer</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Sexton, Mike Rockwell City	Farmer/Entrepreneur	10th— <i>Calhoun, Humboldt, Pocahontas, Webster</i>	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), 89(1st), 89(1st)X, 89(1st)XX
Shipley, Jeff Birmingham	Artist	82nd— <i>Davis, Jefferson, Van Buren</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Sieck, David Glenwood	Farmer/Real Estate	23rd— <i>Fremont, Mills, Montgomery</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Siegrist, Brent Council Bluffs		16th— <i>Pottawattamie</i>	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, 89(1st), 89(1st)X, 89(1st)XX
Smith, RasTafari Waterloo	Owner/Principal—Rise Advocacy Services	62nd— <i>Black Hawk</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Sorensen, Ray Greenfield	Artist/Business Owner	20th— <i>Adair, Cass, Dallas, Guthrie</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Representative District	Legislative Service
Steckman, Sharon Sue 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), 89(1st), 89(1st)X, 89(1st)XX
Stone, Henry Forest City		7th— <i>Emmet, Kossuth, Winnebago</i>	89(1st), 89(1st)X, 89(1st)XX
Sunde, Kristin West Des Moines		42nd— <i>Polk, Warren</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Thede, Phyllis Bettendorf	State Representative	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), 89(1st), 89(1st)X, 89(1st)XX
Thompson, Phil Jefferson	Contractor	47th— <i>Boone, Greene</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Thorup, Jon Knoxville	Iowa State Trooper	28th— <i>Jasper, Lucas, Marion</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Wessel-Kroeschell, Beth Ames		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), 89(1st), 89(1st)X, 89(1st)XX
Westrich, Cherielynn Ottumwa	Car Builder/Business Owner	81st— <i>Wapello</i>	89(1st), 89(1st)X, 89(1st)XX
Wheeler, Skylar Orange City		4th— <i>Sioux</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Wilburn, Ross Ames	Iowa Democratic Party	46th— <i>Story</i>	88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Williams, Dave Cedar Falls	Small Business Consultant	60th— <i>Black Hawk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
Wills, John H. Spirit Lake	Environmental Coordinator	1st— <i>Dickinson, Lyon, Osceola</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX

Name and Residence	Occupation	Representative District	Legislative Service
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), 89(1st), 89(1st)X, 89(1st)XX
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), 89(1st), 89(1st)X, 89(1st)XX

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, 2028
Edward M. Mansfield	Des Moines	December 31, 2028
Susan K. Christensen, C.J.	Harlan	December 31, 2028
Christopher L. McDonald	Des Moines	December 31, 2028
Dana L. Oxley	Swisher	December 31, 2022
Matthew C. McDermott	West Des Moines	December 31, 2022

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Anuradha Vaitheswaran	Des Moines	December 31, 2024
Mary E. Tabor	Des Moines	December 31, 2024
Michael R. Mullins	Washington	December 31, 2024
Thomas N. Bower, C.J.	Cedar Falls	December 31, 2026
David N. May	Polk City	December 31, 2026
Sharon Soorholz Greer	Marshalltown	December 31, 2026
Julie A. Schumacher	Schleswig	December 31, 2026
Paul B. Ahlers	Fort Dodge	December 31, 2022
Gina C. Badding*	Carroll	December 31, 2022

* Appointed upon retirement of Richard H. Doyle.

CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

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CONDITION OF STATE TREASURY

June 30, 2020

	Balance July 1, 2019	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2020
General Fund	\$ 884,845,697	\$16,103,456,336	\$16,988,302,033	\$16,304,794,719	\$ 683,507,314
Special Revenue Fund	1,160,488,433	7,583,006,474	8,743,494,907	6,873,711,013	1,869,783,894
Capital Projects Fund	15,425,172	44,641,226	60,066,398	40,483,521	19,582,877
Debt Service Fund	0	0	0	0	0
Enterprise Fund	68,106,284	838,729,694	906,835,978	833,483,153	73,352,825
Internal Service Fund	230,776,785	680,729,198	911,505,983	630,355,181	281,150,802
Expendable Trust Fund	174,312,358	1,012,247,484	1,186,559,842	1,011,393,446	175,166,396
Nonexpendable Trust Fund	38,928,687	3,151,357	42,080,044	634,941	41,445,103
Pension Fund	29,208,149,188	3,477,985,583	32,686,134,771	2,418,983,833	30,267,150,938
Trust and Agency Fund	321,208,130	6,231,255,725	6,552,463,855	6,187,154,727	365,309,128
Totals	<u>\$32,102,240,734</u>	<u>\$35,975,203,077</u>	<u>\$68,077,443,811</u>	<u>\$34,300,994,534</u>	<u>\$33,776,449,277</u>

Balance July 1, 2019	\$32,102,240,734
Receipts and Transfers	35,975,203,077
Total Available	68,077,443,811
Disbursements and Transfers	34,300,994,534
Balance June 30, 2020	\$33,776,449,277

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 21, 2021

ANALYSIS BY CHAPTERS

2021 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2021 Acts, Regular Session, see page 736

CH.	FILE	TITLE
1	SF 160	Instructional time requirements — in-person and remote learning
2	SF 269	School finance — state percents of growth — regular program state cost per pupil — property tax replacement payments — school transportation funding
3	SF 284	Supplemental appropriations — state central personnel, accounting, and budget system
4	SF 130	Compensation for employment of directors of school corporation boards — temporary exception
5	SF 173	Trusts — certification — order of abatement
6	SF 231	Special minor's driver's licenses
7	SF 239	Causes of action and interests of deceased parties
8	SF 240	Custodial trusts
9	SF 285	All Iowa opportunity scholarship program — suspension of student participation
10	SF 314	Executive branch employee travel claims
11	SF 343	Confidential records — access by department of corrections, judicial district department of correctional services, and board of parole employees
12	SF 413	Elections — miscellaneous changes
13	HF 200	Active military duty — branches of service — coast guard and space force
14	HF 231	Sexual abuse committed during a burglary — special sentence
15	HF 232	Disorderly conduct — intentional or reckless noise
16	HF 235	Consumer credit transactions and service charges
17	HF 283	Drug or alcohol testing — prohibited activities
18	HF 308	Senior year plus program — eligibility requirements
19	HF 386	Nonprofit school organizations — reports
20	HF 418	Assessment, classification, and taxation of property — miscellaneous changes
21	SF 129	Rural Iowa primary care loan repayment program — miscellaneous changes
22	SF 232	Abandoned vehicles taken into custody — notice and reclamation requirements
23	SF 235	Denial and contest of probate claims
24	SF 261	Nonprofit corporation for educational financial assistance, services, and research
25	SF 289	Powers, duties, and organization of school corporations — Iowa association of school boards dues reporting
26	SF 307	Examination and transportation of dead bodies
27	SF 353	Drainage and levee districts — notices — reports on repairs
28	SF 482	Application of pesticides — restrictions — private applicator peer review
29	HF 560	Waste tire collection, processing, and transport — financial assurance and surety bond requirements
30	SF 230	Wrecked or salvage vehicles
31	HF 280	Renewal of commercial driver's licenses without examination
32	HF 382	Special permits for transport of relief supplies exceeding weight limits during national emergencies
33	HF 389	Chauffeurs — licensing — exemptions

CH.	FILE	TITLE
34	HF 621	Actions against firearm, firearm accessory, and ammunition manufacturers, distributors, importers, trade associations, sellers, or dealers
35	HF 756	Acquisition and possession of weapons
36	SF 172	Criminal code — sex act or sexual activity definition
37	SF 253	Second degree or third degree sexual abuse — age of victim — sex offender registration
38	SF 444	Motor vehicles — registration plates and cards, dealer documentary fees, and vehicle franchise obligations
39	SF 548	Advertising devices near highways
40	HF 260	Child care homes — number of children receiving child care
41	HF 368	Reimbursement for rent constituting property taxes paid — administration, calculation, and claims
42	HF 495	Receipt of road use tax funds by cities — reporting dates
43	HF 552	Retrieval and tracking of wounded deer using leashed dogs
44	HF 555	Sale of natural gas and propane — regulation by counties and cities
45	HF 559	Apprenticeship training programs — contact hours — financial assistance
46	HF 655	Interference with transportation of agricultural animals
47	HF 848	Broadband service expansion — miscellaneous changes
48	SF 185	Missouri river preservation and land use authority — repeal
49	SF 252	Regulation of rental housing by cities or counties
50	SF 260	Children requiring special education and open enrollment — Medicaid reimbursement process for services
51	SF 315	Department of administrative services reporting requirements
52	SF 357	Placement of a child in detention
53	SF 450	Dependent adult abuse — abuse resulting in death
54	SF 466	Concussion and brain injury policies for extracurricular interscholastic activities — licensed health care provider definition
55	SF 554	City or county acquisition of abandoned property — tax sales — petitions for title — exceptions
56	HF 233	Unauthorized disclosure of intimate images — civil remedy
57	HF 236	Investments by life insurance companies or associations — repurchase agreements collateralized by securities
58	HF 284	Professional engineer licensure prerequisites
59	HF 315	Programs for at-risk children
60	HF 317	Education funding for children living in certain facilities
61	HF 361	Appointments of guardians ad litem, child custody investigators, child and family reporters, and attorneys for children — child custody and visitation proceedings and child prosecuting witnesses
62	HF 388	Child development coordinating council duties
63	HF 390	Public water supply systems — fluoridation — notice of discontinuance
64	HF 424	Forfeiture of bail
65	HF 428	State military forces — armory board leases, code of military justice, and recruitment and retention incentives
66	HF 433	Court reporting — adoption hearings — appointments of uncertified shorthand reporters
67	HF 491	Government ethics and lobbying — sale or lease of real estate by regulatory agency officials or employees
68	HF 514	Practice of pharmacy — miscellaneous changes
69	HF 546	Architectural licensure — examination requirements
70	HF 556	Termination of agricultural equipment dealership agreements
71	HF 558	Amusement ride attendants — minimum age and training
72	HF 561	Mechanics' liens — perfection — remedies
73	HF 583	Private residential flood insurance
74	HF 605	School finance — weighting for limited-English-proficient students
75	HF 693	Utilities regulation — miscellaneous changes
76	HF 699	Nonsubstantive Code corrections
77	HF 707	Interpreters and translators in legal proceedings
78	HF 710	Child endangerment committed by sex offenders

CH.	FILE	TITLE
79	HF 719	Insurance data security
80	HF 739	Substantive Code corrections
81	HF 746	Limitations of civil actions — recovery against veterinarians for property damages
82	HF 747	Game bird hunting preserves — established season variances
83	HF 775	Trespass and unauthorized sampling or surveillance
84	HF 805	Iowa telecommunications and technology commission — services
85	SF 336	Blood, bone marrow, and living organ donation incentive program
86	SF 366	Administration, imposition, and collection of taxes and vehicle registration fees
87	SF 532	Licensed behavior analysts and mental health professionals — statements of professional recognition — board of educational examiner rules
88	SF 546	Private instruction and driver education
89	HF 201	Sex offender registry — duration of registration — sexually motivated extortion
90	HF 228	School desegregation — repeal of voluntary diversity plans — charter or innovation zone schools — open enrollment
91	HF 282	Abuse of a human corpse — penalty
92	HF 314	State government leases and property acquisitions — notice — review by general assembly
93	HF 391	Controlled substances and precursor substances
94	HF 429	Regulation of lottery games
95	HF 523	County general obligation bonds — essential county purpose — flood mitigation
96	HF 602	Student activity fund — use of moneys — temporary authorization for transfer of school district general fund moneys for COVID-19 related shortfalls
97	HF 654	Authorized emergency, snow removal, maintenance, and towing or recovery vehicles — lighting and audible warning devices or equipment
98	HF 757	Driver's license restrictions, operating while intoxicated, and sobriety and drug monitoring program requirements
99	HF 766	Delivery of alcoholic beverages by retailers, employees of retailers, or third parties
100	HF 785	Amusement concessions
101	HF 821	Reporting false information to law enforcement — civil action
102	SF 562	Criminal offenses against minors — sexual abuse or exploitation by adults providing training or instruction — statutes of limitations
103	SF 296	Regulation of the practice of pharmacy
104	SF 356	Agricultural tourism — limitation of civil liability
105	SF 517	Legislative page program — academic credits and activity exemptions
106	HF 311	Social and charitable gambling conducted by qualified organizations — game night frequency
107	HF 426	Victims of sexual abuse — collection, costs, and tracking of evidence — victim notification and compensation
108	HF 603	Sexual assault forensic examiner program
109	HF 675	Substitute teacher authorization standards
110	HF 761	Local fire protection and emergency medical service providers grant program
111	HF 770	Practitioners licensed by the board of educational examiners — licensure renewal requirements
112	HF 813	Charter school programs
113	HF 855	Access to birth certificate information by adopted or entitled persons
114	SF 387	Iowa law enforcement academy — study and training program standards — Post-9/11 Veterans Educational Assistance Act compliance
115	SF 424	Persons completing apprenticeship programs — licensure
116	SF 541	Electronic transactions — distributed ledger technology and smart contracts

CH.	FILE	TITLE
117	HF 196	Health care professional recruitment program — program expansion
118	HF 285	Music therapist certification standards and requirements
119	HF 304	Personal delivery devices
120	HF 309	Tax-exempt organizations — personal information — public agency disclosure and access
121	HF 380	Driver education — distracted driving instruction
122	HF 435	Driver's license and nonoperator's identification card holders — emergency contact information
123	HF 452	Massage therapy, cosmetology, and human trafficking — enforcement activities
124	HF 453	Limitation on state regulatory or reporting requirements on nonprofit corporations
125	HF 493	Regulation of low-speed electric bicycles
126	HF 527	County land record information system agreements
127	HF 685	Prerequisites for initiation of orthodontic treatment on new patients
128	HF 709	Criminal prosecutions — minor prosecuting witnesses — pretrial contact with defendant
129	HF 722	Teach Iowa scholar program funding — funds transfer from teacher shortage forgivable loan and loan forgiveness repayment funds
130	HF 744	First amendment rights training, prohibitions, and requirements — public schools and institutions of higher education
131	HF 753	Homicide by vehicle — operation at excessive speed
132	HF 765	Local government notices and information — delivery by electronic means
133	HF 768	Native distilleries, beer manufacturers, native breweries, and native wine manufacturers — licensing — sales permits
134	HF 793	Educational standards — physical education requirements — junior reserve officers' training corps enrollment and completion
135	HF 828	Commercial driver's license driving skills tests — fees
136	HF 835	Persons with disabilities — trusts and trust fund moneys
137	HF 839	Securities regulation — financial exploitation of certain elderly or dependent adults
138	HF 846	Title fees for snowmobiles, all-terrain vehicles, and vessels — waiver for surviving spouses
139	HF 847	Schools, school administration, funding, and educational programs — tax credits and deductions — facial covering policies of cities, counties, and schools
140	HF 869	Vehicles of excessive weight and transportation of milk — annual permit
141	HF 889	COVID-19 vaccination — disclosure restrictions
142	HF 867	Appropriations — administration and regulation
143	HF 860	Appropriations — agriculture and natural resources
144	SF 234	Classification and reclassification of secondary roads
145	SF 367	Financial obligations — consumer credit transactions, civil penalties, court debt, criminal and civil surcharges, and restitution
146	SF 524	Inpatient psychiatric bed tracking system study committee
147	SF 568	Elections — administration, enforcement, elective offices, constitutional amendments, public measures, candidates, and voting
148	SF 574	Veteran and military property tax credit and exemption information — confidentiality
149	SF 578	Department of agriculture and land stewardship — powers, duties, programs, and regulated products and services
150	SF 592	Appropriations — transportation
151	SF 608	Taxation and tax law administration — miscellaneous changes
152	HF 234	Lifetime trout fishing license
153	HF 365	Garnishment — service of notices by sheriffs
154	HF 367	Individual income tax — exemption — burial trust fund earnings
155	HF 384	Alcoholic beverages — containers, delivery, and hours of sale or delivery

CH.	FILE	TITLE
156	HF 513	Pari-mutuel wagering — horse or dog races licensed in foreign jurisdictions
157	HF 522	Qualified confinement feeding operations — manure storage and treatment — anaerobic digester systems
158	HF 644	Postsecondary school registration and the postsecondary registration fund
159	HF 682	Appraisal standards and appraiser certification
160	HF 711	Probate — court costs
161	HF 743	Local public defenders — adoption proceedings — representation of indigent petitioners
162	HF 758	County transfer books and indexes — updates regarding real estate ownership — affidavits when conveyance has not occurred
163	HF 802	Racial, cultural, ethnic, intellectual, or sexual discrimination, stereotyping, or scapegoating — governmental entity or public educational institution training, practices, or curriculum
164	HF 837	Fees for recorded land transaction documents — collection and use
165	HF 844	Business entities
166	HF 861	Appropriations — justice system
167	HF 862	Appropriations — infrastructure and capital projects
168	HF 864	Appropriations — judicial branch
169	HF 865	Business property tax credit filing requirements
170	HF 868	Appropriations — education
171	HF 871	Appropriations — economic development
172	HF 895	Federal block grant appropriations and other federal funding
173	SF 243	Abuse of a corpse, interference with official acts, and failure to assist
174	SF 615	State and local government and regulatory matters — appropriations and miscellaneous changes
175	HF 857	Butchery innovation and revitalization fund and program — artisanal butchery program task force
176	HF 588	Hoover presidential library tax credit
177	SF 619	State and local revenue and finance — taxation, economic incentives, tax checkoffs, mental health funding, and school finance
178	HF 302	State child care assistance — graduated eligibility phase-out
179	HF 313	Businesses operated by minors — regulation by counties or cities
180	HF 524	Motor vehicle accidents resulting in injury or death
181	HF 838	Persons, matters, and entities regulated by the insurance division of the department of commerce
182	HF 891	Appropriations — health and human services
183	SF 342	Government records and filings; qualified immunity; peace officer rights, discipline, health plans, and workers' compensation; discrimination in law enforcement; crimes and criminal activity; sheriff salaries; and civil service examinations
184	HF 708	Public safety equipment fund
185	SJR 7	Proposed constitutional amendment — right to keep and bear arms
186	HJR 10	Sales of merchandise at children's benefit on capitol grounds
187	HJR 5	Proposed constitutional amendment — abortion rights and public funding

2021 SECOND EXTRAORDINARY SESSION

For Conversion Tables of Senate and House Files to chapters of the 2021 Acts, Second Extraordinary Session, see page 818

CH.	FILE	TITLE
1	HF 902	Employment requirements and unemployment insurance — COVID-19 vaccination refusal
2	SF 621	Congressional and legislative redistricting

2021 Regular Session
of the
Eighty-Ninth General Assembly
of the
State of Iowa

CHAPTER 1

INSTRUCTIONAL TIME REQUIREMENTS — IN-PERSON AND REMOTE LEARNING
S.F. 160

AN ACT relating to temporary in-person and remote learning instruction and instructional time requirements for school districts and accredited nonpublic schools, and including effective date provisions.

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

Section 1. IN-PERSON INSTRUCTION DURING THE 2020-2021 SCHOOL YEAR.

1. Notwithstanding any provision of law to the contrary, including 2020 Iowa Acts, chapter 1107, beginning no later than the first Monday that is at least two weeks after the effective date of this Act and ending June 30, 2021, a brick-and-mortar school district or accredited nonpublic school shall provide an opportunity for a parent or guardian of each student enrolled in the school district or accredited nonpublic school to select full-time in-person instruction for the parent's or guardian's student unless this requirement is explicitly waived for one or more school districts or accredited nonpublic schools in a proclamation of a public health disaster emergency issued by the governor pursuant to section 29C.6 and related to COVID-19. A school district or accredited nonpublic school that is not providing an opportunity for full-time in-person instruction on the effective date of this Act shall provide to the parents and guardians of students enrolled in the school district or accredited nonpublic school notice of the opportunity to select full-time in-person instruction and shall allow the parent or guardian at least five days to decide whether to select the full-time in-person option if the school district or accredited nonpublic school will also continue to offer other instructional options.

2. Notwithstanding any provision of law to the contrary, for the school year beginning July 1, 2020, and ending June 30, 2021, any instruction provided by a school district or accredited nonpublic school shall be deemed to meet the days and hours of instructional time requirements of Iowa law only if the instruction is provided in compliance with all requirements of Iowa law, including this Act; or pursuant to 2020 Iowa Acts, chapter 1107; or under a proclamation of a public health disaster emergency issued by the governor pursuant to section 29C.6 and related to COVID-19.

Sec. 2. REQUESTS TO MOVE TO REMOTE LEARNING FOR A SCHOOL BUILDING OR DISTRICT. For the school year beginning July 1, 2020, and ending June 30, 2021, to the extent the governor waives the requirement for full-time in-person instruction pursuant to section 1 of this Act, or authorizes a brick-and-mortar school district or accredited nonpublic school to provide primarily remote learning in accordance with 2020 Iowa Acts, chapter 1107,

by conditioning the waiver or authorization on approval by the department of education, the department of education shall consider, in addition to any other factors or information, data regarding the number of teachers employed by the school district or school who are quarantining due to exposure to COVID-19, as well as the scarcity of substitute teachers, food service workers, and school bus drivers.

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

Approved January 29, 2021

CHAPTER 2

SCHOOL FINANCE — STATE PERCENTS OF GROWTH — REGULAR PROGRAM STATE COST PER PUPIL — PROPERTY TAX REPLACEMENT PAYMENTS — SCHOOL TRANSPORTATION FUNDING

S.F. 269

AN ACT relating to public school funding by establishing the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2021, modifying provisions relating to the regular program state cost per pupil, modifying provisions relating to the property tax replacement payment and the transportation equity payments, 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 2021, are amended to read as follows:

1. *State percent of growth.* ~~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 the budget year beginning July 1, 2021, is two and four-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, 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 the budget year beginning July 1, 2021, is two and four-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 257.9, subsection 2, Code 2021, 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.

e. For the budget year beginning July 1, 2021, 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.

~~e. f.~~ For the budget year beginning July 1, ~~2021~~ 2022, 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. 3. Section 257.16B, subsections 1 and 2, Code 2021, are amended to read as follows:

1. For each fiscal year beginning on or after July 1, ~~2018~~ 2019, 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, 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).~~

~~b. a.~~ For the budget year beginning 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).

~~e. b.~~ For ~~each the~~ 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 beginning July 1, 2020, 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, 2021, 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, 2021, 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. 4. Section 257.16C, subsection 3, paragraph d, subparagraph (3), Code 2021, is amended to read as follows:

~~(3) For each the 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 an amount necessary to make all transportation equity aid payments under subsection 2, 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. 5. Section 257.16C, subsection 3, paragraph d, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) For each fiscal year beginning on or after July 1, 2022, 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 paragraph¹ 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. 6. 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. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 23, 2021

¹ See chapter 174, §14 herein

CHAPTER 3

**SUPPLEMENTAL APPROPRIATIONS — STATE CENTRAL PERSONNEL, ACCOUNTING,
AND BUDGET SYSTEM**

S.F. 284

AN ACT relating to financial and regulatory matters by making appropriations for the fiscal year beginning July 1, 2020, and including effective date provisions.

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

Section 1. OFFICE OF THE CHIEF INFORMATION OFFICER. 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, 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 a new state central personnel, accounting, and budget system:

..... \$ 21,000,000

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 succeeding fiscal year.

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

Approved February 23, 2021

CHAPTER 4

**COMPENSATION FOR EMPLOYMENT OF DIRECTORS OF SCHOOL CORPORATION
BOARDS — TEMPORARY EXCEPTION**

S.F. 130

AN ACT relating to a temporary exception to a limitation on compensation for a member of a board of directors of a school corporation, and including effective date provisions.

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

Section 1. LIMITATION ON COMPENSATION FOR SCHOOL CORPORATION BOARD MEMBERS — FISCAL YEAR 2020-2021 EXCEPTION. Notwithstanding sections 277.27, 279.7A, and 298A.15, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, a member of the board of directors of a school corporation may receive compensation that exceeds six thousand dollars in the fiscal year beginning July 1, 2020, and ending June 30, 2021, for employment with the school corporation as a substitute teacher licensed or authorized under chapter 272, a food service worker, or school bus driver.

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

Approved March 8, 2021

CHAPTER 5**TRUSTS — CERTIFICATION — ORDER OF ABATEMENT***S.F. 173*

AN ACT relating to trusts, including requirements for certifications of trust and the general order of abatement.

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

Section 1. Section 633A.4604, subsection 2, Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. State the names of all the currently acting trustees.

NEW PARAGRAPH. 00a. If there is more than one currently acting trustee, state whether the trustees may act individually or must act by majority decision or must act by unanimous decision.

Sec. 2. Section 633A.4604, subsection 2, paragraph c, Code 2021, is amended to read as follows:

c. Be dated and certified under penalty of perjury and pursuant to the laws of the state of Iowa that the certification of trust is true and correct or be subscribed and sworn to under penalty of perjury before a notary public as provided in chapter 9B.

Sec. 3. Section 633A.4703, subsection 4, Code 2021, is amended to read as follows:

4. Notwithstanding subsections 1, 2, or 3, a disposition in favor of the settlor's surviving spouse who does not take an elective share shall ~~not be abated where such abatement would have the effect of increasing the amount of federal estate or federal gift taxes payable by a person or an entity last.~~

Approved March 8, 2021

CHAPTER 6**SPECIAL MINOR'S DRIVER'S LICENSES***S.F. 231*

AN ACT regarding driving privileges of persons issued a special minor's driver's license, and making penalties applicable.

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

Section 1. Section 321.194, subsection 2, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The driver's license entitles the licensee, while having the license in immediate possession, to operate a motor vehicle, other than a commercial motor vehicle, a motor vehicle with more than two axles, a motor vehicle towing another vehicle, or as a chauffeur, during the times and for the purposes set forth in this paragraph.

Sec. 2. Section 321.194, subsection 2, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (03) If the licensee resides on a farm or is employed for compensation on a farm in this state, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. for the purpose of assisting the person's parents, guardians, or employers with farm work or in connection with any farm job, employment, or other farm-related work, including traveling to or from the location of the farm work, provided

the licensee operates the vehicle over the most direct and accessible route between the point of origin and the destination and the driving distance between the point of origin and the destination is no more than fifty miles.

Sec. 3. Section 321.194, subsection 2, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) To a service station for the purpose of refueling, so long as the service station is the station closest to the route on which the licensee is traveling under subparagraph (1), ~~or (2)~~, or (03).

Sec. 4. Section 321.194, subsection 3, paragraph b, Code 2021, is amended to read as follows:

b. Upon receipt of a statement of necessity, the department shall issue the driver's license provided the applicant is otherwise eligible for issuance of the license. The fact that the applicant resides at a distance less than one mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. However, the distance between the applicant's residence and school of enrollment shall not be considered if the applicant resides on a farm or is employed for compensation on a farm.

Approved March 8, 2021

CHAPTER 7

CAUSES OF ACTION AND INTERESTS OF DECEASED PARTIES

S.F. 239

AN ACT relating to proper parties in causes of actions following the death of persons entitled or liable to such causes of actions and including applicability provisions.

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

Section 1. Section 611.22, Code 2021, is amended to read as follows:

611.22 Actions by or against legal representatives — substitution.

Any action contemplated in sections 611.20 and 611.21 may be brought, or the court, on motion, may allow the action to be continued, by or against the legal representatives or successors in interest of the deceased. Such action shall be deemed a continuing one, and to have accrued to such representative or successor at the time it would have accrued to the deceased if the deceased had survived. If such is continued against the legal representative or successor in interest of the defendant, a notice shall be served on the legal representative as in case of original notices. If such an action by the deceased is allowed to be continued, then the court shall appoint a personal representative for the deceased as defined in section 633.3 or shall allow a successor under section 633.356 to continue the action.

Sec. 2. **APPLICABILITY.** This Act applies to actions that arise on or after July 1, 2021.

Approved March 8, 2021

CHAPTER 8
CUSTODIAL TRUSTS
S.F. 240

AN ACT relating to the creation, administration, and termination of custodial trusts.

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

DIVISION I
IOWA UNIFORM CUSTODIAL TRUST ACT

Section 1. NEW SECTION. **633F.1 Definitions.**

For purposes of this chapter:

1. “*Adult*” means an individual who is at least eighteen years of age.
2. “*Beneficiary*” means an individual for whom property has been transferred to or held under a declaration of trust by a custodial trustee for the individual’s use and benefit under this chapter.
3. “*Consent*” means affirmation given by a person who is not incapacitated; or if a person is incapacitated and there is no conflict of interest between the representer and the incapacitated person with respect to the fiduciary manner, the following may consent on behalf of the incapacitated individual:
 - a. A conservator may represent and bind the person whose estate the conservator controls.
 - b. A trustee may represent and bind the beneficiary of a trust.
 - c. A personal representative may represent and bind the persons interested in the decedent’s estate.
 - d. If no conservator has been appointed, a parent may represent and bind a minor child.
4. “*Conservator*” means a person appointed or qualified by a court to manage the estate of an individual or a person legally authorized to perform substantially the same functions.
5. “*Court*” means the probate court of this state.
6. “*Custodial trust property*” means an interest in property transferred to or held under a declaration of trust by a custodial trustee under this chapter and the income from and proceeds of that interest.
7. “*Custodial trustee*” means a person designated as trustee of a custodial trust under this chapter or a substitute or successor to the person designated.
8. “*Guardian*” means a person appointed or qualified by a court as a guardian of an individual, including a limited guardian, but not a person who is only a court visitor.
9. “*Incapacitated*” means the inability of an individual to manage property or business affairs because the individual is any of the following:
 - a. An individual whose decision-making is so impaired that the individual is unable to make, communicate, or carry out important decisions concerning the individual’s financial affairs.
 - b. Detailed or incarcerated in a penal system.
 - c. Outside the United States and unable to return.
 - d. A minor.
10. “*Legal representative*” means a living person’s agent acting under a durable financial power of attorney or conservator, a living or deceased person’s trustee acting under a revocable trust created by such person, or a deceased person’s personal representative.
11. “*Member of the beneficiary’s family*” means the following persons who are competent adults at the time of acting hereunder, with such action to be taken in the following order of priority:
 - a. The surviving spouse, if not legally separated from the beneficiary, whose whereabouts are reasonably ascertainable.
 - b. The surviving child of the beneficiary, or, if there is more than one, a majority of the surviving children whose whereabouts are reasonably ascertainable.
 - c. The surviving parents of the beneficiary whose whereabouts are reasonably ascertainable.

d. A surviving grandchild of the beneficiary, or if there is more than one, a majority of the surviving grandchildren whose whereabouts are reasonably ascertainable.

e. A surviving sibling of the beneficiary, or if there is more than one, a majority of the surviving siblings whose whereabouts are reasonably ascertainable.

f. A surviving grandparent of the beneficiary, or if there is more than one, a majority of the surviving grandparents whose whereabouts are reasonably ascertainable.

g. A person in the next degree of kinship to the beneficiary in the order named by law who would inherit the estate of the beneficiary under the rules of inheritance for intestate succession, or if there is more than one, a majority of such surviving persons whose whereabouts are reasonably ascertainable.

12. “*Person*” means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.

13. “*Personal representative*” means an executor, administrator, or special administrator of a decedent’s estate, a person legally authorized to perform substantially the same functions, or a successor to any of them as defined in section 633.3.

14. “*State*” means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

15. “*Transferor*” means a person who creates a custodial trust by transfer or declaration.

16. “*Trust company*” means a financial institution, corporation, or other legal entity, authorized to exercise general trust powers.

Sec. 2. NEW SECTION. **633F.2 Custodial trust — general.**

1. A person may create a custodial trust of property by a written transfer of the property to another person, evidenced by registration or by other instrument of transfer, executed in any lawful manner, naming as beneficiary, an individual who may be the transferor, in which the transferee is designated, in substance, as custodial trustee under this chapter.

2. A person may create a custodial trust of property by a written declaration, evidenced by registration of the property or by other instrument of declaration executed in any lawful manner, describing the property and naming as beneficiary an individual other than the declarant, in which the declarant as titleholder is designated, in substance, as custodial trustee under this chapter. A registration or other declaration of trust for the sole benefit of the declarant is not a custodial trust under this chapter.

3. Title to custodial trust property is in the custodial trustee and the beneficial interest is in the beneficiary.

4. Except as provided in subsection 5, a transferor shall not terminate a custodial trust.

5. The beneficiary, if not incapacitated, or the legal representative of an incapacitated beneficiary, may terminate a custodial trust by delivering to the custodial trustee a writing signed by the beneficiary or legal representative declaring the termination. If not previously terminated, the custodial trust terminates on the death of the beneficiary.

6. Any person may augment existing custodial trust property by the addition of other property pursuant to this chapter, only upon receipt and acceptance by the custodial trustee.

7. The transferor may designate, or authorize the designation of, a successor custodial trustee in the trust instrument.

8. This chapter does not displace or restrict other means of creating trusts. A trust whose terms do not conform to this chapter may be enforceable according to its terms under other law.

Sec. 3. NEW SECTION. **633F.3 Custodial trustee for future payment or transfer.**

1. A person having the right to designate the recipient of property payable or transferable upon a future event may create a custodial trust upon the occurrence of the future event by designating in writing the recipient, followed in substance by: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

2. Persons may be designated as substitute or successor custodial trustees to whom the property must be paid or transferred in the order named if the first designated custodial trustee is unable or unwilling to serve.

3. A designation under this section may be made in a will, a trust, a multiple-party account, an insurance policy, an instrument exercising a power of appointment, or a writing

designating a beneficiary of contractual rights. Otherwise, to be effective, the designation must be registered with or delivered to the fiduciary, payor, issuer, or obligor of the future right.

Sec. 4. NEW SECTION. 633F.4 Form and effect of receipt and acceptance by custodial trustee — jurisdiction.

1. Obligations of a custodial trustee, including the obligation to follow directions of the beneficiary, arise under this chapter upon the custodial trustee's acceptance, express or implied, of the custodial trust property.

2. The custodial trustee's acceptance may be evidenced by a writing stating in substance:

CUSTODIAL TRUSTEE'S RECEIPT AND ACCEPTANCE

I, _____ (name of custodial trustee) acknowledge receipt of the custodial trust property described below or in the attached instrument and accept the custodial trust as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act. I undertake to administer and distribute the custodial trust property pursuant to the Iowa Uniform Custodial Trust Act. My obligations as custodial trustee are subject to the directions of the beneficiary unless the beneficiary is designated as, is, or becomes incapacitated. The custodial trust property consists of _____.

Dated: _____
(Signature of Custodial Trustee)¹

3. Upon accepting custodial trust property, a person designated as custodial trustee under this chapter is subject to personal jurisdiction of the court with respect to any matter relating to the custodial trust.

Sec. 5. NEW SECTION. 633F.5 Transfer to custodial trustee by fiduciary or obligor — facility of payment.

1. Unless otherwise directed by an instrument designating a custodial trustee pursuant to section 633F.3, a person, including a fiduciary other than a custodial trustee, who holds property of or owes a debt to an incapacitated individual may make a transfer to a beneficiary's legal representative and if none, to a member of the beneficiary's family, or a trust company, as custodial trustee for the use and benefit of the incapacitated individual. If the value of the property or the debt exceeds fifty thousand dollars, the transfer is not effective unless authorized by the court.

2. A written acknowledgment of delivery, signed by a custodial trustee, is a sufficient receipt and discharge for property transferred to the custodial trustee pursuant to this section.

Sec. 6. NEW SECTION. 633F.6 Single beneficiaries — separate trust accounts.

1. Beneficial interests in a custodial trust shall not be created for multiple beneficiaries.

2. All custodial trust property held under this chapter by the same custodial trustee for the use and benefit of a single beneficiary may be administered as a single custodial trust.

Sec. 7. NEW SECTION. 633F.7 General duties of custodial trustee.

1. If appropriate, a custodial trustee shall register or record the instrument vesting title to custodial trust property.

2. If the beneficiary is not incapacitated, a custodial trustee shall follow the directions of the beneficiary in the management, control, investment, or retention of the custodial trust property. In the absence of effective contrary direction by the beneficiary while not incapacitated, the custodial trustee shall observe the prudent investment standards set forth in section 633.123. However, a custodial trustee, in the custodial trustee's discretion, may retain any custodial trust property received from the transferor. If a custodial trustee has a special skill or expertise or is named custodial trustee on the basis of representation of a special skill or expertise, the custodial trustee shall use that skill or expertise.

¹ See chapter 174, §27 herein

3. Subject to subsection 2, a custodial trustee shall take control of and collect, hold, manage, invest, and reinvest custodial trust property.

4. A custodial trustee at all times shall keep custodial trust property of which the custodial trustee has control, separate from all other property in a manner sufficient to identify it clearly as custodial trust property of the beneficiary. Custodial trust property, the title to which is subject to recordation, is so identified if an appropriate instrument so identifying the property is recorded, and custodial trust property subject to registration is so identified if it is registered, or held in an account in the name of the custodial trustee, designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

5. A custodial trustee shall keep records of all transactions with respect to custodial trust property, including information necessary for the preparation of tax returns, and shall make the records and information available at reasonable times to the beneficiary or legal representative of the beneficiary.

6. The exercise of a durable power of attorney for an incapacitated beneficiary is not effective to terminate or direct the administration or distribution of a custodial trust.

Sec. 8. NEW SECTION. 633F.8 General powers of custodial trustee.

1. A custodial trustee, acting in a fiduciary capacity, has all the rights and powers over custodial trust property which an unmarried adult owner has over individually owned property, but a custodial trustee may exercise those rights and powers in a fiduciary capacity only.

2. This section does not relieve a custodial trustee from liability for a violation of section 633F.7.

Sec. 9. NEW SECTION. 633F.9 Use of custodial trust property.

1. A custodial trustee shall pay to the beneficiary or expend for the beneficiary’s use and benefit so much or all of the custodial trust property as the beneficiary while not incapacitated may direct from time to time.

2. If the beneficiary is incapacitated, the custodial trustee shall expend so much or all of the custodial trust property as the custodial trustee considers advisable for the use and benefit of the beneficiary and individuals who are legally entitled to support by the beneficiary. Expenditures may be made in the manner, when, and to the extent that the custodial trustee determines suitable and proper, without court order and without regard to other support, income, or property of the beneficiary.

3. To facilitate distributions to the beneficiary, a custodial trustee may establish checking, savings, or other similar accounts of reasonable amounts under which either the custodial trustee or the beneficiary, if authorized, may withdraw funds from, or draw checks against, the accounts in amounts authorized by the custodian. Funds withdrawn from, or checks written against, the account by the beneficiary are distributions of custodial trust property by the custodial trustee to the beneficiary.

Sec. 10. NEW SECTION. 633F.10 Determination of incapacity — effect.

1. The custodial trustee shall administer the custodial trust as for an incapacitated beneficiary in any of the following circumstances:

- a. The custodial trust was created under section 633F.5.
- b. The transferor has so directed in the instrument creating the custodial trust.
- c. The custodial trustee has determined that the beneficiary is incapacitated.

2. A custodial trustee may determine that the beneficiary is incapacitated in reliance upon any of the following:

- a. Previous direction or authority given by the beneficiary while not incapacitated, including direction or authority pursuant to a durable power of attorney.
- b. Written documentation from the beneficiary’s physician.
- c. Other persuasive evidence.

3. If a custodial trustee for an incapacitated beneficiary reasonably concludes that the beneficiary’s incapacity has ceased, or that circumstances concerning the beneficiary’s ability to manage property and business affairs have changed since the creation of a

custodial trust directing administration as for an incapacitated beneficiary, the custodial trustee may administer the trust as for a beneficiary who is not incapacitated.

4. On petition of the beneficiary, the custodial trustee, or other person interested in the custodial trust property or the welfare of the beneficiary, the court shall determine whether the beneficiary is incapacitated.

5. Absent determination of incapacity of the beneficiary under subsection 2 or 4, a custodial trustee who has reason to believe that the beneficiary is incapacitated shall administer the custodial trust in accordance with the provisions of this chapter applicable to an incapacitated beneficiary.

6. Incapacity of a beneficiary does not terminate the custodial trust, any designation of a successor custodial trustee, rights or powers of the custodial trustee, or any immunities of third persons acting on instructions of the custodial trustee.

Sec. 11. NEW SECTION. 633F.11 Exemption of third person from liability.

1. A third person in good faith and without a court order may act on instructions of, or otherwise deal with, a person purporting to make a transfer as, or purporting to act in the capacity of, a custodial trustee.

2. A third person who receives instructions from the purported custodial trustee may require such custodial trustee to provide proof of their identity and a certification of trust or copies of those excerpts from the original trust instrument and amendments to the original trust instrument which designate the currently acting custodial trustee and confer upon the custodial trustee the power to act in the pending transaction.

3. If a certification of trust is provided, it must do all of the following:

- a. State the names of all the currently acting trustees.
- b. If there is more than one currently acting trustee, state whether the trustees may act individually or must act by majority decision or must act by unanimous decision.
- c. State that the trust has not been revoked, modified, or amended in any manner that would cause the representations in the certification of trust to be incorrect.
- d. Be signed by a currently acting trustee or the attorney of a currently acting trustee.
- e. Be dated and certified under penalty of perjury and pursuant to the laws of the state of Iowa that it is true and correct, or subscribed and sworn to under penalty of perjury before a notary public as provided in chapter 9B.

f. A third person who acts in reliance upon the information provided by the custodial trustee, after taking reasonable steps to verify the identity of the custodial trustee and without knowledge that the representations contained in the certification are incorrect, is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. The period of time to verify the identity of the trustee shall not exceed ten business days from the date the third person received the requested information. Knowledge shall not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the third person relying upon the trust certification. A transaction, and a lien created by a transaction, entered into by the custodial trustee and a person acting in reliance upon a certification of trust is enforceable against the trust assets.

4. A third person who makes a demand for information from the custodial trustee beyond that set forth in subsection 2 shall be liable for damages, including attorney fees, incurred as a result of the refusal to accept the information provided, if the court determines that the third person acted unreasonably in requesting such additional information.

5. If a custodial trustee has provided the information set forth in subsection 2, and the third person refuses to follow the instructions provided by the custodial trustee within the time period set forth in subsection 4, the custodial trustee may bring an action under this subsection and the court may award any or all of the following to the custodial trustee:

- a. Any damages sustained by the trust.
- b. The costs of the action.
- c. A penalty in an amount of not less than five hundred dollars and not more than ten thousand dollars.
- d. Reasonable attorney fees, based on the value of the time reasonably expended by the attorney and not on the amount of the recovery on behalf of the custodial trustee.

6. An action shall not be brought under this subsection more than one year after the date of the occurrence of the alleged violation.

Sec. 12. NEW SECTION. 633F.12 Liability to third person.

1. A claim based on a contract entered into by a custodial trustee acting in a fiduciary capacity, an obligation arising from the ownership or control of custodial trust property, or a tort committed in the course of administering the custodial trust, may be asserted by a third person against the custodial trust property by proceeding against the custodial trustee in a fiduciary capacity, whether or not the custodial trustee or the beneficiary is personally liable.

2. A custodial trustee is not personally liable to a third person for any of the following:

a. On a contract properly entered into in a fiduciary capacity unless the custodial trustee fails to reveal that capacity or to identify the custodial trust in the contract.

b. For an obligation arising from control of custodial trust property or for a tort committed in the course of the administration of the custodial trust unless the custodial trustee is personally at fault.

3. A beneficiary is not personally liable to a third person for an obligation arising from beneficial ownership of custodial trust property or for a tort committed in the course of administration of the custodial trust unless the beneficiary is personally in possession of the custodial trust property giving rise to the liability or is personally at fault.

4. Subsections 2 and 3 do not preclude actions or proceedings to establish liability of the custodial trustee or beneficiary to the extent the person sued is protected as the insured by liability insurance.

Sec. 13. NEW SECTION. 633F.13 Declination, resignation, incapacity, death, or removal of custodial trustee — designation of successor custodial trustee.

1. Before accepting the custodial trust property, a person designated as custodial trustee may decline to serve by notifying the person who made the designation, the transferor, or the transferor's legal representative. If an event giving rise to a transfer has not occurred, the substitute custodial trustee designated under section 633F.3 becomes the custodial trustee, or, if a substitute custodial trustee has not been designated, the person who made the designation may designate a substitute custodial trustee pursuant to section 633F.3. In other cases, the transferor or the transferor's legal representative may designate a substitute custodial trustee.

2. A custodial trustee who has accepted the custodial trust property may resign by doing all of the following:

a. Delivering written notice to a successor custodial trustee, if any, the beneficiary and, if the beneficiary is incapacitated, to the beneficiary's legal representative, if any.

b. Transferring or registering, or recording an appropriate instrument relating to, the custodial trust property, in the name of, and delivering the records to, the successor custodial trustee identified under subsection 3.

3. If a custodial trustee or successor custodial trustee is ineligible, resigns, dies, or becomes incapacitated, the successor designated under section 633F.2, subsection 7, or section 633F.3 becomes custodial trustee. If there is no effective provision for a successor, the beneficiary if not incapacitated, or the legal representative of an incapacitated beneficiary, may designate a successor custodial trustee. If the beneficiary is not incapacitated, but fails to act within ninety days after the ineligibility, resignation, death, or incapacity of the custodial trustee, or if the beneficiary is incapacitated and the beneficiary's legal representative fails to act within ninety days after the ineligibility, resignation, death, or incapacity of the custodial trustee, then the beneficiary's legal representative becomes successor custodial trustee. If the beneficiary does not have a legal representative or the legal representative fails to act, the resigning custodial trustee may designate a successor custodial trustee.

4. If a successor custodial trustee is not designated pursuant to subsection 3, the transferor, the legal representative of the transferor or of the custodial trustee, a beneficiary's legal representative and if none, a member of the beneficiary's family, a person interested in the custodial trust property may petition the court to designate a successor custodial trustee.

5. A custodial trustee who declines to serve or resigns, or the legal representative of a deceased or incapacitated custodial trustee, as soon as practicable, shall put the custodial trust property and records in the possession and control of the successor custodial trustee.

The successor custodial trustee may enforce the obligation to deliver custodial trust property and records and becomes responsible for each item as received.

6. A substitute custodial trustee designated under section 633F.3, the beneficiary, the beneficiary's legal representative and if none, a member of the beneficiary's family, a person interested in the custodial trust property, may petition the court to remove the custodial trustee for cause and designate a successor custodial trustee, to require the custodial trustee to furnish a bond or other security for the faithful performance of fiduciary duties, or for other appropriate relief.

Sec. 14. NEW SECTION. 633F.14 Expenses, compensation, and bond of custodial trustee.

Except as otherwise provided in the instrument creating the custodial trust, in an agreement with the beneficiary, or by court order, all of the following are true:

1. A custodial trustee is entitled to reimbursement from custodial trust property for reasonable expenses incurred in the performance of fiduciary services.

2. A custodial trustee has a noncumulative election, to be made no later than six months after the end of each calendar year, to charge a reasonable compensation for fiduciary services performed during that year.

3. A custodial trustee need not furnish a bond or other security for the faithful performance of fiduciary duties.

Sec. 15. NEW SECTION. 633F.15 Reporting and accounting by custodial trustee — determination of liability of custodial trustee.

1. Upon the acceptance of custodial trust property, the custodial trustee shall provide a written statement describing the custodial trust property and shall thereafter provide a written statement of the administration of the custodial trust property as follows:

a. Once each year.

b. Upon request at reasonable times, but not more than quarterly during any calendar year, by the beneficiary or the beneficiary's legal representative.

c. Upon resignation or removal of the custodial trustee.

d. Upon termination of the custodial trust.

2. The statements must be provided to the beneficiary or to the beneficiary's legal representative, if any. Upon termination of the beneficiary's interest, the custodial trustee shall furnish a current statement to the person to whom the custodial trust property is to be delivered.

3. A substitute or successor custodial trustee designated under section 633F.3, a beneficiary, the beneficiary's legal representative, a member of the beneficiary's family, or a person interested in the custodial trust property may petition the court for an accounting by the custodial trustee or the custodial trustee's legal representative.

4. A successor custodial trustee may petition the court for an accounting by a predecessor custodial trustee.

5. In an action or proceeding under this chapter or in any other proceeding, the court may require or permit the custodial trustee or the custodial trustee's legal representative to account. The custodial trustee or the custodial trustee's legal representative may petition the court for approval of final accounts.

6. If a custodial trustee is removed, the court shall require an accounting and order delivery of the custodial trust property and records to the successor custodial trustee and the execution of all instruments required for transfer of the custodial trust property.

7. On petition of the custodial trustee or any person who could petition for an accounting, the court, after notice to interested persons, may issue instructions to the custodial trustee or review the propriety of the acts of a custodial trustee or the reasonableness of compensation determined by the custodial trustee for the services of the custodial trustee or others.

Sec. 16. NEW SECTION. 633F.16 Limitations of action against custodial trustee.

1. Except as provided in subsection 3, unless previously barred by adjudication, consent, or limitation, a claim for relief against a custodial trustee for accounting or breach of duty is

barred as to a beneficiary, a person to whom custodial trust property is to be paid or delivered, or the legal representative of an incapacitated or deceased beneficiary or payee who either:

a. Has received an accounting or other statement adequately disclosing the matter unless an action or proceeding to assert the claim is commenced within one year after receipt of such accounting or statement.

b. Has not received an accounting or other statement adequately disclosing the matter unless an action or proceeding to assert the claim is commenced within three years after the termination of the custodial trust.

2. For the purpose of subsection 1, a beneficiary or a person to whom custodial trust property is to be paid or delivered, is deemed to have received an accounting or other statement, in the following instances:

a. In the case of an adult who is reasonably capable of understanding the accounting or other statement if it is personally received by such person.

b. In the case of an adult who is not reasonably capable of understanding the accounting or other statement, if it is received by such adult person's legal representative, and if none, then if received by a guardian ad litem, court visitor, or other person appointed for this purpose.

c. In the case of a minor, if it is received by a person who has authority to consent on the minor's behalf, and if none, then if received by a guardian ad litem, court visitor, or other person appointed for this purpose.

3. Except as provided in subsection 4, a claim for relief to recover from a custodial trustee for fraud, misrepresentation, or concealment related to the final settlement of the custodial trust or concealment of the existence of the custodial trust, is barred unless an action or proceeding to assert the claim is commenced within five years after the termination of the custodial trust.

4. Unless an accounting or other statement adequately disclosing the matter was provided as set forth above, a claim for relief is not barred by this section if the claimant is or was any of the following:

a. A minor, until the earlier of one year after the claimant becomes an adult or dies; an incapacitated adult, until the earliest of one year after the following:

- (1) The appointment of a legal representative.
- (2) The removal of the incapacity.
- (3) The death of the claimant.

b. An adult, now deceased, who was not incapacitated, until one year after the claimant's death.

Sec. 17. NEW SECTION. 633F.17 Distribution on termination.

1. Upon termination of a custodial trust, the custodial trustee shall transfer the unexpended custodial trust property:

a. To the beneficiary, if not incapacitated or deceased.

b. To the beneficiary's legal representative or other recipient designated by the court for an incapacitated beneficiary.

c. Upon the beneficiary's death, in the following order:

(1) As last directed in a writing signed by the deceased beneficiary while not incapacitated and received by the custodial trustee during the life of the deceased.

(2) As designated in the instrument creating the custodial trust.

(3) To the estate of the deceased beneficiary.

2. The direction to the custodial trustee by a beneficiary who is not incapacitated, for distribution on termination of the custodial trust may be in any written form clearly identifying the distributee and may be substantially similar to the following:

I, _____ (name of beneficiary) hereby direct
 _____ (name of custodial trustee) as custodial trustee, to transfer and pay the unexpended balance of the custodial trust property of which I am beneficiary to _____ as distributee on the termination of the trust at my death. In the event of the prior death of _____ above named as distributee, I designate _____ as distributee of the custodial trust property.

Signed _____ (signature of beneficiary).

Date _____

Receipt Acknowledged: _____ (signature of custodial trustee)

Date _____

3. If, when the custodial trust would otherwise terminate, the distributee is incapacitated, the custodial trust continues for the use and benefit of the distributee as beneficiary until the incapacity is removed or the custodial trust is otherwise terminated.

4. Death of a beneficiary does not terminate the power of the custodial trustee to discharge obligations of the custodial trustee or beneficiary incurred before the termination of the custodial trust.

Sec. 18. NEW SECTION. 633F.18 Methods and forms for creating custodial trusts.

1. If a transaction, including a declaration with respect to or a transfer of specific property, otherwise satisfies applicable law, the criteria of section 633F.2 are satisfied by any of the following:

a. The execution and either delivery to the custodial trustee or recording of an instrument in substantially the following form:

TRANSFER UNDER THE IOWA UNIFORM CUSTODIAL TRUST ACT

I, _____ (name of transferor or name and representative capacity if a fiduciary), transfer to _____ (name of trustee other than transferor), as custodial trustee for _____ (name of beneficiary) as beneficiary and _____² as distributee on termination of the trust in absence of direction by the beneficiary under the Iowa Uniform Custodial Trust Act, the following:

_____ (Insert a description of the custodial trust property legally sufficient to identify and transfer each item of property).

If _____ (name of trustee other than transferor) declines to serve or ceases to serve as custodial trustee for any reason, then I designate _____ (name of substitute or successor custodial trustee) as substitute or successor custodial trustee.

Dated: _____

Signature: _____

b. The execution and the recording or giving notice of its execution to the beneficiary of an instrument in substantially the following form:

DECLARATION OF TRUST UNDER IOWA UNIFORM CUSTODIAL TRUST ACT

I, _____ (name of owner of property), declare that henceforth I hold as custodial trustee for _____ (name of beneficiary other than transferor) as beneficiary and _____ as distributee on termination of the trust in absence of direction by the beneficiary under the Iowa Uniform Custodial Trust Act, the following:

_____ (Insert a description of the custodial trust property legally sufficient to identify and transfer each item of property). If I cease to serve as custodial trustee for any reason, then I designate _____ (name of substitute or successor custodial trustee) as successor custodial trustee.

Dated: _____

Signature: _____

2. Customary methods of transferring or evidencing ownership of property may be used to create a custodial trust, including any of the following:

a. Registration of a security in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in

² See chapter 174, §28 herein

substance “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

b. Delivery of a certificated security, or a document necessary for the transfer of an uncertificated security, together with any necessary endorsement, to an adult other than the transferor or to a trust company as custodial trustee, accompanied by an instrument in substantially the form prescribed in subsection 1, paragraph “a”.

c. Payment of money or transfer of a security held in the name of a broker or a financial institution or its nominee to a broker or financial institution for credit to an account in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

d. Registration of ownership of a life or endowment insurance policy or annuity contract with the issuer in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

e. Delivery of a written assignment to an adult other than the transferor or to a trust company whose name in the assignment is designated in substance by the words: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

f. Irrevocable exercise of a power of appointment, pursuant to its terms, in favor of a trust company, an adult other than the donee of the power, or the donee who holds the power if the beneficiary is other than the donee, whose name in the appointment is designated in substance: “as custodial trustee for (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

g. Delivery of a written notification or assignment of a right to future payment under a contract to an obligor which transfers the right under the contract to a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, whose name in the notification or assignment is designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

h. Execution, delivery, and recordation of a conveyance of an interest in real property in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

i. Issuance of a certificate of title by an agency of a state or of the United States which evidences title to tangible personal property:

(1) Issued in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

(2) Delivered to a trust company or an adult other than the transferor or endorsed by the transferor to that person, designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

j. Execution and delivery of an instrument of gift to a trust company or an adult other than the transferor, designated in substance: “as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act”.

Sec. 19. NEW SECTION. 633F.19 **Applicable law.**

1. This chapter applies to a transfer or declaration creating a custodial trust that refers to this chapter if, at the time of the transfer or declaration, the transferor, beneficiary, or custodial trustee is a resident of or has its principal place of business in this state or custodial trust property is located in this state. The custodial trust remains subject to this chapter despite a later change in residence or principal place of business of the transferor, beneficiary, or custodial trustee, or removal of the custodial trust property from this state.

2. A transfer made pursuant to an act of another state substantially similar to this chapter is governed by the law of that state and may be enforced in this state.

Sec. 20. NEW SECTION. 633F.20 **Uniformity of application and construction.**

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Sec. 21. NEW SECTION. 633F.21 **Short title.**

This chapter shall be known and may be cited as the “*Iowa Uniform Custodial Trust Act*”.

DIVISION II
CONFORMING CHANGES

Sec. 22. Section 232D.503, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the court orders termination of a guardianship established under this chapter and the guardian has custody of any assets of a protected person who is a minor or was a minor at the time of the minor’s death, the court shall order delivery of the minors³ assets to the minor or to a fiduciary acting under one or more of the following:

- a. A conservatorship established for the minor.
- b. A personal representative appointed as a result of the minor’s death.
- c. A uniform transfer to minor account established for the minor pursuant to chapter 565B or the laws of any other state.
- d. A uniform custodial trust account established for the minor pursuant to chapter 633F or the laws of any other state.
- e. A college savings plan account established for the minor pursuant to Internal Revenue Code section 529 or chapter 12D or the laws of any other state.
- f. An ABLÉ account established for the minor with disabilities pursuant to Internal Revenue Code section 529A or chapter 12I or the laws of any other state.

Sec. 23. Section 565B.6, subsection 3, paragraph c, Code 2021, is amended to read as follows:

c. The transfer is authorized by the court if all transfers, including the transfer to be made and prior transfers, exceed ~~twenty-five~~ fifty thousand dollars in value. Transfers by a personal representative, trustee, or conservator shall not be aggregated, but each personal representative, trustee, or conservator shall be treated separately.

Sec. 24. Section 633.108, Code 2021, is amended to read as follows:

633.108 Small distributions to minors — ~~payment.~~

1. Whenever a ~~minor person~~ becomes entitled under the terms of a will to a bequest or legacy, or to a share of the estate of an intestate, and the value of the bequest, legacy, or share does not exceed the sum of ~~twenty-five~~ fifty thousand dollars, the personal representative may pay the bequest, legacy, or share ~~to a custodian under any uniform transfers to minors Act~~ interest to a fiduciary acting under one or more of the accounts referenced in subsection 2.

2. Receipt by the custodian, when presented to the court or filed with the report of distribution of the fiduciary, shall have the same force and effect as though the payment had been made to a duly appointed and qualified conservator for the ~~minor~~ person entitled to them:

- a. A uniform transfer to minor account established for the minor pursuant to chapter 565B or the laws of any other state.
- b. A uniform custodial trust account established for the minor pursuant to chapter 633F or the laws of any other state.
- c. A college savings plan account established for the minor pursuant to Internal Revenue Code section 529 or chapter 12D.
- d. An ABLÉ account established for the minor with disabilities pursuant to Internal Revenue Code section 529A or chapter 12I.

³ See chapter 174, §13 herein

Sec. 25. Section 633.675, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 3A. The court shall terminate a conservatorship if it finds by clear and convincing evidence all of the following:

- a. The value of the protected person's property is insufficient to justify the cost of administration.
- b. That continued administration of the conservatorship is not in the best interest of the protected person.
- c. That a reasonable alternative exists under section 633.678 for managing the protected person's assets.

Sec. 26. Section 633.678, Code 2021, is amended to read as follows:

633.678 Delivery of assets.

1. Upon the termination of a conservatorship, all assets of the conservatorship shall be delivered, under direction of the court, to as ordered by the court to any of the following:

- a. To the person or persons entitled to them.
- b. To a custodian under a uniform transfers to minor account established for the protected person pursuant to chapter 565B or the laws of any other state.
- c. To a custodial trustee under a uniform custodial trust account established for the protected person pursuant to chapter 633F or the laws of any other state.
- d. To an account owner or participant under a college savings plan account established for the protected person pursuant to Internal Revenue Code section 529 or chapter 12D or the laws of any other state.
- e. To the account owner under an ABLE account established for the protected person with disabilities pursuant to Internal Revenue Code section 529A or chapter 12I or the laws of any other state.

2. Delivery of the assets of an adult protected person under subsection 1, paragraphs "b" through "e", shall have the same force and effect as if delivery had been made directly to the person or persons entitled to them. Delivery of the assets of a minor protected person under subsection 1, paragraphs "b" through "e", shall have the same force and effect as if delivery had been made to the protected person after attaining majority.

Sec. 27. Section 633.681, Code 2021, is amended to read as follows:

633.681 Assets of minor ward exhausted Exhausted or minimal assets of minor protected person.

1. When the assets of a minor ward's protected person's conservatorship are exhausted or consist of personal property only of an aggregate value not in excess of twenty-five fifty thousand dollars, the court, upon application or upon its own motion, may terminate the conservatorship. The order for termination shall direct the conservator to deliver any property remaining after the payment of allowed claims and expenses of administration to a custodian under any uniform transfers to minors Act, fiduciary acting under one or more of the following accounts:

- a. A uniform transfer to minor account established for the minor pursuant to chapter 565B or the laws of any other state.
- b. A uniform custodial trust account established for the minor pursuant to chapter 633F or the laws of any other state.
- c. A college savings plan account established for the minor pursuant to Internal Revenue Code section 529 or chapter 12D or the laws of any other state.
- d. An ABLE account established for the minor with disabilities pursuant to Internal Revenue Code section 529A or chapter 12I or the laws of any other state.

2. Such delivery shall have the same force and effect as if delivery had been made to the ward protected person after attaining majority.

CHAPTER 9**ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM — SUSPENSION OF STUDENT PARTICIPATION***S.F. 285*

AN ACT relating to suspension of a student's participation in the all Iowa opportunity scholarship program.

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

Section 1. Section 261.87, subsection 2, paragraph f, Code 2021, is amended to read as follows:

f. Begins enrollment at an eligible institution within two academic years of graduation from high school or receipt of a high school equivalency diploma under chapter 259A and continuously receives awards as a full-time or part-time student to maintain eligibility. However, the student may defer or suspend participation in the program for up to two years in order to pursue obligations that meet conditions established by the commission by rule or to fulfill military obligations.

Approved March 8, 2021

CHAPTER 10**EXECUTIVE BRANCH EMPLOYEE TRAVEL CLAIMS***S.F. 314*

AN ACT relating to approval of executive branch employee travel claims.

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

Section 1. Section 8A.512A, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. The electronic travel authorization form is approved by the head of the employee's department or by the designee of the head of the employee's department.

Approved March 8, 2021

CHAPTER 11**CONFIDENTIAL RECORDS — ACCESS BY DEPARTMENT OF CORRECTIONS, JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES, AND BOARD OF PAROLE EMPLOYEES***S.F. 343*

AN ACT relating to authorized access to certain confidential records by employees of the department of corrections, a judicial district department of correctional services, and the board of parole.

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

Section 1. Section 125.93, Code 2021, is amended to read as follows:

125.93 Commitment records — confidentiality.

Records of the identity, diagnosis, prognosis, or treatment of a person which are maintained in connection with the provision of substance abuse treatment services are confidential, consistent with the requirements of section 125.37, and with the federal confidentiality regulations authorized by the federal Drug Abuse Office and Treatment Act, 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, 42 U.S.C. §290dd-2. However, such records may be disclosed to an employee of the department of corrections, if authorized by the director of the department of corrections, or to an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services.

Sec. 2. Section 228.5, subsection 4, Code 2021, is amended to read as follows:

4. Mental health information relating to an individual may be disclosed to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual including to an employee of the department of corrections, if authorized by the director of the department of corrections, or to an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services.

Sec. 3. Section 804.29, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. An employee of the department of corrections, if authorized by the director of the department of corrections, or an employee of a judicial district department of correctional services, if authorized by the director of the department of corrections ~~department of corrections~~ judicial district department of correctional services.

Sec. 4. Section 808.13, Code 2021, is amended to read as follows:

808.13 Confidentiality.

All information filed with the court for the purpose of securing a warrant for a search, including but not limited to an application and affidavits, shall be a confidential record until such time as a peace officer has executed the warrant and has made return thereon. During the period of time that information is confidential it shall be sealed by the court, and the information contained therein shall not be disseminated to any person other than a peace officer, magistrate, ~~or another court employee,~~ an employee of the department of corrections, if authorized by the director of the department of corrections, or an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services, in the course of official duties.

Sec. 5. Section 901.4, Code 2021, is amended to read as follows:

901.4 Presentence investigation report confidential — access.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. The defendant's attorney and the attorney for the state shall have access to the presentence investigation report at least three days prior to the date set for sentencing. The defendant's appellate attorney and the appellate attorney for the state shall have access to the presentence investigation report upon request and without the necessity of a court order. The report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, an employee of the department and, if authorized by the director of the department, an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services, and an employee of the board of parole, if authorized by the chairperson or a member of the board of parole, shall have access to the presentence investigation report. Pursuant to section

904.602, the presentence investigation report may also be released by ordinary or electronic mail by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance abuse or mental health services provider when referring a defendant for services. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Approved March 8, 2021

CHAPTER 12

ELECTIONS — MISCELLANEOUS CHANGES

S.F. 413

AN ACT relating to the conduct of elections, including absentee ballots and voter list maintenance activities, making penalties applicable, and including effective date and applicability provisions.

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

Section 1. Section 9E.6, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. The program participant shall complete the ballot and return it to the state commissioner of elections, who shall review the ballot in the manner provided by sections 53.18 and 53.19 if the return envelope is received in the state commissioner's office before the polls close on election day or is clearly postmarked by an officially authorized postal service or bears a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A. If the materials comply with the requirements of section 53.18, the materials shall be certified by the state commissioner of elections as the ballot of a program participant, and shall be forwarded to the appropriate county commissioner of elections for tabulation by the special voters precinct election board appointed pursuant to section 53.23.

Sec. 2. **NEW SECTION. 39.13 Conference boards — appointment — limitations.**

1. Notwithstanding section 441.2, for the purposes of conducting the business of a conference board established pursuant to section 441.2, a person shall not serve in a voting unit of a conference board if such service would be incompatible with another office held by that person.

2. If a person is a member of more than one body whose members make up a voting unit on the conference board, that person shall waive the person's position on the conference board for all but one of the bodies the person represents. A waiver pursuant to this subsection does not cause the person to vacate any elective office.

Sec. 3. Section 39A.2, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Failure to perform duties. As an election official, fails to perform duties prescribed by chapters 39 through 53, except for section 48A.41, or fails to follow or implement guidance issued pursuant to section 47.1, or performs those duties and responsibilities in such a way as to hinder or disregard the object of the law.

Sec. 4. Section 39A.3, subsection 1, paragraph b, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Fails to perform voter list maintenance in violation of section 48A.41.

Sec. 5. Section 39A.4, subsection 1, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) Serving as a member of a challenging committee or observer under section 49.104, subsection 2, ~~5, or 6~~, 1, paragraph “b”, “e”, or “f”, while serving as a precinct election official at the polls.

Sec. 6. Section 39A.4, subsection 1, paragraph b, subparagraph (2), Code 2021, is amended by striking the subparagraph.

Sec. 7. Section 39A.4, subsection 1, paragraph b, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (14) Interferes with a person permitted at a polling place pursuant to section 49.104.

Sec. 8. Section 39A.4, subsection 1, paragraph c, subparagraphs (10) and (11), Code 2021, are amended to read as follows:

(10) Returning a voted absentee ballot, by mail, to a ballot drop box, or in person, to the commissioner’s office and the person returning the ballot is ~~not the voter, the voter’s designee, or a special precinct election official designated pursuant to section 53.22, subsection 2~~ a person prohibited to collect and deliver a completed ballot pursuant to section 53.33.

(11) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner’s office, by mail or in person, or to a ballot drop box, by a person ~~other than the voter, the voter’s designee, or a special precinct election official designated pursuant to section 53.22, subsection 2~~ prohibited to collect and deliver a completed ballot pursuant to section 53.33.

Sec. 9. Section 39A.6, subsection 3, Code 2021, is amended to read as follows:

3. a. This notice is not a final determination of facts or law in the matter, and does not entitle a person to a proceeding under chapter 17A. Upon issuance of a technical infraction to a county commissioner, the state commissioner shall also impose a fine not to exceed ten thousand dollars to be deposited in the general fund.

b. A county commissioner shall pay a fine issued pursuant to this section or file an appeal pursuant to chapter 17A within sixty days. A county commissioner who fails to pay a fine that was not dismissed pursuant to chapter 17A shall be suspended from office for a period not to exceed two years pursuant to sections 66.7 and 66.8.

c. If a county commissioner is suspended pursuant to paragraph “b”, the state commissioner shall direct the deputy of the county commissioner to oversee the functions of the office until the suspension is revoked or the office is vacated and a successor is elected. The state commissioner may direct the state commissioner’s staff to assist in the performance of the duties of the county commissioner.

Sec. 10. Section 39A.6, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Upon issuing a technical infraction, the state commissioner shall immediately inform the attorney general and relevant county attorney if the apparent violation constitutes or may constitute election misconduct under this chapter.

Sec. 11. NEW SECTION. **39A.7 Election misconduct — investigation.**

1. The attorney general or county attorney shall investigate allegations of election misconduct reported to the attorney general or county attorney. Election misconduct by an election official shall also be investigated for prosecution under chapter 721.

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

Sec. 12. NEW SECTION. 43.17 Preclusion of partisan nomination.

A person shall not file nomination papers under this chapter on behalf of a candidate if nomination papers have been filed pursuant to section 44.4 on behalf of the candidate for the same office and election year.

Sec. 13. Section 43.20, subsection 1, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. Except as provided in paragraph "b", nomination papers shall be signed by eligible electors as provided in section 45.1.

b. Nomination papers for an office to be filled by the voters of the county or for the office of county supervisor elected from a district within the county, shall be signed by at least two percent of the party vote in the county or supervisor district, as shown by the last general election, or by at least one hundred persons, whichever is less.

Sec. 14. Section 43.20, subsection 2, Code 2021, is amended by striking the subsection.

Sec. 15. Section 44.1, Code 2021, is amended to read as follows:

44.1 Political nonparty Nonparty political organizations.

1. Any convention or caucus of eligible electors representing a political organization which is not a political party as defined by law, may, for the state, or for any division or municipality thereof, or for any county, or for any subdivision thereof, for which such convention or caucus is held, make one nomination of a candidate for each office to be filled therein at the general election. However, in order to qualify for any nomination made for a statewide elective office by such a political organization there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~two hundred fifty~~ five hundred eligible electors including at least one eligible elector from each of twenty-five counties. In order to qualify for any nomination to the office of United States representative there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~fifty two hundred~~ eligible electors who are residents of the congressional district including at least one eligible elector from each of at least one-half of the counties of the congressional district. In order to qualify for any nomination to an office to be filled by the voters of a county or of a city there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~ten twenty~~ eligible electors who are residents of the county or city, as the case may be, including at least one eligible elector from at least one-half of the voting precincts in that county or city. In order to qualify for any nomination made for the general assembly there shall be in attendance at the convention or caucus where the nomination is made a minimum of ~~ten twenty-five~~ eligible electors who are residents of the representative district or ~~twenty fifty~~ eligible electors who are residents of the senatorial district, as the case may be, with at least one eligible elector from one-half of the voting precincts in the district in each case. The names of all delegates in attendance at such convention or caucus and such fact shall be certified to the state commissioner together with the other certification requirements of this chapter.

2. A candidate who has been nominated under a political party under chapter 43 shall not be eligible for nomination under this chapter for the same office in the same election year.

Sec. 16. Section 45.1, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Nominations for candidates for president and vice president, governor and lieutenant governor, and for ~~other statewide elected offices~~ United States senator may be made by nomination petitions signed by not less than ~~one thousand five hundred eligible electors residing in not less than ten counties of the state~~ three thousand five hundred eligible electors, including at least one hundred eligible electors each from at least nineteen counties of the state.

2. Nominations for candidates for a representative in the United States house of representatives may be made by nomination petitions signed by not less than ~~the number of eligible electors equal to the number of signatures required in subsection 1 divided by the number of congressional districts.~~ Signers of the petition shall be eligible electors who are residents of the congressional district one thousand seven hundred twenty-six eligible

electors who are residents of the congressional district, including at least forty-seven eligible electors each from at least one-half of the counties in the congressional district.

Sec. 17. Section 45.1, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Nominations for candidates for statewide offices other than those listed in subsection 1 may be made by nomination petitions signed by not less than two thousand five hundred eligible electors, including at least seventy-seven eligible electors from not less than eighteen counties of the state.

Sec. 18. Section 47.1, subsection 1, Code 2021, is amended to read as follows:

1. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform the duties assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules, pursuant to chapter 17A, to carry out this section. The state commissioner of elections may issue guidance that is not subject to the rulemaking process to clarify election laws and rules.

Sec. 19. Section 47.2, subsection 1, Code 2021, is amended to read as follows:

1. The county auditor of each county is designated as the county commissioner of elections in each county. The county commissioner of elections shall conduct voter registration pursuant to chapter 48A and conduct all elections within the county. The county commissioner of elections does not possess home rule powers with respect to the exercise of powers or duties related to the conduct of elections prescribed by statute or rule, or guidance issued pursuant to section 47.1.

Sec. 20. Section 47.7, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* (1) The state registrar shall, in the first quarter of each calendar year, conduct a verification of all voters in the statewide voter registration file, which shall include cross-referencing the records in the statewide voter registration file with similar records maintained by other states. The state registrar of voters shall cancel the registration of a voter found to be ineligible pursuant to section 48A.30. The state registrar shall submit a report to the general assembly by April 30 of each year regarding the number of voter registrations canceled pursuant to this paragraph. The state registrar shall also publish this report on the internet site of the state registrar.

(2) The state registrar may contract with a third-party vendor to develop or provide a program to allow the state registrar to verify the status of records in the statewide voter registration file and identify ineligible voters on an ongoing basis.

Sec. 21. Section 47.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The state registrar of voters shall use information from the electronic registration information center to update information in the statewide voter registration system, including but not limited to the following reports:

- a. In-state duplicates.
- b. In-state updates.
- c. Cross-state matches.
- d. Deceased.
- e. Eligible but unregistered.
- f. National change of address.

Sec. 22. Section 48A.9, subsection 1, Code 2021, is amended to read as follows:

1. Registration closes at 5:00 p.m. ~~eleven~~ fifteen days before each election ~~except general elections. For general elections, registration closes at 5:00 p.m. ten days before the election.~~

An eligible elector may register during the time registration is closed in the elector's precinct but the registration shall not become effective until registration opens again in the elector's precinct, except as otherwise provided in section 48A.7A.

Sec. 23. Section 48A.10A, subsection 1, Code 2021, is amended to read as follows:

1. The state registrar shall compare lists of persons who are registered to vote with the department of transportation's driver's license and nonoperator's identification card files and shall, on an initial basis, issue a voter identification card to each active, registered voter whose name does not appear in the department of transportation's files. The voter identification card shall include the name of the registered voter, a signature line above which the registered voter shall sign the voter identification card, the registered voter's identification number assigned to the voter pursuant to section 47.7, subsection 2, and an additional four-digit personal identification number assigned by the state commissioner, and the times during which polling places will be open on election days.

Sec. 24. Section 48A.27, subsection 4, paragraph c, subparagraph (2), Code 2021, is amended to read as follows:

(2) The notice shall contain a statement in substantially the following form:

Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ~~ten days before the primary or general election and at least eleven~~ fifteen days before any ~~other~~ election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county.

Sec. 25. Section 48A.28, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Each commissioner shall conduct a systematic program that makes a reasonable effort to remove from the official list of registered voters the names of registered voters who have changed residence from their registration addresses. ~~Either or both of the methods described in this section may be used.~~

2. a. A commissioner ~~may~~ shall participate in the United States postal service national change of address program, as provided in section 48A.27. The state voter registration commission shall adopt rules establishing specific requirements for participation and use of the national change of address program.

b. A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted in ~~two or more consecutive general elections~~ the most recent general election and has not registered again, or who has not reported a change to an existing registration, ~~or who has not responded to a notice from the commissioner or registrar during the period between and following the previous two general elections.~~ Registered voters receiving such notice shall be marked inactive. The form and language of the notice and return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under this subsection more frequently than once in a four-year period.¹

¹ See chapter 147, §21 herein

Sec. 26. Section 48A.28, subsection 3, Code 2021, is amended by striking the subsection.

Sec. 27. Section 48A.29, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. The notice shall contain a statement in substantially the following form:

Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card ~~at least ten days before the primary or general election and~~ at least ~~eleven~~ fifteen days before any ~~other~~ election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county.

Sec. 28. Section 48A.29, subsection 3, paragraph b, Code 2021, is amended to read as follows:

b. The notice shall contain a statement in substantially the following form:

Information received by this office indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If the information is not correct, and you still live at that address, please complete and mail the attached postage paid card ~~at least ten days before the primary or general election and~~ at least ~~eleven~~ fifteen days before any ~~other~~ election at which you wish to vote. If the information is correct, and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of registered voters in that county.

Sec. 29. Section 48A.30, subsection 1, paragraph g, Code 2021, is amended to read as follows:

g. The registered voter's registration record has been inactive pursuant to section 48A.28 or 48A.29 for two successive general elections.

Sec. 30. Section 48A.37, subsection 2, Code 2021, is amended to read as follows:

2. Electronic records shall include a status code designating whether the records are active, inactive, incomplete, pending, or canceled. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, ~~subsection 3,~~ and who have not returned the card or otherwise responded to the notice, and those records have been designated inactive pursuant to section 48A.29. Inactive records are also records of registered voters to whom notices have been sent pursuant to section 48A.26A and who have not responded to the notice. Incomplete records are records missing required information pursuant to section 48A.11, subsection 8. Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A. Canceled records are records that have been canceled pursuant to section 48A.30. All other records are active

records. An inactive record shall be made active when the registered voter requests an absentee ballot, votes at an election, registers again, or reports a change of name, address, telephone number, or political party or organization affiliation. An incomplete record shall be made active when a completed application is received from the applicant and verified pursuant to section 48A.25A. A pending record shall be made active upon verification or upon the voter providing identification pursuant to section 48A.8.

Sec. 31. **NEW SECTION. 48A.40 Voter list maintenance reports.**

1. The commissioner of registration shall annually submit to the state registrar of voters a report regarding the number of voter registration records marked inactive or canceled pursuant to sections 48A.28 through 48A.30. The state registrar of voters shall publish such reports on the internet site of the state registrar of voters.

2. The state registrar of voters shall determine by rule the form and submission deadline of reports submitted pursuant to subsection 1.

Sec. 32. **NEW SECTION. 48A.41 Voter registration maintenance audits — investigations.**

1. The state registrar of voters shall conduct an audit of voter registration maintenance by each commissioner of registration in April of each odd-numbered year, on a schedule determined by the commissioner.²

2. If in the course of an audit under this section the state registrar of voters finds that a commissioner of registration has failed to perform required voter list maintenance, the state registrar of voters shall submit the audit to the relevant county attorney and attorney general within twenty-four hours for investigation of a violation of section 39A.3, subsection 1, paragraph “b”, subparagraph (9), or other provision of law.

Sec. 33. **NEW SECTION. 49.2 Oversight by the state commissioner.**

The state commissioner, or a designee of the state commissioner, may, at the discretion of the state commissioner, oversee the activities of a county commissioner of elections during a period beginning sixty days before an election and ending sixty days after an election. For the purposes of this section, “oversee” means to observe election-related activity, correct any activity not in accordance with law, and issue a written notice and instructions pursuant to section 39A.6 for any technical infractions that are observed.

Sec. 34. Section 49.13, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person serving on a precinct election board pursuant to subsection 2 or 3 who changes the political party of which the person is a member within thirty days before an election shall be immediately removed from the board and a substitute shall be appointed pursuant to section 49.14.

Sec. 35. Section 49.23, Code 2021, is amended to read as follows:

49.23 Notice of change.

When a change is made from the usual polling place for the precinct or when the precinct polling place for any primary or general election is different from that used for the precinct at the last preceding primary or general election, notice of such change shall be ~~given by publication in a newspaper of general circulation in the precinct~~ mailed to all registered voters in the precinct and posted prominently in the county commissioner’s office and on the county commissioner’s internet site not more than twenty nor less than ~~four~~ seven days before the day on which the election is to be held. In addition a notice of the present polling place for the precinct shall be posted, not later than the hour at which the polls open on the day of the election, on each door to the usual or former polling place in the precinct and shall remain there until the polls have closed.

Sec. 36. Section 49.73, subsection 2, Code 2021, is amended to read as follows:

2. a. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour. The hours at

² See chapter 147, §23 herein

which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at 9:00 p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at 8:00 p.m. for all other elections.

b. The legislative services agency shall place on the internet site of the agency³ information regarding the opening and closing times of polling places until and including November 7, 2024. This paragraph is repealed effective July 1, 2025.

Sec. 37. Section 49.77, subsection 2, Code 2021, is amended to read as follows:

2. If the declaration of eligibility is not printed on each page of the election register, any of those persons present pursuant to section 49.104, subsection ~~2, 3, 5, or 6~~, 1, paragraph "b", "c", "e", or "f", may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. If the declaration of eligibility is printed on the election register, voters shall also sign a voter roster which the precinct election official shall make available for viewing. Any of those persons present pursuant to section 49.104, subsection ~~2, 3, 5, or 6~~, 1, paragraph "b", "c", "e", or "f", may upon request view the roster of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

Sec. 38. Section 49.88, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person standing for election on the ballot before a voter shall not occupy the voting booth with the voter, including to assist the voter.

Sec. 39. Section 49.90, Code 2021, is amended to read as follows:

49.90 Assisting voter.

Any voter who may declare upon oath that the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by the two officers as provided in section 49.89, or alternatively by any other person the voter may select in casting the vote, except that the voter shall not select a person standing for election on the ballot. The officers, or the person selected by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast. If any elector because of a disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the elector with a disability and allow the elector to cast the ballot in the vehicle. Ballots cast by voters with disabilities shall be deposited in the regular ballot box, or inserted in the tabulating device, and counted in the usual manner.

Sec. 40. Section 49.104, Code 2021, is amended to read as follows:

49.104 Persons permitted at polling places.

1. The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

~~1. a.~~ Any person who is by law authorized to perform or is charged with the performance of official duties at the election.

~~2. b.~~ Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

~~3. c.~~ Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as prescribed in ~~subsection 2~~ paragraph "b" for challenging committees, and any number of persons not exceeding three at a time appointed as observers under ~~subsection 5~~ paragraph "e", to witness the counting of ballots.

³ See chapter 174, §10 herein

4. d. Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of this chapter, upon request of the commissioner or of the chairperson of the precinct election board.

5. e. One observer at a time representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner.

6. f. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner before election day. If more than three persons file a notice of intent to serve at the same time with respect to ballot issues at an election, the commissioner shall appoint from those submitting a notice of intent the three persons who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

7. g. Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs.

8. h. Reporters, photographers, and other staff representing the news media. However, representatives of the news media, while present at or in the immediate vicinity of the polling places, shall not interfere with the election process in any way.

2. A precinct election official or county commissioner shall not obstruct or interfere with a person fulfilling that person's role or performing that person's duty under subsection 1. A person who violates this subsection is guilty of election misconduct in the third degree.

Sec. 41. Section 49.109, Code 2021, is amended to read as follows:

49.109 Employees entitled to time to vote.

Any person entitled to vote at an election in this state who does not have ~~three~~ two consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total ~~three~~ two consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence.

Sec. 42. NEW SECTION. 50.52 Enforcement.

Members of local law enforcement agencies and the state patrol are authorized to take all reasonable actions to prevent violations of this chapter.

Sec. 43. Section 53.2, subsection 1, Code 2021, is amended to read as follows:

1. a. Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than ~~one hundred twenty~~ seventy days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at noon pursuant to section 49.73, a voter may apply in person for an absentee ballot at the commissioner's office from 8:00 a.m. until 11:00 a.m. on election day.

b. A registered voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than 5:00 p.m. on the same day as the voter registration deadline provided in section 48A.9 for the election for which the ballot is requested, except when the absentee ballot is requested and voted at the commissioner's office pursuant to section 53.10. A written application for an absentee ballot delivered to the commissioner and received by the commissioner more than ~~one hundred twenty~~ seventy days prior to the date of the election

shall be returned to the voter with a notification of the date when the applications will be accepted.

c. The commissioner may send an absentee ballot application to a registered voter at the request of the registered voter. The commissioner shall not send an absentee ballot application to a person who has not submitted such a request.

d. In the event of a public health disaster declared by the governor pursuant to section 29C.6, the general assembly may by resolution direct the state commissioner to send an absentee ballot application to each registered voter prior to a primary or general election held in an even-numbered year. If the general assembly is not in session, the legislative council may so direct the state commissioner by a majority vote.

Sec. 44. Section 53.2, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. No absentee ballot application shall be provided to a registered voter with any field prefilled, except that the absentee ballot application may have the fields for the type and date of the election prefilled.

Sec. 45. Section 53.2, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If an application for an absentee ballot is received between 5:00 p.m. on the fifteenth day before an election and 5:00 p.m. on the seventh day before an election, the commissioner shall notify the registered voter within twenty-four hours that the absentee ballot request cannot be processed and notify the registered voter of ways the registered voter may participate in the election. A notification sent pursuant to this subsection shall be transmitted in the same manner as a notification transmitted pursuant to subsection 4, paragraph "b".

Sec. 46. NEW SECTION. 53.4 Absentee ballots — reports.

1. Beginning on the first day that absentee ballots are mailed in each primary and general election and each special election pursuant to section 69.14, and through election day, the state commissioner shall publish a report regarding absentee ballots on a daily basis. The report shall include, at a minimum, all of the following information:

- a. The number of absentee ballot request forms received by a county commissioner.
- b. The number of absentee ballots sent by a county commissioner.
- c. The total number of absentee ballots received by a county commissioner, and the total delivered by each of the following methods:
 - (1) Mail.
 - (2) Delivery to a drop box.
 - (3) Delivery by hand.
 - (4) Voted in person at a satellite location.

2. Each county commissioner shall provide all information necessary under this section to the state commissioner in a manner prescribed by the state commissioner.

Sec. 47. Section 53.8, subsection 1, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than ~~twenty-nine~~ twenty days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. ~~When the United States post office is closed in observance of a federal holiday and is not delivering mail on the twenty-ninth day before the election, the first day to mail absentee ballots is the next business day on which mail delivery is available.~~ The absentee ballot shall be sent to the registered voter by one of the following methods:

Sec. 48. Section 53.8, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. The commissioner shall enclose with the absentee ballot a statement informing the applicant that the sealed return envelope may be mailed to the commissioner by the registered voter or ~~the voter's designee~~ a person not prohibited to collect and deliver a

completed ballot pursuant to section 53.33, may be returned to a drop box established by the commissioner pursuant to section 53.17, subsection 1, by the registered voter or a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33, only if the commissioner has established such a drop box, or may be personally delivered to the commissioner's office by the registered voter or ~~the voter's designee~~ a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33. The statement shall also inform the voter that the voter may request that the ~~voter's designee~~ person not prohibited to collect and deliver a completed ballot pursuant to section 53.33 complete a receipt when retrieving the ballot from the voter. A blank receipt shall be enclosed with the absentee ballot.

Sec. 49. Section 53.8, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commissioner and the state commissioner shall not mail an absentee ballot to a person who has not submitted an application for an absentee ballot.

Sec. 50. Section 53.10, subsection 1, Code 2021, is amended to read as follows:

1. Not more than ~~twenty-nine~~ twenty days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available under this section more than ~~twenty-nine~~ twenty days before an election.

Sec. 51. Section 53.11, subsection 1, Code 2021, is amended to read as follows:

1. *a.* Not more than ~~twenty-nine~~ twenty days before the date of an election, satellite absentee voting stations ~~may be established throughout the cities and county at the direction of the commissioner and~~ shall be established upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition. However, if a special election is scheduled in the county on a date that falls between the date of the regular city election and the date of the city runoff election, the commissioner is not required to establish a satellite absentee voting station for the city runoff election.

b. A satellite absentee voting station established by petition must be open at least one day for a minimum of six hours. ~~A satellite absentee voting station established at the direction of the commissioner or by petition and~~ may remain open until 5:00 p.m. on the day before the election.

Sec. 52. Section 53.17, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter ~~or within time to be postmarked or, if applicable, to have the postal service barcode traced to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier.~~

Sec. 53. Section 53.17, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* The sealed return envelope may be delivered by a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33 to a ballot drop box established by the commissioner no later than the time the polls are closed on election day. However, if delivered by the voter's designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier. A commissioner is not required to establish a ballot drop box. A ballot drop box must meet all of the following requirements:

(1) A commissioner shall not establish more than one ballot drop box, which shall be located at the office of the commissioner, or on property owned and maintained by the county that directly surrounds the building where the office is located. For the purposes of this subparagraph, "*office of the commissioner*" means a location where a voter may receive services pursuant to section 48A.17, 50.20, 53.10, or 53.18.

(2) The ballot drop box shall not be used for any purpose other than the collection of absentee ballots.

(3) The commissioner shall implement all reasonable and necessary measures to ensure that the ballot drop box is accessible and secure. Security measures may include placing the ballot drop box in a place regularly viewed by the commissioner or the commissioner's staff.

(4) A video surveillance system shall be used to monitor all activity at the ballot drop box at all times while the ballot drop box is in place. The system shall create a recording, which shall be reviewed by the state commissioner, county attorney, and law enforcement in the event that misconduct occurs.

(5) A ballot drop box shall be available no sooner than the time that absentee ballots are allowed to be mailed pursuant to section 53.8. The ballot drop box shall be removed or restricted from accepting deliveries immediately upon the closure of polls on election day.

(6) While available, a ballot drop box shall be securely fastened to a stationary surface or an immovable object.

(7) The ballot drop box shall be secured by a lock and shall include a tamper-evident seal. Only the commissioner or an employee of the commissioner shall have access to the means to unfasten the lock.

(8) Materials delivered to the ballot drop box shall be retrieved in an expeditious manner, but no less often than four times per day.

(9) The commissioner shall maintain a log of each time materials are retrieved from the ballot drop box, including the date and time materials were retrieved, and the name of the person who retrieved the materials. The commissioner or the commissioner's employee shall record on the ballot, near the portion of the envelope including the affidavit signed by the voter, that the materials were retrieved from a drop box, the date and time of the retrieval, and the initials of the person who retrieved the materials.

(10) A ballot retrieved from a ballot drop box shall be processed in the same manner as a ballot returned pursuant to paragraph "a".

Sec. 54. Section 53.17, subsection 2, Code 2021, is amended to read as follows:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day ~~or be clearly postmarked by an officially authorized postal service or bear a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner not later than noon on the Monday following the election.~~

Sec. 55. Section 53.17, subsection 4, paragraph f, Code 2021, is amended to read as follows:

f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter ~~or within time to be postmarked or, if applicable, to have the postal service barcode traced to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier.~~

Sec. 56. Section 53.17, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. For the purposes of this section, "voter's designee" means a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33.

Sec. 57. Section 53.17A, subsection 2, paragraphs a and b, Code 2021, are amended by striking the paragraphs.

Sec. 58. Section 53.18, subsection 2, Code 2021, is amended to read as follows:

2. If the commissioner receives the return envelope containing the completed absentee ballot by 5:00 p.m. on the Saturday before the election for general elections and by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall review the affidavit marked on the return envelope, if applicable, for completeness or shall open the

~~return envelope to review the affidavit for completeness. If the affidavit is incomplete, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may complete the affidavit in person at the office of the commissioner by 5:00 p.m. on the day before the election, vote a replacement ballot in the manner and within the time period provided in subsection 3, or appear at the voter's precinct polling place on election day and cast a ballot in accordance with section 53.19, subsection 3. If the affidavit lacks the signature of the registered voter, the commissioner shall, within twenty-four hours of the receipt of the envelope, notify the voter of the deficiency and inform the voter that the voter may vote a replacement ballot as provided in subsection 3, cast a ballot as provided in section 53.19, subsection 3, or complete the affidavit in person at the office of the commissioner not later than the time polls close on election day.~~

Sec. 59. Section 53.18, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 04. For the purposes of this section, a return envelope marked with the affidavit shall be considered incomplete if the affidavit lacks the registered voter's signature. A signature or marking made in accordance with section 39.3, subsection 17, shall not cause an affidavit to be considered incomplete.

Sec. 60. Section 53.19, subsection 1, Code 2021, is amended to read as follows:

1. The commissioner shall maintain a list of the absentee ballots provided to registered voters, the serial number appearing on the unsealed envelope, the date the application for the absentee ballot was received, ~~and the date the absentee ballot was sent to the registered voter requesting the absentee ballot, the date the absentee ballot was received by the commissioner, the date the absentee ballot outer envelope was opened, and whether the ballot was delivered by mail, in person, to a ballot drop box, or cast in person at a satellite location.~~ The information under this subsection shall be reported separately at the same time as the information reported under section 53.30, subsection 3.

Sec. 61. Section 53.22, subsection 3, Code 2021, is amended to read as follows:

3. Any registered voter who becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility in the county where the voter is registered to vote ~~within three days prior to the date of any election~~ after the deadline to make a written application for an absentee ballot as provided in section 53.2 or on election day may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the registered voter may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, these officers shall deliver the appropriate absentee ballot to the registered voter in the manner prescribed by this section.

Sec. 62. Section 53.22, subsection 6, paragraph a, Code 2021, is amended to read as follows:

a. ~~If the registered voter becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility outside the county where the voter is registered to vote within three days before the date of any election~~ after the deadline to make a written application for an absentee ballot as provided in section 53.2 or on election day, the voter may designate a person to deliver and return the absentee ballot. The designee may be any person the voter chooses except that no candidate for any office to be voted upon for the election for which the ballot is requested may deliver a ballot under this subsection shall be a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, the ballot shall be delivered by mail or by the person designated by the voter. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

Sec. 63. Section 53.23, subsection 3, paragraph c, Code 2021, is amended to read as follows:

c. ~~For the general election, the~~ The commissioner may convene the special precinct election board on the day before the election to begin counting absentee ballots. However, if in the preceding general election the counting of absentee ballots was not completed by 10:00 p.m. on election day, the commissioner shall convene the special precinct election board on the day before the next general election to begin counting absentee ballots. The board shall not release the results of its tabulation pursuant to this paragraph until the count is completed on election day.

Sec. 64. Section 53.30, Code 2021, is amended to read as follows:

53.30 Ballots, ballot envelopes, and other information preserved.

1. At the conclusion of each meeting of the absentee and special voter precinct board, the board shall reconcile the number of signed affidavits provided to the board by the commissioner and the number of ballots that were counted and tabulated. The board shall record the number of ballots that were rejected prior to opening the affidavit envelope, the number of absentee ballots that have been challenged and are currently unopened, and the number of absentee ballots that were accepted for counting and tabulation. The board shall also reconcile the number of provisional ballots provided to the board by the commissioner, the number of provisional ballots that were accepted for counting and tabulation, and the number of provisional ballots that were rejected.

2. At the conclusion of each meeting of the absentee and special voters precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the affidavit envelope if an affidavit envelope was provided, the return envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

3. Following each primary and general election, commissioners shall report to the state commissioner the number of voted absentee ballots received by the commissioner, the total number of absentee ballots counted and tabulated by the board, and the number of absentee ballots rejected by the board. The commissioner shall also provide the number of provisional ballots cast, the number of provisional ballots rejected, and the number of provisional ballots that were counted and tabulated by the board.

Sec. 65. **NEW SECTION. 53.33 Unlawful return of ballot.**

Notwithstanding any provision of law to the contrary, no person other than the registered voter or an individual who lives in the same household as the registered voter, the registered voter's immediate family member, an individual serving as a caretaker for the registered voter, or an individual pursuant to section 53.22 shall collect a completed ballot and return the ballot by mail or in person to the county auditor's office or other election location. A violation of this section constitutes election misconduct in the third degree under section 39A.4. ⁴

Sec. 66. Section 53.44, subsection 2, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service or bear a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner not later than noon on the Monday following the election.

⁴ See chapter 147, §43 herein

Sec. 67. Section 53.53, subsection 4, paragraphs b and c, Code 2021, are amended to read as follows:

b. The voter's completed regular or special Iowa absentee ballot was received by the deadline for return of absentee ballots established in section ~~53.17~~ 53.44.

c. The voter's federal write-in ballot was received after the deadline for return of absentee ballots established in section ~~53.17~~ 53.44.

Sec. 68. Section 66.1A, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 8. For failure to pay a fine imposed pursuant to section 39A.6 and not dismissed pursuant to chapter 17A.

Sec. 69. Section 69.14A, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2021, are amended to read as follows:

(1) The appointment shall be for the period until the next ~~pending election as defined in section 69.12~~ general election, and shall be made within forty days after the vacancy occurs. If the board of supervisors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may publish notice in advance if an elected official submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection, except for a county attorney, shall have actually resided in the county which the appointee represents sixty days prior to appointment. A person appointed to the office of county attorney shall be a resident of the county at the time of appointment.

(2) However, if ~~within fourteen days after publication of the notice or~~ within fourteen days after the appointment is made, a petition is circulated and filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306. A signature shall not be considered valid if the signature is dated prior to the date on which the appointment was made.

Sec. 70. Section 69.14A, subsection 2, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The supervisors shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday ~~and shall not be held on the same day as a school election within the county.~~

Sec. 71. Section 331.756, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 75. Bring actions under chapter 66 for failure to pay fines imposed pursuant to section 39A.6 and not dismissed pursuant to chapter 17A.

Sec. 72. Section 445.5, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Until November 7, 2024, the hours during which polling places are open on election days. This paragraph is repealed effective July 1, 2025.

Sec. 73. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 74. APPLICABILITY. The following apply to all candidates seeking election to an office that will appear on a ballot in or after 2022:

1. The sections of this Act amending section 43.20.
2. The section of this Act amending section 44.1.

3. The section⁵ of this Act amending section 45.1.

Approved March 8, 2021

CHAPTER 13

ACTIVE MILITARY DUTY — BRANCHES OF SERVICE — COAST GUARD AND SPACE FORCE

H.F. 200

AN ACT relating to the military code and duty performed by a member of the United States coast guard.

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

Section 1. Section 29A.1, subsection 3, Code 2021, is amended to read as follows:

3. “*Federal active duty*” means full-time duty in the active military service of the United States authorized and performed under the provisions of Tit. 10 of the United States Code or full-time duty performed in the United States coast guard under the provisions of Tit. 14 of the United States Code.

Sec. 2. Section 29A.28, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. All officers and employees of the state, a subdivision thereof, or a municipality, other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, ~~or air, or~~ space forces, or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, or who are members of the civil air patrol, or who are regular, reserve, or auxiliary members of the United States coast guard, shall, when ordered by proper authority to state active duty, national guard duty, or federal active duty, or when performing a civil air patrol mission pursuant to section 29A.3A, be entitled to a leave of absence from such civil employment for the period of state active duty, national guard duty, federal active duty, or civil air patrol duty without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence.

Sec. 3. Section 29A.43, subsections 1 and 2, Code 2021, are amended to read as follows:

1. A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States, any regular, reserve, or auxiliary member of the United States coast guard, or any member of the civil air patrol because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state, a regular, reserve, or auxiliary member of the United States coast guard, or member of the civil air patrol, or hinder or prevent the officer or enlisted person, a regular, reserve, or auxiliary member of the United States coast guard, or member of the civil air patrol from performing any military service or civil air patrol duty the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States, or a regular, reserve, or auxiliary member of the United States coast guard, ordered to temporary duty or service, as defined in section 29A.1, subsection 3, 8, or 12, or a member of the civil air patrol performing duty pursuant to section 29A.3A, for any purpose is entitled to a leave of absence during the period of the duty or service, from the member’s private employment unless the employment is of a temporary nature. Upon completion of the duty or service, the employer shall restore the person to the

⁵ See chapter 174, §32 herein

position held prior to the leave of absence or employ the person in a position of like seniority, status, and pay. However, the person shall give evidence to the employer of satisfactory completion of the duty or service, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment.

2. An officer or enlisted person of the national guard or organized reserves of the armed forces of the United States, or any regular, reserve, or auxiliary member of the United States coast guard, who is insured as a dependent under a group policy for accident or health insurance as a full-time student less than twenty-five years of age, whose coverage under the group policy would otherwise terminate while the officer or enlisted person was on a leave of absence during a period of temporary duty or service, as defined for members of the national guard in section 29A.1, subsection 3, 8, or 12, or as a member of the organized reserves called to active duty from a reserve component status, or as a regular, reserve, or auxiliary member of the United States coast guard, shall be considered to have been continuously insured under the group policy for the purpose of returning to the insured dependent status as a full-time student who is less than twenty-five years of age. This subsection does not apply to coverage of an injury suffered or a disease contracted by a member of the national guard or organized reserves of the armed forces of the United States in the line of duty.

Sec. 4. Section 96.7, subsection 2, paragraph a, subparagraph (2), subparagraph division (e), Code 2021, is amended by adding the following new subparagraph subdivision:

NEW SUBPARAGRAPH SUBDIVISION. (iii) A regular, reserve, or auxiliary member of the United States coast guard performing duty as defined in section 29A.1, subsection 3, 8, or 12, who has completed the duty as evidenced in accordance with section 29A.43.

Approved March 8, 2021

CHAPTER 14

SEXUAL ABUSE COMMITTED DURING A BURGLARY — SPECIAL SENTENCE

H.F. 231

AN ACT relating to a special sentence for sexual abuse committed during a burglary.

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

Section 1. Section 903B.1, Code 2021, is amended to read as follows:

903B.1 Special sentence — class “B” or class “C” felonies.

A person convicted of a class “C” felony or greater offense under chapter 709, a class “B” felony under section 713.3, subsection 1, paragraph “d”, or a class “C” felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person's life, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent

revocation. A special sentence shall be considered a category “A” sentence for purposes of calculating earned time under section 903A.2.

Approved March 8, 2021

CHAPTER 15

DISORDERLY CONDUCT — INTENTIONAL OR RECKLESS NOISE

H.F. 232

AN ACT relating to the crime of disorderly conduct and making penalties applicable.

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

Section 1. Section 723.4, subsection 2, Code 2021, is amended to read as follows:

2. Makes loud and raucous noise in the vicinity of any residence or public building which intentionally or recklessly causes unreasonable distress to the occupants thereof.

Approved March 8, 2021

CHAPTER 16

CONSUMER CREDIT TRANSACTIONS AND SERVICE CHARGES

H.F. 235

AN ACT relating to service charges on consumer credit transactions.

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

Section 1. Section 537.2501, subsection 1, paragraph 1, Code 2021, is amended to read as follows:

l. For ~~an interest-bearing~~ a consumer credit transaction, a service charge in an amount not to exceed the lesser of ten percent of the amount financed or thirty dollars.

Sec. 2. Section 537.2510, subsection 3, paragraph a, Code 2021, is amended to read as follows:

a. If the prepayment is in full, the creditor may collect or retain a minimum charge not exceeding five dollars in a transaction which had an amount financed of seventy-five dollars or less, or not exceeding seven dollars and fifty cents in a transaction which had an amount financed of more than seventy-five dollars, if the minimum charge was contracted for, and the finance charge earned at the time of prepayment is less than the minimum charge contracted for. If, however, a creditor has collected a service charge in association with ~~an interest-bearing~~ a consumer credit transaction pursuant to section 537.2501, subsection 1, paragraph “*l*”, the creditor shall not collect or retain a minimum charge upon prepayment pursuant to this subsection.

Approved March 8, 2021

CHAPTER 17**DRUG OR ALCOHOL TESTING — PROHIBITED ACTIVITIES***H.F. 283*

AN ACT creating the criminal offense of defrauding a drug or alcohol test and providing penalties.

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

Section 1. Section 715A.1, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. “*Drug or alcohol test*” includes a drug or alcohol test given in a private-sector workplace pursuant to section 730.5 and a drug or alcohol test given by a public employer.

NEW SUBSECTION. 1B. “*Public employer*” means the state, its boards, commissions, agencies, and departments, and its political subdivisions including school districts and other special purpose districts.

NEW SUBSECTION. 1C. “*Synthetic urine*” means any substance that is designed to simulate the composition, chemical properties, physical appearance, or physical properties of human urine for the purpose of defrauding a drug or alcohol test.

NEW SUBSECTION. 1D. “*Urine additive*” means any substance that is designed to be added to human urine for the purpose of defrauding a drug or alcohol test.

Sec. 2. **NEW SECTION. 715A.11 Synthetic urine and urine additives — defrauding drug or alcohol test.**

1. A person shall not manufacture, market, sell, distribute, use, or possess synthetic urine or a urine additive for the purpose of defrauding a drug or alcohol test.

2. A person shall not knowingly use the person’s own urine expelled or withdrawn prior to the collection of a urine sample from the person for a drug or alcohol test for the purpose of defrauding a drug or alcohol test.

3. A person shall not knowingly use the urine of another person for the purpose of defrauding a drug or alcohol test.

4. This section shall not apply to the manufacture, marketing, sale, distribution, use, or possession of synthetic urine or a urine additive if the manufacture, marketing, sale, distribution, use, or possession is solely for educational or law enforcement purposes.

5. A person who violates this section is guilty of a simple misdemeanor for a first offense and a serious misdemeanor for each subsequent offense. The court may require a substance abuse evaluation and treatment through a program licensed by the Iowa department of public health in lieu of or in addition to other penalties. All substance abuse evaluation required under this subsection shall be completed at the expense of the defendant.

6. Except as prohibited by law, a person who collects a urine sample from another person for a drug or alcohol test, having knowledge or a reasonable suspicion that the other person has used synthetic urine or a urine additive to defraud the test in violation of subsection 1, may report such information to law enforcement authorities.

7. Notwithstanding any other law to the contrary, the prosecution of a person for a violation of this section shall not preclude a prosecution of that person under other applicable law.

8. This section shall not be construed to encourage, conflict with, or otherwise interfere with the preemption of any federal, state, or local laws or regulations related to drug and alcohol testing procedures and confidentiality.

Approved March 8, 2021

CHAPTER 18**SENIOR YEAR PLUS PROGRAM — ELIGIBILITY REQUIREMENTS***H.F. 308*

AN ACT relating to eligibility requirements for students under the senior year plus program and including effective date and applicability provisions.

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

Section 1. Section 261E.3, subsection 1, paragraph e, Code 2021, is amended to read as follows:

e. (1) The student, except as otherwise provided in this paragraph “e”, shall have demonstrated proficiency in reading, mathematics, and science as evidenced by achievement any of the following:

(a) Achievement scores on the latest administration of the state assessment for which scores are available and as defined by the department. However, a

(b) If the student is receiving competent private instruction under chapter 299A, may demonstrate proficiency by submitting the written recommendation of the licensed practitioner providing supervision to the student in accordance with section 299A.2; Such student may demonstrate proficiency as evidenced by achievement scores on the annual achievement evaluation required under section 299A.4; or may also demonstrate proficiency as evidenced by a selection index, which is the sum of the critical reading, mathematics, and writing skills assessments, of at least one hundred forty-one on the preliminary scholastic aptitude test administered by the college board; a composite score of at least twenty-one on the college readiness assessment administered by ACT, inc.; or a sum of the critical reading and mathematics scores of at least nine hundred ninety on the college readiness assessment administered by the college board.

(2) (a) If a student is not proficient in one or more of the content areas listed in this paragraph, has not taken the college readiness assessments identified in this paragraph, or has not achieved the scores specified in this paragraph, the subparagraph (1), the student may demonstrate proficiency through measures of college readiness jointly agreed upon by the school board and the eligible postsecondary institution.

(b) The school board may establish alternative but equivalent qualifying performance measures including but not limited to additional administrations of the state assessment, portfolios of student work, student performance rubric, or end-of-course assessments.

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

Sec. 3. **APPLICABILITY.** Notwithstanding section 261E.3, subsection 1, paragraph “e”, subparagraph (1), subparagraph division (a), as enacted by this Act, for the school year beginning July 1, 2021, the achievement scores from the state assessment administered during the school year beginning July 1, 2019, shall be considered the latest available scores.

Approved March 8, 2021

CHAPTER 19**NONPROFIT SCHOOL ORGANIZATIONS — REPORTS***H.F. 386*

AN ACT striking certain reporting requirements related to nonprofit school organizations established by school districts.

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

Section 1. Section 279.62, Code 2021, is amended to read as follows:

279.62 Nonprofit school organizations.

The board of directors of a school district may take action to adopt a resolution to establish, and authorize expenditures for the operational support of, an entity or organization for the sole benefit of the school district and its students that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. The entity or organization shall reimburse the school district for expenditures made by the school district on behalf of the entity or organization. Prior to establishing such an entity or organization, the board of directors shall hold a public hearing on the proposal to establish such an entity or organization. Such an entity or organization shall maintain its records in accordance with chapter 22, except that the entity or organization shall provide for the anonymity of a donor at the written request of the donor. The board of directors of a school district shall annually report to the ~~department of education and to the local community~~ the administrative expenditures, revenues, and activities of the entity or organization established by the school district pursuant to this section. ~~The department shall include in its annual condition of education report a statewide summary of the expenditures and revenues submitted in accordance with this section.~~

Approved March 8, 2021

CHAPTER 20**ASSESSMENT, CLASSIFICATION, AND TAXATION OF PROPERTY — MISCELLANEOUS CHANGES***H.F. 418*

AN ACT relating to property tax levies, exemptions, classifications, assessment limitations, and administration, and including effective date and applicability provisions.

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

Section 1. Section 386.8, Code 2021, is amended to read as follows:

386.8 Operation tax.

A city may establish a self-supported improvement district operation fund, and may certify taxes not to exceed the rate limitation as established in the ordinance creating the district, or any amendment thereto, each year to be levied for the fund against all of the property in the district, for the purpose of paying the administrative expenses of the district, which may include but are not limited to administrative personnel salaries, a separate administrative office, planning costs including consultation fees, engineering fees, architectural fees, and legal fees and all other expenses reasonably associated with the administration of the district and the fulfilling of the purposes of the district. The taxes levied for this fund may also be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements for a specified length of time with one or more options to renew if such is clearly stated in the petition which requests the council to authorize construction of the

improvement or self-liquidating improvement, whether or not such petition is combined with the petition requesting creation of a district. Parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section except residential properties within a duly designated historic district or property classified as residential property under section 441.21, subsection 14, paragraph "a", subparagraph (6). A tax levied under this section is not subject to the levy limitation in section 384.1.

Sec. 2. Section 386.9, Code 2021, is amended to read as follows:

386.9 Capital improvement tax.

A city may establish a capital improvement fund for a district and may certify taxes, not to exceed the rate established by the ordinance creating the district, or any subsequent amendment thereto, each year to be levied for the fund against all of the property in the district, for the purpose of accumulating moneys for the financing or payment of a part or all of the costs of any improvement or self-liquidating improvement. However, parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section except residential properties within a duly designated historic district or property classified as residential property under section 441.21, subsection 14, paragraph "a", subparagraph (6). A tax levied under this section is not subject to the levy limitations in section 384.1 or 384.7.

Sec. 3. Section 386.10, Code 2021, is amended to read as follows:

386.10 Debt service tax.

A city shall establish a self-supported municipal improvement district debt service fund whenever any self-supported municipal improvement district bonds are issued and outstanding, other than revenue bonds, and shall certify taxes to be levied against all of the property in the district for the debt service fund in the amount necessary to pay interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all self-supported municipal improvement district bonds as authorized in section 386.11, issued by the city. However, parcels of property which are assessed as residential property for property tax purposes at the time of the issuance of the bonds are exempt from the tax levied under this section until the parcels are no longer assessed as residential property or until the residential properties are designated as a part of a historic district or property classified as residential property under section 441.21, subsection 14, paragraph "a", subparagraph (6).

Sec. 4. Section 404.2, subsection 2, paragraph f, Code 2021, is amended to read as follows:

f. A statement specifying whether the revitalization is applicable to none, some, or all of the property assessed as residential, ~~multiresidential~~, agricultural, commercial, or industrial property within the designated area or a combination thereof and whether the revitalization is for rehabilitation and additions to existing buildings or new construction or both. If revitalization is made applicable only to some property within an assessment classification, the definition of that subset of eligible property must be by uniform criteria which further some planning objective identified in the plan. The city shall state how long it is estimated that the area shall remain a designated revitalization area which time shall be longer than one year from the date of designation and shall state any plan by the city to issue revenue bonds for revitalization projects within the area. For a county, a revitalization area shall include only property which will be used as industrial property, commercial property, ~~multiresidential property~~, or residential property. However, a county shall not provide a tax exemption under this chapter to commercial property, ~~multiresidential property~~, or residential property which is located within the limits of a city.

Sec. 5. Section 404.3, subsection 4, paragraph a, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

a. All qualified real estate assessed as residential property is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements.

Sec. 6. Section 404.3A, Code 2021, is amended to read as follows:

404.3A Residential development area exemption.

Notwithstanding the schedules provided for in section 404.3, all qualified real estate assessed as residential property, excluding property classified as residential property under section 441.21, subsection 14, paragraph "a", subparagraph (6), in an area designated under section 404.1, subsection 5, is eligible to receive an exemption from taxation on the first seventy-five thousand dollars of actual value added by the improvements. The exemption is for a period of five years.

Sec. 7. Section 441.21, subsection 2, Code 2021, is amended to read as follows:

2. In the event market value of the property being assessed cannot be readily established in the foregoing manner, then the assessor may determine the value of the property using the other uniform and recognized appraisal methods including its productive and earning capacity, if any, industrial conditions, its cost, physical and functional depreciation and obsolescence and replacement cost, and all other factors which would assist in determining the fair and reasonable market value of the property but the actual value shall not be determined by use of only one such factor. The following shall not be taken into consideration: Special value or use value of the property to its present owner, and the goodwill or value of a business which uses the property as distinguished from the value of the property as property. In addition, for assessment years beginning on or after January 1, 2018, and unless otherwise required for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438, the assessor shall not take into consideration and shall not request from any person sales or receipts data, expense data, balance sheets, bank account information, or other data related to the financial condition of a business operating in whole or in part on the property if the property is both classified as commercial or industrial property and owned and used by the owner of the business. However, in assessing property that is rented or leased to low-income individuals and families as authorized by section 42 of the Internal Revenue Code, as amended, and which section limits the amount that the individual or family pays for the rental or lease of units in the property, the assessor shall, unless the owner elects to withdraw the property from the assessment procedures for section 42 property, use the productive and earning capacity from the actual rents received as a method of appraisal and shall take into account the extent to which that use and limitation reduces the market value of the property. The assessor shall not consider any tax credit equity or other subsidized financing as income provided to the property in determining the assessed value. The property owner shall notify the assessor when property is withdrawn from section 42 eligibility under the Internal Revenue Code or if the owner elects to withdraw the property from the assessment procedures for section 42 property under this subsection. The property shall not be subject to section 42 assessment procedures for the assessment year for which section 42 eligibility is withdrawn or an election is made. This notification must be provided to the assessor no later than March 1 of the assessment year or the owner will be subject to a penalty of five hundred dollars for that assessment year. The penalty shall be collected at the same time and in the same manner as regular property taxes. An election to withdraw from the assessment procedures for section 42 property is irrevocable. Property that is withdrawn from the assessment procedures for section 42 property shall be classified and assessed as ~~multiresidential~~ residential property unless the property otherwise fails to meet the requirements of subsection ~~13~~ 14. Upon adoption of uniform rules by the department of revenue or succeeding authority covering assessments and valuations of such properties, the valuation on such properties shall be determined in accordance with such rules and in accordance with forms and guidelines contained in the real property appraisal manual prepared by the department as updated from time to time for assessment purposes to assure uniformity, but such rules, forms, and guidelines shall not be inconsistent with or change the foregoing means of determining the actual, market, taxable and assessed values.

Sec. 8. Section 441.21, subsection 8, paragraph b, Code 2021, is amended to read as follows:

b. Notwithstanding paragraph "a", any construction or installation of a solar energy system on property classified as agricultural, residential, commercial, ~~multiresidential~~, or industrial

property shall not increase the actual, assessed, and taxable values of the property for five full assessment years.

Sec. 9. Section 441.21, subsections 9 and 10, Code 2021, are amended to read as follows:

9. Not later than November 1, 1979, and November 1 of each subsequent year, the director shall certify to the county auditor of each county the percentages of actual value at which residential property, agricultural property, commercial property, industrial property, ~~multiresidential property~~, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 in each assessing jurisdiction in the county shall be assessed for taxation. The county auditor shall proceed to determine the assessed values of agricultural property, residential property, commercial property, industrial property, ~~multiresidential property~~, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 by applying such percentages to the current actual value of such property, as reported to the county auditor by the assessor, and the assessed values so determined shall be the taxable values of such properties upon which the levy shall be made.

10. The percentage of actual value computed by the department of revenue for agricultural property, residential property, commercial property, industrial property, ~~multiresidential property~~, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 and used to determine assessed values of those classes of property does not constitute a rule as defined in section 17A.2, subsection 11.

Sec. 10. Section 441.21, subsection 13, paragraphs a, b, and c, Code 2021, are amended to read as follows:

a. ~~(1) For the assessment year beginning January 1, 2015, mobile home parks, manufactured home communities, land-leased communities, assisted living facilities, property primarily used or intended for human habitation containing three or more separate dwelling units, and that portion of a building that is used or intended for human habitation and a proportionate share of the land upon which the building is situated, regardless of the number of dwelling units located in the building, if the use for human habitation is not the primary use of the building and such building is not otherwise classified as residential property, shall be valued as a separate class of property known as multiresidential property and, excluding properties referred to in section 427A.1, subsection 9, shall be assessed at a percentage of its actual value, as determined in this subsection.~~

~~(2) Beginning with valuations established on or after January 1, 2016, but before January 1, 2022, all of the following shall be valued as a separate class of property known as multiresidential property and, excluding properties referred to in section 427A.1, subsection 9, shall be assessed at a percentage of its actual value, as determined in this subsection:~~

- ~~(a) (1) Mobile home parks.~~
- ~~(b) (2) Manufactured home communities.~~
- ~~(c) (3) Land-leased communities.~~
- ~~(d) (4) Assisted living facilities.~~

~~(e) (5) A parcel primarily used or intended for human habitation containing three or more separate dwelling units. If a portion of such a parcel is used or intended for a purpose that, if the primary use, would be classified as commercial property or industrial property, each such portion, including a proportionate share of the land included in the parcel, if applicable, shall be assigned the appropriate classification pursuant to paragraph "c".~~

~~(f) (6) For a parcel that is primarily used or intended for use as commercial property or industrial property, that portion of the parcel that is used or intended for human habitation, regardless of the number of dwelling units contained on the parcel, including a proportionate share of the land included in the parcel, if applicable. The portion of such a parcel used or intended for use as commercial property or industrial property, including a proportionate share of the land included in the parcel, if applicable, shall be assigned the appropriate classification pursuant to paragraph "c".~~

b. For valuations established for the assessment year beginning January 1, 2015, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of eighty-six and twenty-five hundredths percent or the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2016, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of eighty-two and five-tenths percent or the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2017, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-eight and seventy-five hundredths percent or the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2018, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-five percent or the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2019, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-one and twenty-five hundredths percent or the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2020, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of sixty-seven and five-tenths percent or the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2021, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of sixty-three and seventy-five hundredths percent or the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. ~~For valuations established for the assessment year beginning January 1, 2022, and each assessment year thereafter, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be equal to the percentage of actual value determined by the department of revenue at which property assessed as residential property is assessed under subsection 4 for the same assessment year.~~

c. ~~(1) For the assessment year beginning January 1, 2015, for parcels that, in part, satisfy the requirements for classification as multiresidential property, the assessor shall assign to that portion of the parcel the classification of multiresidential property and to such other portions of the parcel the property classification for which such other portions qualify.~~

~~(2) Beginning with valuations established on or after January 1, 2016, but before January 1, 2022, for parcels for which a portion of the parcel satisfies the requirements for classification as multiresidential property pursuant to paragraph "a", subparagraph (2), subparagraph division (e) or (f) (5) or (6), the assessor shall assign to that portion of the parcel the classification of multiresidential property and to such other portions of the parcel the property classification for which such other portions qualify.~~

Sec. 11. Section 441.21, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 14. a. Beginning with valuations established on or after January 1, 2022, all of the following shall be classified and valued as residential property:

(1) Property primarily used or intended for human habitation containing two or fewer dwelling units.

(2) Mobile home parks.

(3) Manufactured home communities.

(4) Land-leased communities.

(5) Assisted living facilities.

(6) A parcel primarily used or intended for human habitation containing three or more separate dwelling units. If a portion of such a parcel is used or intended for a purpose that, if the primary use, would be classified as commercial property or industrial property, each such portion, including a proportionate share of the land included in the parcel, if applicable, shall be assigned the appropriate classification pursuant to paragraph "b".

(7) For a parcel that is primarily used or intended for use as commercial property or industrial property, that portion of the parcel that is used or intended for human habitation, regardless of the number of dwelling units contained on the parcel, including a proportionate share of the land included in the parcel, if applicable. The portion of such a parcel used or intended for use as commercial property or industrial property, including a proportionate share of the land included in the parcel, if applicable, shall be assigned the appropriate classification pursuant to paragraph "b".

b. Beginning with valuations established on or after January 1, 2022, for parcels for which a portion of the parcel satisfies the requirements for classification as residential property pursuant to paragraph "a", subparagraph (6) or (7), the assessor shall assign to that portion of the parcel the classification of residential property and to such other portions of the parcel the property classification for which such other portions qualify.

c. Property that is rented or leased to low-income individuals and families as authorized by section 42 of the Internal Revenue Code, and that has not been withdrawn from section 42 assessment procedures under subsection 2 of this section, or a hotel, motel, inn, or other building where rooms or dwelling units are usually rented for less than one month shall not be classified as residential property under this subsection.

d. As used in this subsection:

(1) "*Assisted living facility*" means property for providing assisted living as defined in section 231C.2. "*Assisted living facility*" also includes a health care facility, as defined in section 135C.1, an elder group home, as defined in section 231B.1, a child foster care facility under chapter 237, or property used for a hospice program as defined in section 135J.1.

(2) "*Dwelling unit*" means an apartment, group of rooms, or single room which is occupied as separate living quarters or, if vacant, is intended for occupancy as separate living quarters, in which a tenant can live and sleep separately from any other persons in the building.

(3) "*Land-leased community*" means the same as defined in sections 335.30A and 414.28A.

(4) "*Manufactured home community*" means the same as a land-leased community.

(5) "*Mobile home park*" means the same as defined in section 435.1.

Sec. 12. Section 558.46, subsection 5, Code 2021, is amended by striking the subsection.

Sec. 13. SAVINGS PROVISION. This Act, pursuant to section 4.13, does not affect the operation of, or prohibit the application of, prior provisions of the Code sections amended by this Act, or rules adopted under chapter 17A to administer such prior provisions, for assessment years beginning before January 1, 2022, and for duties, powers, protests, appeals, proceedings, actions, or remedies attributable to an assessment year beginning before January 1, 2022.

Sec. 14. EFFECTIVE DATE. This Act takes effect January 1, 2022.

Sec. 15. APPLICABILITY. This Act applies to assessment years beginning on or after January 1, 2022.

Approved March 8, 2021

CHAPTER 21**RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM — MISCELLANEOUS CHANGES****S.F. 129**

AN ACT relating to specialty areas, service commitment area distance requirements, and practice-related requirements under the rural Iowa primary care loan repayment program.

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

Section 1. Section 261.113, subsection 3, paragraph d, Code 2021, is amended to read as follows:

d. Within nine months of graduating from the residency program and receiving a permanent license in accordance with paragraph “b”, engage in the full-time practice of medicine and surgery or osteopathic medicine and surgery specializing in family medicine, pediatrics, psychiatry, internal medicine, obstetrics and gynecology, or general surgery for a period of five consecutive years in the service commitment area specified under subsection 8, unless the loan repayment recipient receives a waiver from the commission to complete the years of practice required under the agreement in another service commitment area pursuant to subsection 8.

Sec. 2. Section 261.113, subsection 10, Code 2021, is amended to read as follows:

10. *Part-time practice — agreement amended.* A person who entered into an agreement pursuant to subsection 3 may apply to the commission to amend the agreement to allow the person to engage in less than the full-time practice specified in the agreement and under subsection 3, paragraph “d”. ~~If the commission determines exceptional circumstances exist, the~~ The commission and the person may consent to amend the agreement under which the person shall engage in less than full-time practice of medicine and surgery or osteopathic medicine and surgery specializing in family medicine, pediatrics, psychiatry, internal medicine, obstetrics and gynecology, or general surgery in a service commitment area for an extended period of part-time practice determined by the commission to be proportional to the amount of full-time practice remaining under the original agreement. For purposes of this subsection, “less than the full-time practice” means at least seventy percent of a forty-hour workweek.

Sec. 3. Section 261.113, subsection 13, paragraph c, Code 2021, is amended to read as follows:

c. “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 that provides a twenty thousand dollar contribution for deposit in the rural Iowa primary care trust fund for each physician in the community who is participating in the loan repayment program and which meets any of the following conditions:

(1) Is a city within a federal mental health shortage area, as designated by the health resources and services administration of the United States department of health and human services, if the physician participating in the loan repayment program specializes in psychiatry.

(2) Is 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. The commission shall determine the distance between cities by calculating the most direct driving route.

Approved March 22, 2021

CHAPTER 22**ABANDONED VEHICLES TAKEN INTO CUSTODY — NOTICE AND RECLAMATION REQUIREMENTS****S.F. 232**

AN ACT relating to notice and reclamation requirements for abandoned vehicles taken into custody by a police authority or private entity.

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

Section 1. Section 321.89, subsection 3, Code 2021, is amended to read as follows:

3. *Notification of owner, lienholders, and other claimants.*

a. A police authority or private entity that takes into custody an abandoned vehicle shall ~~notify, within~~ send notice by certified mail that the vehicle has been taken into custody no more than twenty days, by certified mail, after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle ~~or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody.~~

b. Notice shall be deemed given when mailed. The notice shall ~~describe~~ include all of the following:

(1) A description of the year, make, model, and vehicle identification number of the vehicle, ~~describe the personal property found in the vehicle, set forth the~~

(2) The location of the facility where the vehicle is being held, ~~and inform.~~

(3) Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within ten days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection. ~~The notice shall also state~~

(4) A statement that the failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property ~~and.~~

(5) A statement that failure to reclaim the vehicle or personal property is deemed consent ~~for the police authority or private entity to the sale of~~ sell the vehicle at a public auction or disposal dispose of the vehicle to a demolisher and to disposal dispose of the personal property by sale or destruction.

c. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garagekeeper's lien as described in section 321.90, subsection 1, and may proceed to sell or dispose of the vehicle.

d. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.

e. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

f. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the ten-day reclaiming period.

~~b. g.~~ If it is impossible to determine with reasonable certainty the ~~identity~~ identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may

contain multiple listings of abandoned vehicles and ~~personal property~~ but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in ~~paragraph "a"~~ this subsection.

Sec. 2. Section 321.89, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *Reclamation of abandoned vehicles.* Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle of¹ behalf of a person who received notice under subsection 3 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in section 321.20B.

Approved March 22, 2021

CHAPTER 23

DENIAL AND CONTEST OF PROBATE CLAIMS

S.F. 235

AN ACT relating to the denial and contest of probate claims.

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

Section 1. Section 633.438, Code 2021, is amended to read as follows:

633.438 General denial of claims.

Where a claim has been filed, but not admitted in writing by the personal representative before a request for hearing has been given as hereinafter provided, the claim shall be considered as generally denied by the personal representative without any pleading on behalf of the personal representative.

Sec. 2. Section 633.440, Code 2021, is amended to read as follows:

633.440 Contents of notice of disallowance.

Such a notice of disallowance shall advise the claimant that the claim has been disallowed and will be forever barred unless the claimant shall within twenty days after the date of mailing the notice, file a request for hearing on the claim with the clerk, ~~and mail a copy of such request for hearing to the personal representative and the attorney of record, if any, by certified mail.~~

Sec. 3. Section 633.442, Code 2021, is amended to read as follows:

633.442 Claims barred after twenty days.

Unless the claimant shall within twenty days after the date of mailing the notice of disallowance, file a request for hearing with the clerk ~~and mail a copy of the request for hearing to the personal representative and to the attorney of record, if any,~~ the claim shall be deemed disallowed, and shall be forever barred.

Sec. 4. Section 633.443, Code 2021, is amended to read as follows:

633.443 Request for hearing by claimant.

At the time of the filing of a claim against an estate, or at any time thereafter prior to the time that the claim may be barred by the provisions of section 633.442, or the approval of the final report of the personal representative after notice to the claimant, the claimant may file a request for hearing with the clerk, ~~and mail a copy of the request for hearing to the personal representative and attorney of record, if any.~~

¹ See chapter 174, §15 herein

Sec. 5. Section 633.444, Code 2021, is amended to read as follows:

633.444 Applicability of rules of civil procedure.

~~Within twenty days from the filing of the request for hearing on a claim, the personal representative shall move or plead to said claim~~ The personal representative shall file a pre-answer motion or answer to a claim within twenty days from the filing of the request for hearing on the claim in the same manner as though the claim were a petition filed in an ordinary action, and thereafter, all provisions of law and rules of civil procedure applicable to motions, pleadings and the trial of ordinary actions shall apply; provided, however, that a restatement of such claim shall not be barred by the provisions of section 633.410.

Sec. 6. Section 633.447, Code 2021, is amended to read as follows:

633.447 Trial and hearing.

The trial of a claim and the offsets or counterclaims, if any, shall be to the court without a jury. However, the court may, in its discretion, either on its own motion or upon the motion of any party, submit the matter to a jury. In the event that the amount of the claim or a counterclaim exceeds the sum of ~~three hundred dollars~~ stated in section 631.1, subsection 1, either party shall be entitled to a jury trial, if a written demand is made as provided in the rules of civil procedure in relation to the trial of ordinary actions.

Sec. 7. Section 633.448, Code 2021, is amended to read as follows:

633.448 Allowance and judgment.

Upon the trial of a claim, offsets and counterclaims, the amount owing by or to the estate, if any, shall be determined. A claim against the estate shall be allowed for the net amount. Judgment shall be rendered for any amount found to be due the estate. If a judgment is rendered against a claimant for any net amount, execution may issue in the same manner as on judgments in civil cases. The judgment against any interested party may be deducted from any amounts the estate owes to the interested party.

Approved March 22, 2021

CHAPTER 24

NONPROFIT CORPORATION FOR EDUCATIONAL FINANCIAL ASSISTANCE, SERVICES, AND RESEARCH

S.F. 261

AN ACT authorizing the college student aid commission to organize a nonprofit corporation.

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

Section 1. NEW SECTION. **261.8 Corporation for educational financial assistance, services, and research.**

1. *Nonprofit corporation for receiving and disbursing funds.* The commission may organize a nonprofit corporation under the provisions of chapter 504 that qualifies under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation for the purpose of receiving and disbursing moneys from public or private sources to be used to provide Iowans with educational financial assistance, services to increase access to and success in postsecondary education, and research. Unless otherwise provided in this section, the corporation is subject to the provisions of chapter 504.

2. *Incorporators.* The incorporators of the corporation organized pursuant to this section shall be the chairperson of the commission, the executive director of the commission, and a member of the commission selected by a majority vote of the commission.

3. *Board of directors.* The board of directors of the corporation organized pursuant to this section shall be the members of the commission appointed under section 261.1, subsection 2,

paragraphs “a”, “b”, and “d”, or their successors in office, and may include up to two additional members who shall be appointed by the commission and who shall have experience or legal and technical expertise relating to nonprofit organizations.

4. *Accepting grants in aid.* The corporation organized pursuant to this section may accept grants of money or property from the federal government or private sources and may upon its own order use its money, property, or other resources for the purposes set forth in subsection 1.

5. *Open meetings and open records.* The corporation is subject to chapters 21 and 22 as if the corporation were a governmental body.

6. *Status.* The corporation shall collaborate with the commission for the purposes specified in this section, but the corporation shall not be considered, in whole or in part, an agency, department, or administrative unit of the state. The corporation shall not receive appropriations from the general assembly. Except as provided in subsection 5, the corporation shall not be required to comply with any requirements that apply to a state agency, department, or administrative unit and shall not exercise any sovereign power of the state. The commission shall enter into an agreement under chapter 28E with the corporation to stipulate the powers and responsibilities of the corporation and the commission for purposes of this section. The corporation may enter into agreements with other entities as necessary to fulfill the provisions of this section.

7. *No state liability.* The corporation does not have authority to pledge the credit of the state, and the state shall not be liable for the debts or obligations of the corporation. All debts and obligations of the corporation shall be payable solely from the corporation’s funds.

8. *Tax deductible.* The corporation shall be established so that donations and bequests to the corporation qualify as tax deductible under state income tax laws and under section 501(c)(3) of the Internal Revenue Code.

9. *Staffing and administrative support.* The commission shall provide staff assistance and administrative support to the corporation.

10. *Report.* The corporation shall submit by January 15 annually a written report of its activities and operations to the governor, the general assembly, and the commission.

Approved March 22, 2021

CHAPTER 25

POWERS, DUTIES, AND ORGANIZATION OF SCHOOL CORPORATIONS — IOWA ASSOCIATION OF SCHOOL BOARDS DUES REPORTING

S.F. 289

AN ACT relating to the powers and duties of the boards of directors of area education agencies, school districts, and school corporations, and to the election of a director as school board president.

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

Section 1. Section 273.2, subsection 2, Code 2021, is amended to read as follows:

2. An area education agency established under this chapter is a body politic as a school corporation for the purpose of exercising powers granted under this chapter, and may sue and be sued. An area education agency may hold property and execute purchase agreements within two years of a disaster as defined in section 29C.2, subsection 4, and lease-purchase agreements pursuant to section 273.3, subsection 7, and if the lease-purchase agreement exceeds ten years or the purchase price of the property to be acquired pursuant to a purchase or lease-purchase agreement exceeds ~~twenty-five thousand dollars~~ the amount stated in section 26.3, subsection 1, the area education agency shall conduct a public hearing

on the proposed purchase or lease-purchase agreement and receive approval from the area education agency board of directors and the state board of education or its designee before entering into the agreement.

Sec. 2. Section 273.3, subsections 7 and 12, Code 2021, are amended to read as follows:

7. Be authorized to lease, purchase, or lease-purchase, subject to the approval of the state board of education or its designee and to receive by gift and operate and maintain facilities and buildings necessary to provide authorized programs and services. However, a lease for less than ten years and with an annual cost of less than ~~twenty-five thousand dollars~~ the amount stated in section 26.3, subsection 1, does not require the approval of the state board. The state board shall not approve a lease, purchase, or lease-purchase until the state board is satisfied by investigation that public school corporations within the area do not have suitable facilities available. A purchase of property that is not a lease-purchase may be made only within two years of a disaster as defined in section 29C.2, subsection 4, and subject to the requirements of this subsection.

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 through 273.8, and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall give post notice of a public hearing on the proposed budget on the area education agency's internet site and by publication in ~~an official county newspaper in each county of general circulation~~ 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. 3. Section 279.1, subsection 2, Code 2021, is amended to read as follows:

2. Such organization shall be effected by the election of a president from the members of the board to serve for one year, and who shall be entitled to vote as a member. During nonelection years, the president shall be elected to serve for one year at a regular meeting held not less than one year, nor more than thirteen months, after the prior organizational meeting.

Sec. 4. Section 279.33, subsection 2, Code 2021, is amended by striking the subsection.

Sec. 5. Section 279.38, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Boards of directors of school corporations may pay, out of funds available to them, reasonable annual dues to the Iowa association of school boards. Each board that pays membership dues to the Iowa association of school boards shall annually report to the local community ~~and to the department of education~~ the amount the board pays in annual dues to the Iowa association of school boards, the amount of any fees paid and revenue or dividend payments received for services the board receives from the association or from any of the association's affiliated for-profit entities, and the products or services the school district received inclusive with membership in the association.

2. The financial condition and transactions of the Iowa association of school boards shall be audited as provided in section 11.6. In addition, annually the Iowa association of school boards shall publish and submit to the department of education a listing of the school districts and the annual dues paid by each, the total revenue the association receives from each school district resulting from the payment of membership fees and the sale of products and services to the school district by the association or its affiliated for-profit entities, and shall publish an accounting of all moneys expended for expenses incurred by

and salaries paid to legislative representatives and lobbyists of the association. In addition, the association shall submit to the general assembly copies of all reports the association provides to the United States department of education relating to federal grants and grant amounts that the association or its affiliated for-profit entities administer or distribute to school districts. The Iowa association of school boards is subject to chapters 21 and 22 relating to open meetings and public records.

Sec. 6. Section 279.41, Code 2021, is amended to read as follows:

279.41 Schoolhouses and sites sold — funds.

1. Moneys received from the condemnation, sale, or other disposition for public purposes of schoolhouses, school sites, or both schoolhouses and school sites, shall be deposited in the physical plant and equipment levy fund and may without a vote of the electorate be used for purposes authorized under section 298.3, as ordered by the board of directors of the school district corporation.

2. Notwithstanding subsection 1, the board of directors of a school corporation may take action to deposit moneys received as provided in subsection 1 in any account maintained by the school corporation after holding a public hearing on the proposed action of the board. The board shall publish notice of the time and place of the public hearing in the same manner as required in section 24.9.

Sec. 7. Section 279.48, subsection 3, Code 2021, is amended by striking the subsection.

Sec. 8. Section 279.60, subsection 2, Code 2021, is amended to read as follows:

2. The school district shall also collect information from each parent, guardian, or legal custodian of a kindergarten student enrolled in the district, ~~including but not limited to on whether the student attended preschool, factors identified by the early childhood Iowa office pursuant to section 256I.5, and other demographic factors.~~ Each school district shall report ~~the results of the community strategies employed during the prior school year pursuant to section 279.68, subsection 3, paragraph “a”, the assessment administered pursuant to subsection 1, and the preschool information collected to the department of education in the manner prescribed by the department not later than January 1 of that school year.~~ The early childhood Iowa office in the department of management shall have access to the raw data. The department shall review the information submitted pursuant to this section and shall submit its findings and recommendations annually in a report to the governor, the general assembly, the early childhood Iowa state board, and the early childhood Iowa area boards.

Sec. 9. Section 297.22, subsection 1, paragraphs b, c, and d, Code 2021, are amended to read as follows:

b. (1) Proceeds from the sale or disposition of real or other property shall be deposited into the fund which was used to account for the acquisition of the property. If the district is unable to determine which fund was used to account for the acquisition of the property or if the fund no longer exists in the district, the proceeds from the sale or disposition of real property shall be placed in the physical plant and equipment levy fund, and the proceeds from the sale or disposition of property other than real property shall be placed in the general fund. Proceeds from the lease of real or other property shall be placed in the general fund.

(2) Notwithstanding subparagraph (1), the board of directors of a school district may take action to deposit the proceeds from the sale or disposition of real or other property in any account maintained by the school district after holding a public hearing on the proposed action of the board. The board shall publish notice of the time and place of the public hearing in the same manner as required in section 24.9.

c. Before the board of directors may sell, lease for a period in excess of one year, or dispose of any property belonging to the school, the board shall hold a public hearing on the proposal. The board shall set forth its proposal in a resolution and shall publish notice of the time and the place of the public hearing on the resolution. The notice shall also describe the property. A locally known address for real property may be substituted for a legal description of real property contained in the resolution. ~~Notice~~ The board shall publish notice of the time and place of the public hearing ~~shall be published at least once not less than ten days but not more than twenty days prior to the date of the hearing in a newspaper of general circulation in the~~

~~district in the same manner as required in section 24.9. After the public hearing, the board may make a final determination on the proposal contained in the resolution.~~

~~d. However, property having a value of not more than five twenty-five thousand dollars, other than real property, may be sold or disposed of by any procedure which is adopted by the board. Each such sale or disposal shall be published by ~~at least one insertion each week for two consecutive weeks~~ in a newspaper having general circulation in the district and ~~any other disposition shall be published by at least one insertion in a newspaper having general circulation in the district.~~~~

Sec. 10. REPEAL. Section 279.44, Code 2021, is repealed.

Approved March 22, 2021

CHAPTER 26

EXAMINATION AND TRANSPORTATION OF DEAD BODIES

S.F. 307

AN ACT relating to the examination and transportation of dead bodies, including associated fees and costs.

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

Section 1. Section 331.802, subsection 1, Code 2021, is amended to read as follows:

1. A person's death ~~which that~~ affects the public interest as specified in subsection 3 shall be reported to the county medical examiner or the state medical examiner by the physician in attendance, any law enforcement officer having knowledge of the death, the ~~embalmer~~ funeral director, or any other person present. The appropriate medical examiner shall notify the city or state law enforcement agency or sheriff and take charge of the body.

Sec. 2. Section 331.802, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. If a person's death affects the public interest as specified in subsection 3, the county medical examiner shall conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, promptly submit the full report to the state medical examiner on forms prescribed for that purpose, and submit a copy of the report to the county attorney.

Sec. 3. Section 331.802, subsection 4, Code 2021, is amended to read as follows:

4. a. The county medical examiner shall conduct the investigation in the manner required by the state medical examiner and shall determine whether the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in subsection 3, paragraph "j", the county medical examiner shall order an autopsy, claims for the payment of which shall be filed with the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated. In determining the need for an autopsy, the county medical examiner may consider the request for an autopsy from a public official or private person, but the state medical examiner or the county attorney of the county where the death occurred may require an autopsy except as provided in paragraph "b".

b. If after the county medical examiner's or state medical examiner's investigation of a deceased child the medical examiner determines that the deceased child's cause and manner of death are obvious and there are no significant legal, medical, or investigative concerns by the medical examiner, social services, or law enforcement, an autopsy shall not be required under paragraph "a".

c. The county medical examiner may refer a body for autopsy or further investigation pursuant to paragraph “a” to any facility accredited by the national association of medical examiners. The county shall pay to the receiving facility a fee equal to an autopsy fee established by the office of the state medical examiner by rule.

Sec. 4. Section 331.802, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 9. If an autopsy is ordered under this section, the county shall reimburse the funeral director for all costs associated with the transportation of the body to and from the facility performing the autopsy at a rate equivalent to the rate of reimbursement allowed under the standard mileage rate method for computation of business expenses pursuant to the Internal Revenue Code at the time the transportation occurs.¹

Sec. 5. Section 331.805, subsection 2, Code 2021, is amended to read as follows:
2. It is unlawful to embalm a body when the ~~embalmer~~ funeral director has reason to believe death occurred in a manner specified in section 331.802, subsection 3, when there is evidence sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, or where it is the duty of a medical examiner to view the body and investigate the death of the deceased person, until the permission of a county medical examiner has been obtained. When feasible, the body shall be released to the funeral director for embalming within twenty-four hours of death.

Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved March 22, 2021

CHAPTER 27

DRAINAGE AND LEVEE DISTRICTS — NOTICES — REPORTS ON REPAIRS

S.F. 353

AN ACT relating to drainage and levee districts, by providing for notices to interested persons including landowners in the district, and for repairs that require a report by an engineer or soil and water conservation district conservationist.

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

Section 1. NEW SECTION. 468.17A **Unofficial notice by electronic mail.**

A person entitled to receive a notice pursuant to section 468.14, 468.16, or 468.17, or a person entitled to receive a notice under another provision of this chapter by the postal service or personal service, may request that the board responsible for providing such notice to the person also send an unofficial version of the notice to the person's electronic mail address. The board may retain the electronic mail addresses of private persons for the purpose of sending those persons electronic mail under this section or any other correspondence if the person consents to receiving that correspondence by electronic mail. The electronic mail addresses retained by the board are confidential records under section 22.7. A person is not required to file an electronic mail address with a board and may demand that the person's electronic mail address be removed from the record used to send notices and other correspondence to persons as described in this section. The failure to notify a person as required in this section is not a basis to challenge the validity of the purpose of the notice including a hearing or a board action.

¹ See chapter 174, §45 herein

Sec. 2. Section 468.45, Code 2021, is amended to read as follows:

468.45 Notice of hearing.

1. The board shall fix a time for a hearing upon the report of the commissioners, and the auditor shall cause notice to be served upon each person whose name appears as owner, naming the person, and also upon the person or persons in actual occupancy of any tract of land without naming the person or persons, of the day and hour of such hearing, ~~which~~.

2. ~~The~~ notice shall be for the same time and served in the same manner as is provided for the establishment of a levee or drainage or levee district, ~~and including as provided in sections 468.14 through 468.18, and shall state~~ include all of the following:

a. ~~A statement of the amount of the assessment of costs and expenses of construction apportioned to each owner upon each forty-acre tract or less, and that. However, the statement is not required to be published as required in section 468.15 if it is posted in the office of the county auditor and on the county's internet site. The county auditor shall provide a copy of the statement upon request.~~

b. ~~A statement that all objections thereto to the report~~ must be in writing and filed with the auditor at or before the time set for such the hearing.

Sec. 3. Section 468.126, subsection 1, paragraph d, Code 2021, is amended to read as follows:

d. ~~If a hearing is required under~~ Notwithstanding paragraph "e" "b", if the estimated cost of the repair exceeds fifty thousand dollars or the adjusted competitive bid threshold, whichever is more, the board shall order an engineer's report or a report from the soil and water conservation district conservationist regarding the matter ~~to~~ which shall be presented at the hearing provided in paragraph "c". The board may waive the report requirement if a prior report on the repair exists and that report is less than ten years old. At the hearing, the board shall hear objections to the feasibility of making the proposed repair.

Approved March 22, 2021

CHAPTER 28

APPLICATION OF PESTICIDES — RESTRICTIONS — PRIVATE APPLICATOR PEER REVIEW

S.F. 482

AN ACT regulating the application of pesticides, including by providing for the certification of applicators, and certain actions taken by the department of agriculture and land stewardship against private applicators, and providing penalties.

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

Section 1. Section 206.5, subsection 6, Code 2021, is amended to read as follows:

6. An employee of a food processing and distribution establishment is exempt from the certification requirements of this section provided that at least one person holding a supervisory position is certified and provided that the employer provides a program, approved by the department, for training, testing, and certification of personnel who apply, as an incidental part of their duties, any pesticide on property owned or rented by the employer. However, an employee exempt from the certification requirements of this section shall not apply restricted use pesticides. The secretary shall adopt rules to administer the provisions of this ~~paragraph~~ subsection.

Sec. 2. Section 206.19, subsection 5, Code 2021, is amended to read as follows:

5. a. Establish, assess, and collect civil penalties for ~~violations~~ a violation of a provision in this chapter or a rule adopted pursuant to this chapter by a commercial applicators applicator

or private applicator. In determining the amount of the a civil penalty to be assessed for a violation, the department shall consider all of the following factors:

- (1) The willfulness of the violation.
 - (2) The actual or potential danger of injury to the public health or safety, or damage to the environment caused by the violation.
 - (3) The actual or potential cost of the injury or damage caused by the violation to the public health or safety, or to the environment.
 - (4) The actual or potential cost incurred by the department in enforcing this chapter and rules adopted pursuant to this chapter against the violator.
 - (5) The remedial action required of the violator.
 - (6) The violator's previous history of complying with orders or decisions of the department.
- b. The amount of the civil penalty that may be assessed for each violation committed by a commercial applicator or private applicator shall not exceed five hundred dollars for each offense.

Sec. 3. NEW SECTION. 206.23B Private pesticide applicator peer review panel.

1. The department shall establish a private pesticide applicator peer review panel to assist the department in assessing or collecting a civil penalty pursuant to section 206.19. The secretary shall appoint five members, including three certified private applicators and two members of the public who have not been licensed or certified under this chapter. The appointments shall be made on a geographically balanced basis.

2. a. The members appointed pursuant to this section shall serve four-year terms beginning and ending as provided in section 69.19. However, the secretary shall appoint initial members to serve for less than four years to ensure that members serve staggered terms. A member is eligible for reappointment. A vacancy on the panel shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.

b. The panel shall elect a chairperson who shall serve for a term of one year. The panel shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of two or more members. Three voting members constitute a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the panel. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the panel.

c. Notwithstanding section 7E.6, the members shall only receive reimbursement for actual expenses for performance of their official duties, as provided by the department.

d. The panel shall be staffed by the department.

3. The panel shall make recommendations to the department regarding the establishment of civil penalties and procedures to assess and collect penalties, as provided in section 206.19. The panel may propose a schedule of penalties for minor and serious violations. The department may adopt rules based on the recommendations of the panel as approved by the secretary.

4. The panel shall review cases of persons required to be certified as private applicators who are subject to civil penalties as provided in section 206.19 according to rules adopted by the department. A review shall be performed upon request by the secretary or the person subject to the civil penalty. The panel may establish procedures for the review and establish a system of prioritizing cases for review, consistent with rules adopted by the department. The rules may exclude review of minor violations. The review may also include the manner of assessing and collecting the civil penalty. The findings and recommendations of the panel shall be included in a response delivered to the department and the person subject to the penalty. The response may include a recommendation that a proposed civil penalty be modified or suspended, that an alternative method of collection be instituted, or that conditions be placed upon the certification of a private applicator.

5. The department shall adopt rules establishing a period for the review and response by the panel which must be completed prior to a contested case hearing under chapter 17A. A hearing shall not be delayed after the required period for review and response, except as provided in chapter 17A.

6. This section does not apply to a certification revocation proceeding under section 206.11. This section does not require the department to delay the prosecution of a case if immediate action is necessary to reduce the risk of harm to the environment or public health or safety. This section also does not require a review or response if the department refers a violation of this chapter for criminal prosecution, or for an action involving a “stop sale, use, or removal” order issued pursuant to section 206.16. The department shall consider any available response by the panel, but is not required to change findings of an investigation, a penalty sought to be assessed, or a manner of collection.

7. An available response by the panel may be used as evidence in an administrative hearing, or a civil or criminal case, except to the extent that information is considered confidential including as provided in section 22.7.

Approved March 22, 2021

CHAPTER 29

WASTE TIRE COLLECTION, PROCESSING, AND TRANSPORT — FINANCIAL ASSURANCE AND SURETY BOND REQUIREMENTS

H.F. 560

AN ACT relating to financial assurance instruments and surety bonds required for collecting, processing, or transporting waste tires, and making penalties applicable.

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

Section 1. Section 455D.11A, subsection 5, Code 2021, is amended to read as follows:

5. ~~Financial assurance shall be provided in the amounts as follows:~~

~~a. For a waste tire collection or processing site, the financial assurance instrument for a waste tire collection site shall provide coverage in an amount which is equivalent to thirty-five cents per passenger tire equivalent collected by the site prior to July 1, 1998. The financial assurance instrument for a waste tire processing site shall provide coverage in an amount which is equivalent to thirty-five cents per passenger tire equivalent collected for processing by the site which is above the three-day processing supply of tires for the site as determined by the department.~~

~~b. For a waste tire collection or processing site, the~~ The financial assurance instrument for a waste tire collection site shall provide coverage in an amount which that is equivalent to eighty-five two dollars and fifty cents per passenger tire equivalent collected by the site on or after July 1, 1998, and the. The financial assurance instrument for a waste tire processing site shall provide coverage in an amount which that is equivalent to eighty-five two dollars and fifty cents per passenger tire equivalent collected for processing by the site which that is above the three-day processing supply of tires for the site as determined by the department.

Sec. 2. Section 455D.11I, subsection 6, Code 2021, is amended to read as follows:

6. The department shall require that a waste tire hauler have on file with the department before the issuance or renewal of a registration certificate, a surety bond executed by a surety company authorized to do business in this state in the sum of a minimum of ~~ten one hundred fifty~~ eighty-five thousand dollars, which bond shall be continuous in nature until canceled by the surety. A surety shall provide at least thirty days’ notice in writing to the waste tire hauler and to the department indicating the surety’s intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon the waste tire hauler’s willingness to comply with this section. The surety’s liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from a waste tire hauler to the amount of the surety bond.

The bond shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state.

Approved March 22, 2021

CHAPTER 30

WRECKED OR SALVAGE VEHICLES

S.F. 230

AN ACT relating to wrecked or salvage motor vehicles.

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

Section 1. Section 321.52, subsection 4, paragraph e, Code 2021, is amended to read as follows:

e. For purposes of this subsection, “*wrecked or salvage vehicle*” means a damaged motor vehicle subject to registration for which the cost of repair exceeds ~~fifty~~ seventy percent of the fair market value of the vehicle, as determined in accordance with rules adopted by the department, before it the vehicle became damaged.

Sec. 2. Section 321H.2, subsection 12, Code 2021, is amended to read as follows:

12. “*Wrecked or salvage vehicle*” means a damaged vehicle for which the cost of repair exceeds ~~fifty~~ seventy percent of the fair market value of the vehicle before it the vehicle became damaged.

Approved April 2, 2021

CHAPTER 31

RENEWAL OF COMMERCIAL DRIVER’S LICENSES WITHOUT EXAMINATION

H.F. 280

AN ACT authorizing the department of transportation to renew certain valid commercial driver’s licenses without examination, including by electronic renewal, and including effective date provisions.

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

Section 1. Section 321.188, subsection 1, paragraph d, Code 2021, is amended to read as follows:

d. Successfully pass knowledge tests and driving skills tests, provide self-certification of type of driving, provide a medical examiner’s certificate prepared by a medical examiner, as defined in 49 C.F.R. §390.5, and provide all other required information, proofs, and certificates, as required by rule by the department. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as adopted by rule by the department. Except as required under subsection 3 or 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver’s license is renewable without a knowledge test or driving skills test within one year after its expiration date.

Sec. 2. Section 321.196, subsection 4, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~The~~ Except as required in section 321.180 or 321.188, the department in its discretion may authorize the renewal of a valid driver's license ~~other than a commercial driver's license or commercial learner's permit~~ upon application without an examination provided that the applicant meets one of the following conditions:

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

Approved April 2, 2021

CHAPTER 32

SPECIAL PERMITS FOR TRANSPORT OF RELIEF SUPPLIES EXCEEDING WEIGHT LIMITS DURING NATIONAL EMERGENCIES

H.F. 382

AN ACT authorizing the department of transportation to issue special permits allowing the transportation of loads of relief supplies that exceed statutory weight limits during periods of national emergency.

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

Section 1. **NEW SECTION. 321E.29B Special permits — relief supplies during periods of national emergency.**

1. During an emergency, the department may issue special permits pursuant to 23 U.S.C. §127(i) authorizing the transportation of divisible loads of relief supplies that exceed the weight limits established under section 321.463 on the interstate highway system if the president of the United States has declared the emergency to be a major disaster 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.

2. The department shall only issue special permits under this section exclusively for vehicles and loads that are delivering relief supplies.

3. The department may issue a special permit under this section to a commercial motor carrier that covers all vehicles operated under the commercial motor carrier's interstate or intrastate motor carrier number, as those terms are defined in section 325A.1, provided all vehicles operating under the permit comply with subsection 2.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

Approved April 2, 2021

CHAPTER 33**CHAUFFEURS — LICENSING — EXEMPTIONS***H.F. 389*

AN ACT relating to chauffeurs and exempting certain persons from the requirement to be licensed as a chauffeur.

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

Section 1. Section 321.1, subsection 8, unnumbered paragraph 1, Code 2021, is amended to read as follows:

“*Chauffeur*” means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire, ~~or a person who operates a truck tractor, road tractor, or a motor truck which has a gross vehicle weight rating exceeding sixteen thousand pounds.~~

Sec. 2. Section 321.1, subsection 8, paragraph b, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A fire fighter is not a chauffeur when operating a fire apparatus.

Sec. 3. Section 321.1, subsection 8, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. An ambulance or rescue squad attendant is not a chauffeur when operating an ambulance or rescue squad apparatus.

Approved April 2, 2021

CHAPTER 34**ACTIONS AGAINST FIREARM, FIREARM ACCESSORY, AND AMMUNITION MANUFACTURERS, DISTRIBUTORS, IMPORTERS, TRADE ASSOCIATIONS, SELLERS, OR DEALERS***H.F. 621*

AN ACT establishing which actions may be brought against firearm, firearm accessory, and ammunition manufacturers, distributors, importers, trade associations, sellers, or dealers.

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

Section 1. NEW SECTION. **683.1 Prohibition of certain actions resulting from the criminal or unlawful use of a firearm, firearm accessory, or ammunition by a third party — definitions.**

1. As used in this chapter, unless the context otherwise requires:

a. “*Ammunition*” means any projectile capable of being expelled or propelled from any firearm by the action of a propellant, any cartridge or shotshell designed for the purpose of expelling such a projectile from a firearm, and any component parts thereof.

b. “*Firearm*” means any weapon that is capable of expelling, designed to expel, or that may readily be converted to expel ammunition.

2. A person shall not bring or maintain an action against a firearm, firearm accessory, or ammunition manufacturer, importer, distributor, trade association, seller, or dealer for any of the following:

a. Recovery of damages resulting from, or injunctive relief or abatement of a nuisance, statutory or in common law, relating to the lawful design, manufacture, marketing, or sale of a firearm, firearm accessory, or ammunition.

b. Recovery of damages resulting from the criminal or unlawful use of a firearm, firearm accessory, or ammunition by a third party. All defenses provided for in section 668.12 shall apply to actions under this section.

Sec. 2. NEW SECTION. 683.2 Fees and costs awarded for prohibited actions.

If a court finds that a party has brought an action under a theory of recovery described in section 683.1, subsection 2, the finding constitutes conclusive evidence that the action is groundless, and the court shall dismiss the claim or action and award to the defendant any reasonable attorney fee and costs incurred in defending the claim or action.

Sec. 3. NEW SECTION. 683.3 Allowable actions.

This chapter shall not be construed to prohibit a person from bringing or maintaining an action against a firearm, firearm accessory, or ammunition manufacturer, importer, distributor, trade association, seller, or dealer for recovery of damages for any of the following:

1. Breach of contract or warranty concerning firearms, firearms accessories, or ammunition purchased by a person.

2. Damage or harm to a person or to property owned or leased by a person caused by a defective firearm, firearm accessory, or ammunition.

3. Injunctive relief to enforce a valid statute, rule, or ordinance. However, a person shall not bring an action seeking injunctive relief if that action is barred under section 683.1, subsection 2.

Approved April 2, 2021

CHAPTER 35

ACQUISITION AND POSSESSION OF WEAPONS

H.F. 756

AN ACT relating to the acquisition and possession of weapons and providing penalties.

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

DIVISION I

ACQUIRING PISTOLS AND REVOLVERS

Section 1. Section 724.11A, Code 2021, is amended to read as follows:

724.11A Recognition.

A valid permit or license issued by another state to any nonresident of this state shall be considered to be a valid permit or license to carry weapons issued pursuant to this chapter, except that such permit or license shall not be ~~considered to be a substitute for a permit to acquire pistols or revolvers issued pursuant to section 724.15~~ deemed to satisfy the requirements of section 724.15.

Sec. 2. Section 724.15, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

724.15 Acquiring pistols or revolvers.

1. It is the intent of this section to satisfy federal requirements of 18 U.S.C. §922(t)(3) in order to acquire pistols or revolvers. In order to acquire a pistol or revolver from a federally licensed firearms dealer, an unlicensed person is required to have a valid permit to acquire

or a valid permit to carry weapons issued in accordance with this chapter or the person must complete a satisfactory national instant criminal background check pursuant to 18 U.S.C. §922(t).

2. A person shall not acquire a pistol or revolver if the person is any of the following:

a. Under twenty-one years of age except for those persons included in section 724.22, subsection 4, who acquire a pistol or revolver when the person's duty so requires.

b. Prohibited by section 724.26 or federal law from possessing, shipping, transporting, or receiving a firearm.

c. Prohibited by court order from possessing, shipping, transporting, or receiving a firearm.

d. Ineligible to possess dangerous weapons pursuant to section 724.8B.

e. Intoxicated as provided under the conditions set out in section 321J.2, subsection 1.

3. An issuing officer who finds that a person issued a permit to acquire pistols or revolvers under this chapter has been arrested for a disqualifying offense or who is the subject of proceedings that could lead to the person's ineligibility for such permit, may immediately suspend such permit. An issuing officer proceeding under this subsection shall immediately notify the permit holder of the suspension by personal service or certified mail on a form prescribed and published by the commissioner of public safety and the suspension shall become effective upon the permit holder's receipt of such notice. If the suspension is based on an arrest or a proceeding that does not result in a disqualifying conviction or finding against the permit holder, the issuing officer shall immediately reinstate the permit upon receipt of proof of the matter's final disposition. If the arrest leads to a disqualifying conviction or the proceedings to a disqualifying finding, the issuing officer shall revoke the permit. The issuing officer may also revoke the permit of a person whom the issuing officer later finds was not qualified for such a permit at the time of issuance or whom the officer finds provided materially false information on the permit application. A person aggrieved by a suspension or revocation under this subsection may seek review of the decision pursuant to section 724.21A.¹

Sec. 3. Section 724.16, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

724.16 Prohibited transfers of firearms.

1. A person shall not transfer a firearm to another person if the person knows or reasonably should know that the other person is ineligible to possess dangerous weapons pursuant to section 724.8B, is intoxicated as provided under the conditions set out in section 321J.2, subsection 1, or is prohibited from receiving or possessing a firearm under section 724.26 or federal law.

2. A person shall not loan or rent a firearm to another person for temporary use during lawful activities if the person knows or reasonably should know that the other person is ineligible to possess dangerous weapons pursuant to section 724.8B, is intoxicated as provided under the conditions set out in section 321J.2, subsection 1, or is prohibited from receiving or possessing a firearm under section 724.26 or federal law.

3. A person who transfers, loans, or rents a firearm in violation of this section commits a class "D" felony.

Sec. 4. Section 724.27, Code 2021, is amended to read as follows:

724.27 Offenders' rights restored.

1. The provisions of section 724.8, section 724.15, subsection 1 ~~2~~, and section 724.26 shall not apply to a person who is eligible to have the person's civil rights regarding firearms restored ~~under section 914.7~~ if any of the following occur:

a. The person is pardoned by the President of the United States or the chief executive of a state for a disqualifying conviction.

b. The person's civil rights have been restored after a disqualifying conviction, commitment, or adjudication.

c. The person's conviction for a disqualifying offense has been expunged.

¹ See chapter 174, §29 herein

2. Subsection 1 shall not apply to a person whose pardon, restoration of civil rights, or expungement of conviction expressly forbids the person to receive, transport, or possess firearms or destructive devices and a person not eligible to have the person's civil rights restored under section 914.7.

Sec. 5. NEW SECTION. 724.31A Identifying information — background checks.

1. When a court issues an order or judgment by which a person is prohibited from acquiring a pistol or revolver under section 724.15, subsection 2, paragraph “d”, the clerk of the district court shall forward only such information as is necessary to identify the person to the department of public safety, which in turn shall forward the information to the federal bureau of investigation or its successor agency for the sole purpose of inclusion in the national instant criminal background check system database. The clerk of the district court shall also notify the person of the prohibitions imposed under this section.

2. The department of public safety shall, as soon as is practicable after receiving a written request from the person prohibited from acquiring a pistol or revolver under section 724.15, subsection 2, paragraph “d”, update, correct, modify, or remove the person's record in any database that the department of public safety makes available to the national instant criminal background check system and shall notify the United States department of justice that the basis for such record being made available no longer applies.

DIVISION II

CARRYING AND POSSESSING WEAPONS — SCHOOL GROUNDS — EMERGENCY
MEDICAL CARE PROVIDERS

Sec. 6. Section 8A.322, subsection 3, Code 2021, is amended to read as follows:

3. The director shall establish, publish, and enforce rules regulating and restricting the use by the public of the capitol buildings and grounds and of the state laboratories facility in Ankeny. The rules when established shall be posted in conspicuous places about the capitol buildings and grounds and the state laboratories facility, as applicable. Any person violating any rule, except a parking regulation, shall be guilty of a simple misdemeanor. The rules shall prohibit a person, other than a peace officer, from openly carrying a pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages. However, this subsection shall not be construed to allow the director to prohibit the lawful carrying, transportation, or possession of any pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages by a any person who displays to capitol security personnel a valid permit to carry weapons upon request regardless of whether the person has a valid permit to carry weapons.

Sec. 7. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2021, is amended to read as follows:

(viii) Section 724.4, if the child used the dangerous weapon in the commission of a crime.

Sec. 8. Section 724.2A, Code 2021, is amended to read as follows:

724.2A Peace officer — defined — reserved peace officer included.

As used in sections 724.4, 724.4B, 724.6, and 724.11, “*peace officer*” includes a reserve peace officer as defined in section 80D.1A.

Sec. 9. Section 724.4, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

724.4 Use of a dangerous weapon in the commission of a crime.

A person who goes armed with a dangerous weapon on or about the person, and who uses the dangerous weapon in the commission of a crime, commits an aggravated misdemeanor, except as provided in section 708.8.

Sec. 10. Section 724.4B, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

724.4B Carrying firearms on school grounds — penalty — exceptions.

1. A person who goes armed with, carries, or transports a firearm of any kind, whether concealed or not, on the grounds of a school commits a class “D” felony. For the purposes of this section, “school” means a public or nonpublic school as defined in section 280.2.

2. Subsection 1 does not apply to the following:

a. A person who has been specifically authorized by the school to go armed with, carry, or transport a firearm on the school grounds for any lawful purpose.

b. A peace officer including a peace officer who has not been certified and a federal officer when the officer’s employment requires going armed, whether or not the peace officer or federal officer is acting in the performance of official duties.

c. A member of the armed forces of the United States or of the national guard or person in the service of the United States, when the firearm is carried in connection with the person’s duties as such.

d. A correctional officer, when the officer’s duties require the officer to carry a firearm, serving under the authority of the Iowa department of corrections.

e. A person who for any lawful purpose carries an unloaded pistol, revolver, or other firearm inside a closed and fastened container or securely wrapped package that is too large to be concealed on the person.

f. A person who for any lawful purpose carries or transports an unloaded pistol, revolver, or other firearm in a vehicle or common carrier inside a closed and fastened container or securely wrapped package that is too large to be concealed on the person or carries or transports an unloaded pistol, revolver, or other firearm inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

g. A law enforcement officer from another state when the officer’s duties require the officer to carry a firearm and the officer is in this state for any of the following reasons:

(1) The extradition or other lawful removal of a prisoner from this state.

(2) Pursuit of a suspect in compliance with chapter 806.

(3) Activities in the capacity of a law enforcement officer with the knowledge and consent of the chief of police of the city or the sheriff of the county in which the activities occur or of the commissioner of public safety.

h. A licensee under chapter 80A or an employee of such a licensee, while the licensee or employee is engaged in the performance of duties, and if the licensee or employee possesses a valid professional or nonprofessional permit to carry weapons issued pursuant to this chapter.

Sec. 11. NEW SECTION. 724.4D Carrying of dangerous weapons — duty to cooperate — reasonable suspicion.

A person carrying a dangerous weapon whose behavior creates a reasonable suspicion that the person presents a danger to the person’s self or others shall cooperate with an investigating officer.

Sec. 12. NEW SECTION. 724.4E Possession of dangerous weapons and loaded firearms by minors.

1. A minor who goes armed with a dangerous weapon concealed on or about the person commits a serious misdemeanor.

2. A minor who carries, transports, or possesses a loaded firearm of any kind within the limits of a city or knowingly carries or transports a pistol or revolver in a vehicle commits a serious misdemeanor.

3. A minor who goes armed with a dangerous weapon that directs an electric current impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, whether concealed or not, commits a simple misdemeanor.

Sec. 13. Section 724.5, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

724.5 Availability of permit not to be construed as prohibition on unlicensed carrying of weapons.

The availability of a professional or nonprofessional permit to carry weapons under this chapter shall not be construed to impose a general prohibition on the otherwise lawful

unlicensed carrying or transport, whether openly or concealed, of a dangerous weapon, including a loaded firearm.

Sec. 14. Section 724.6, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. (1) A person may be issued a permit to carry weapons when the person's employment in a private investigation business or private security business licensed under chapter 80A, or a person's employment as a peace officer, correctional officer, security guard, bank messenger or other person transporting property of a value requiring security, or in police work, reasonably justifies that person going armed.

(2) A person may be issued a permit to carry weapons if the person is an emergency medical care provider who is designated and attached to a law enforcement tactical team by the authorities having jurisdiction. A person issued a permit to carry weapons under this paragraph shall train with the law enforcement tactical team the person is designated and attached to, complete a prescribed firearm safety training course offered pursuant to section 724.9, subsection 1, paragraph "e", complete any additional training as prescribed by the authorities having jurisdiction, and not be disqualified under section 724.8.

Sec. 15. Section 724.6, subsection 2, Code 2021, is amended to read as follows:

2. Notwithstanding subsection 1, fire fighters, as defined in section 411.1, subsection 10, airport fire fighters included under section 97B.49B, and emergency medical care providers, ~~as defined in section 147A.1~~ other than emergency medical care providers specified in subsection 1, paragraph "a", subparagraph (2), shall not, as a condition of employment, be required to obtain a permit under this section. However, the provisions of this subsection shall not apply to a person designated as an arson investigator by the chief fire officer of a political subdivision.

Sec. 16. Section 724.6, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For purposes of this section, "*emergency medical care provider*" means the same as defined in section 147A.1.

Sec. 17. NEW SECTION. 724.8B Persons ineligible to carry dangerous weapons.

A person determined to be ineligible to receive a permit to carry weapons under section 724.8, subsection 2, 3, 4, 5, or 6, a person who illegally possesses a controlled substance included in chapter 124, subchapter II, or a person who is committing an indictable offense is prohibited from carrying dangerous weapons. Unless otherwise provided by law, a person who violates this section commits a serious misdemeanor.

Sec. 18. Section 724.31, subsection 1, Code 2021, is amended to read as follows:

1. When a court issues an order or judgment under the laws of this state by which a person becomes subject to the provisions of 18 U.S.C. §922(d)(4) and (g)(4), the clerk of the district court shall forward only such information as is necessary to identify the person to the department of public safety, which in turn shall enter the information on the Iowa on-line warrants and articles criminal justice information network and forward the information to the federal bureau of investigation or its successor agency for the sole purpose of inclusion in the national instant criminal background check system database. The clerk of the district court shall also notify the person of the prohibitions imposed under 18 U.S.C. §922(d)(4) and (g)(4).

DIVISION III HANDGUN SAFETY TRAINING

Sec. 19. Section 724.9, subsection 1, paragraphs a and b, Code 2021, are amended to read as follows:

a. Completion of any national rifle association handgun safety training course or a handgun safety training course offered by an instructor certified by an organization approved by the department of public safety pursuant to section 724.9A.

b. Completion of any handgun safety training course available to the general public offered by a law enforcement agency, community college, college, private or public institution or organization, or firearms training school, utilizing instructors certified by the national rifle association or an organization approved by the department of public safety pursuant to section 724.9A or another state's department of public safety, state police department, or similar certifying body.

Sec. 20. NEW SECTION. 724.9A Approval of organizations that may certify handgun safety training instructors.

The department of public safety shall adopt rules to approve organizations that may certify individuals as handgun safety training instructors eligible to offer a handgun safety training course under section 724.9, subsection 1, paragraphs "a" and "b".

DIVISION IV
FIREARM REGULATION BY POLITICAL SUBDIVISIONS

Sec. 21. Section 724.28, subsections 2 and 3, Code 2021, 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, carrying, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearms attachments, or other weapons when the ownership, possession, carrying, transfer, 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, 2020, adopts, makes, enacts, or amends any ordinance, measure, enactment, rule, resolution, motion, or policy regulating the ownership, possession, carrying, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearms attachments, or other weapons when the ownership, possession, carrying, transfer, transportation, modification, registration, or 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 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.

DIVISION V
POSSESSION AND STORAGE OF A FIREARM BY A TENANT

Sec. 22. Section 562A.11, Code 2021, is amended to read as follows:

562A.11 Prohibited provisions in rental agreements.

1. A rental agreement shall not provide that the tenant or landlord does any of the following:

a. Agrees to waive or to forego rights or remedies under this chapter provided that this restriction shall not apply to rental agreements covering single family residences on land assessed as agricultural land and located in an unincorporated area;

b. Authorizes a person to confess judgment on a claim arising out of the rental agreement;

c. Agrees to pay the other party's attorney fees; ~~or~~.

d. Agrees to the exculpation or limitation of any liability of the other party arising under law or to indemnify the other party for that liability or the associated costs connected therewith.

1A. If the landlord receives rental assistance payments under a rental assistance agreement administered by the United States department of agriculture under the multifamily housing rental assistance program under Tit. V of the federal Housing Act of 1949, Pub. L. No. 81-171, or receives housing assistance payments under a housing assistance payment contract administered by the United States department of housing and urban development under the housing choice voucher program, the new construction program, the substantial rehabilitation program, or the moderate rehabilitation program under section 8 of the United States Housing Act of 1937, Pub. L. No. 75-412, a rental agreement shall not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy,

to a prohibition or restriction on the lawful ownership, use, or possession of a firearm, a firearm component, or ammunition within the tenant's specific rental unit. A landlord may impose reasonable restrictions related to the possession, use, or transportation of a firearm, a firearm component, or ammunition within common areas as long as those restrictions do not circumvent the purpose of this subsection. A tenant shall exercise reasonable care in the storage of a firearm, a firearm component, or ammunition. This subsection does not apply to any prohibition or restriction that is required by federal or state law, rule, or regulation.

2. A provision prohibited by ~~subsection 1~~ this section included in a rental agreement is unenforceable. If a landlord willfully uses a rental agreement containing provisions known by the landlord to be prohibited, a tenant may recover actual damages sustained by the tenant and not more than three months' periodic rent and reasonable attorney fees.

Sec. 23. Section 562A.16, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Except in cases of willful, reckless, or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage, or other damages resulting from or arising out of an occurrence involving a firearm, a firearm component, or ammunition that the landlord is required to allow on the property under section 562A.11.

Sec. 24. Section 562A.27A, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. Illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm. The mere possession or storage of a firearm by a tenant in the dwelling unit that the tenant rents does not constitute a clear and present danger.

Sec. 25. Section 562B.11, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If the landlord receives rental assistance payments under a rental assistance agreement administered by the United States department of agriculture under the multifamily housing rental assistance program under Tit. V of the federal Housing Act of 1949, Pub. L. No. 81-171, or receives housing assistance payments under a housing assistance payment contract administered by the United States department of housing and urban development under the housing choice voucher program, the new construction program, the substantial rehabilitation program, or the moderate rehabilitation program under section 8 of the United States Housing Act of 1937, Pub. L. No. 75-412, a rental agreement shall not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy, to a prohibition or restriction on the lawful ownership, use, or possession of a firearm, a firearm component, or ammunition within the tenant's specific rental unit. A landlord may impose reasonable restrictions related to the possession, use, or transportation of a firearm, a firearm component, or ammunition within common areas as long as those restrictions do not circumvent the purpose of this subsection. A tenant shall exercise reasonable care in the storage of a firearm, a firearm component, or ammunition. This subsection does not apply to any prohibition or restriction that is required by federal or state law, rule, or regulation.

Sec. 26. Section 562B.11, subsection 2, Code 2021, is amended to read as follows:

2. A provision prohibited by ~~subsection 1~~ this section included in a rental agreement is unenforceable. If a landlord or tenant knowingly uses a rental agreement containing provisions known to be prohibited by this chapter, the other party may recover actual damages sustained.

Sec. 27. Section 562B.17, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Except in cases of willful, reckless, or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage, or other damages resulting from or arising out of an occurrence involving a firearm, a firearm component, or ammunition that the landlord is required to allow on the property under section 562B.11.

Sec. 28. Section 562B.25A, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. Illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm. The mere possession or storage of a firearm by a tenant in the tenant's dwelling unit does not constitute a clear and present danger.

Approved April 2, 2021

CHAPTER 36

CRIMINAL CODE — SEX ACT OR SEXUAL ACTIVITY DEFINITION

S.F. 172

AN ACT relating to the definition of sex act or sexual activity for purposes of the Iowa criminal code.

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

Section 1. Section 702.17, subsections 2 and 3, Code 2021, are amended to read as follows:

2. Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one person and the genitalia or anus of another person.

3. Contact between the ~~finger or hand~~ finger, hand, or other body part of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152.

Sec. 2. Section 702.17, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 6. The touching of a person's own genitals or anus with a finger, hand, artificial sexual organ or other similar device at the direction of another person.

Approved April 12, 2021

CHAPTER 37

SECOND DEGREE OR THIRD DEGREE SEXUAL ABUSE — AGE OF VICTIM — SEX OFFENDER REGISTRATION

S.F. 253

AN ACT relating to sexual abuse in the second degree and sexual abuse in the third degree.

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

Section 1. Section 692A.102, subsection 1, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 1, paragraph "b", subparagraph (1) ~~or (2)~~, if committed by a person under the age of fourteen.

Sec. 2. Section 692A.102, subsection 1, paragraph c, subparagraph (11), Code 2021, is amended to read as follows:

(11) Sexual abuse in the third degree in violation of section 709.4, subsection 1, paragraph "b", subparagraph (1) ~~or (2)~~, if committed by a person fourteen years of age or older.

Sec. 3. Section 709.3, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. The other person is ~~under the age of twelve~~ a child.

Sec. 4. Section 709.4, subsection 1, paragraph b, subparagraph (2), Code 2021, is amended to read as follows:

~~(2) The other person is twelve or thirteen years of age.~~

Approved April 12, 2021

CHAPTER 38

MOTOR VEHICLES — REGISTRATION PLATES AND CARDS, DEALER DOCUMENTARY FEES, AND VEHICLE FRANCHISE OBLIGATIONS

S.F. 444

AN ACT relating to motor vehicles, including the surrender or transfer of registration plates and cards to a county treasurer, documentary fees charged by motor vehicle dealers, and motor vehicle franchise obligations.

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

Section 1. Section 321.26, subsection 2, Code 2021, is amended to read as follows:

2. The county treasurer may adjust the renewal or expiration date of vehicles registered in the county when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the county treasurer's office. The adjustment shall be accomplished by delivery of a written notice to the vehicle owner of the adjustment and allowance of a credit for the remaining months of the unused portion of the annual registration fee, rounded to the nearest whole dollar, which amount shall be deducted from the annual registration fee due at the time of registration. Upon receipt of the notification the owner shall, within thirty days, surrender the registration card and registration plates to ~~the a county treasurer of the county where the vehicle is registered~~, except that the registration plates shall not be surrendered if validation stickers or other emblems are used to designate the month and year of expiration of registration. Upon payment of the annual registration fee, less the credit allowed for the remaining months of the unused portion of the annual registration fee, the county treasurer of the county where the vehicle is registered shall issue a new registration card and registration plates, validation stickers, or emblems which indicate the month and year of expiration of registration.

Sec. 2. Section 321.34, subsection 1, Code 2021, is amended to read as follows:

1. *Plates issued.* The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, autocycle, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. When the owner of a registered vehicle transfers or assigns ownership of the vehicle to another person, the owner shall remove the registration plates from the vehicle. The owner shall forward the plates to ~~the a county treasurer where the vehicle is registered~~ or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by the owner, providing the owner complies with section 321.46. The department shall adopt rules providing for the assignment of registration plates to the transferee of a vehicle for which a credit is allowed under section 321.46, subsection 6.

Sec. 3. Section 321.47, subsection 3, Code 2021, is amended to read as follows:

3. Whenever ownership of a vehicle is transferred under the provisions of this section, the registration plates shall be removed and forwarded to ~~the~~ a county treasurer, ~~of the county where the vehicle is registered~~ or to the department if the vehicle is owned by a nonresident. Upon transfer the vehicle shall not be operated upon the highways of this state until the person entitled to possession of the vehicle applies for and obtains registration for the vehicle.

Sec. 4. Section 322.19A, subsection 3, Code 2021, is amended by striking the subsection.

Sec. 5. Section 322A.5, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The franchiser shall provide to the franchisee a list of time allowances for the performance of warranty services. Time allowances for the performance of warranty services, including diagnostic services, shall be reasonable and adequate for the services to be performed.

Approved April 12, 2021

CHAPTER 39

ADVERTISING DEVICES NEAR HIGHWAYS

S.F. 548

AN ACT relating to the regulation of advertising devices near certain highways.

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

Section 1. Section 306B.1, subsection 1, Code 2021, is amended to read as follows:

1. “*Advertising device*” ~~includes means~~ any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or to give information in the nature of advertising inform, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and having the capacity of being which is visible from the traveled portion of any highway of the interstate system in this state.

Sec. 2. Section 306B.1, subsection 4, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

4. “*Remuneration*” means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt.

Sec. 3. Section 306B.2, Code 2021, is amended to read as follows:

306B.2 Advertising prohibited — exceptions.

~~No~~ **An** advertising device shall ~~not~~ be erected or maintained within six hundred sixty feet of the edge of the right-of-way of the interstate system ~~except the following:~~

1. ~~Directional or other official signs or notices that are erected by public officers or agencies and required or authorized by law.~~

2. ~~Advertising devices in compliance with national policy and rules promulgated by the department which indicate the sale or lease of the property upon which such devices are located or which advertise activities being conducted on the property where the devices are located providing said rules promulgated by the said department shall not be more restrictive than required to conform to the national standards as set forth in Tit. 23, United States Code.~~

~~3. Advertising devices in compliance with national policy and rules promulgated by the department which are designed to give information in the specific interest of the traveling public.~~

~~4. Advertising devices that are located in areas zoned and used for commercial or industrial purposes under authority of law, regulation, or ordinance of this state or a political subdivision of this state. For purposes of this subsection section, "areas zoned and used for commercial or industrial purposes" means an area zoned for commercial or industrial purposes in accordance with chapter 414, in the case of city zoning, or in accordance with chapter 335, in the case of county zoning, in which one or more commercial or industrial activities, as defined under the city or county zoning ordinance, are located.~~

Sec. 4. Section 306C.10, subsections 2 and 3, Code 2021, are amended to read as follows:

2. "Advertising device" ~~includes~~ means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or ~~give information in the nature of advertising, inform, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and having the capacity of being~~ which is visible from the traveled portion of any primary highway.

3. "Bonus interstate highways" includes all interstate highways except those interstate highways adjacent to areas excepted from control under chapter 306B by authority of section 306B.2, ~~subsection 4.~~

Sec. 5. Section 306C.10, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. "Remuneration" means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt.

Sec. 6. Section 306C.10, subsection 18, Code 2021, is amended by striking the subsection.

Sec. 7. Section 306C.11, subsections 1 and 2, Code 2021, are amended by striking the subsections.

Sec. 8. Section 306C.11, subsection 3, paragraph b, subparagraph (3), Code 2021, is amended by striking the subparagraph.

Sec. 9. Section 306C.11, subsections 4 and 6, Code 2021, are amended by striking the subsections.

Sec. 10. Section 306C.12, Code 2021, is amended to read as follows:

306C.12 None visible from highway.

An advertising device shall not be constructed or reconstructed beyond the adjacent area in unincorporated areas of the state if it is visible from the main-traveled way of any primary highway ~~except for advertising devices permitted in section 306C.11, subsections 1 and 2.~~ Any advertising device permitted beyond an adjacent area in unincorporated areas of the state shall be subject to the applicable permit provisions of section 306C.18.

Sec. 11. Section 306C.13, subsections 2 and 3, Code 2021, are amended to read as follows:

2. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than one hundred feet to another advertising device facing in the same direction ~~than one hundred feet~~ if inside the corporate limits of a municipality. No An advertising device, ~~other than as excepted or permitted by subsection 4, 5, or 6,~~ shall not be located within the triangular area formed by the line connecting two points each fifty feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended.

3. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than three hundred feet to another advertising device facing in the same direction ~~than three hundred feet~~ if outside the corporate limits of a municipality. No An advertising device, ~~other than those excepted or permitted by subsection 4, 5, or 6,~~ shall not be located within the triangular area formed by a line connecting two

points each one hundred feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended.

Sec. 12. Section 306C.13, subsection 6, Code 2021, is amended by striking the subsection.

Sec. 13. Section 306C.13, subsection 8, paragraphs c and g, Code 2021, are amended to read as follows:

c. Which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, ~~except those giving public service information such as, but not limited to time, date, temperature, weather, news and similar information.~~

g. The standards contained in this section pertaining to size, lighting, and spacing shall not apply to advertising devices erected or maintained within six hundred sixty feet of the right-of-way of those portions of the interstate highway system exempted from control under chapter 306B by authority of section 306B.2, ~~subsection 4~~, nor to advertising devices erected and maintained within adjacent areas along noninterstate primary highways within zoned and unzoned commercial and industrial areas, unless said advertising devices were erected subsequent to July 1, 1972.

Sec. 14. Section 306C.18, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The owner of every advertising device regulated by ~~this chapter, except signs and advertising devices excepted by section 306C.11, subsections 1, 2, and 5, and official signs erected by public officers or agencies, subsection 3~~, shall be required to make application to the department for a permit.

Sec. 15. REPEAL. Sections 306B.3 and 306C.23, Code 2021, are repealed.

Approved April 12, 2021

CHAPTER 40

CHILD CARE HOMES — NUMBER OF CHILDREN RECEIVING CHILD CARE

H.F. 260

AN ACT relating to the number of children receiving child care at any one time in a child care home.

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

Section 1. Section 237A.1, subsections 6 and 7, Code 2021, are amended to read as follows:

6. “*Child care home*” means a person or program providing child care to ~~five or fewer~~ any of the following children at any one time that is not registered to provide child care under this chapter, as authorized under section 237A.3~~;~~:

a. Five or fewer children.

b. Six or fewer children, if at least one of the children is school-aged.

7. “*Child development home*” means a person or program registered under section 237A.3A that may provide child care to ~~six~~ seven or more children at any one time.

Sec. 2. Section 237A.3, subsection 1, Code 2021, is amended to read as follows:

1. A person or program providing child care to ~~five children or fewer at any one time~~ is a child care home provider and is not required to register under section 237A.3A as a child

development home. However, the person or program may register as a child development home.

Approved April 12, 2021

CHAPTER 41

REIMBURSEMENT FOR RENT CONSTITUTING PROPERTY TAXES PAID — ADMINISTRATION, CALCULATION, AND CLAIMS

H.F. 368

AN ACT relating to the administration of the reimbursement for rent constituting property taxes paid and related matters and including effective date provisions.

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

Section 1. Section 331.559, subsection 12, Code 2021, is amended to read as follows:

12. Carry out duties relating to the administration of the homestead tax credit and other credits as provided in sections 425.4, 425.5, 425.7, 425.9, 425.10, and 425.25.

Sec. 2. Section 425.1, subsections 1, 4, and 6, Code 2021, are amended to read as follows:

1. *a.* A homestead credit fund is created. There is appropriated annually from the general fund of the state to the department of revenue to be credited to the homestead credit fund, an amount sufficient to implement this ~~chapter~~ subchapter.

b. The director of the department of administrative services shall issue warrants on the homestead credit fund payable to the county treasurers of the several counties of the state under this ~~chapter~~ subchapter.

4. Annually the department of revenue shall certify to the county auditor of each county the credit and its amount in dollars. Each county auditor shall then enter the credit against the tax levied on each eligible homestead in each county payable during the ensuing year, designating on the tax lists the credit as being from the homestead credit fund, and credit shall then be given to the several taxing districts in which eligible homesteads are located in an amount equal to the credits allowed on the taxes of the homesteads. The amount of credits shall be apportioned by each county treasurer to the several taxing districts as provided by law, in the same manner as though the amount of the credit had been paid by the owners of the homesteads. However, the several taxing districts shall not draw the funds so credited until after the semiannual allocations have been received by the county treasurer, as provided in this ~~chapter~~ subchapter. Each county treasurer shall show on each tax receipt the amount of credit received from the homestead credit fund.

6. The homestead tax credit allowed in this ~~chapter~~ subchapter shall not exceed the actual amount of taxes payable on the eligible homestead, exclusive of any special assessments levied against the homestead.

Sec. 3. Section 425.2, subsections 1 and 3, Code 2021, are amended to read as follows:

1. A person who wishes to qualify for the homestead credit allowed under this ~~chapter~~ subchapter shall obtain the appropriate forms for filing for the credit from the assessor. The person claiming the credit shall file a verified statement and designation of homestead with the assessor for the year for which the person is first claiming the credit. The claim shall be filed not later than July 1 of the year for which the person is claiming the credit. A claim filed after July 1 of the year for which the person is claiming the credit shall be considered as a claim filed for the following year.

3. In case the owner of the homestead is in active service in the armed forces of this state or of the United States, or is sixty-five years of age or older, or is disabled, the statement and designation may be signed and delivered by any member of the owner's family, by the

owner's guardian or conservator, or by any other person who may represent the owner under power of attorney. If the owner of the homestead is married, the spouse may sign and deliver the statement and designation. The director of human services or the director's designee may make application for the benefits of this ~~chapter~~ subchapter as the agent for and on behalf of persons receiving assistance under chapter 249.

Sec. 4. Section 425.6, Code 2021, is amended to read as follows:

425.6 Waiver by neglect.

If a person fails to file a claim or to have a claim on file with the assessor for the credits provided in this ~~chapter~~ subchapter, the person is deemed to have waived the homestead credit for the year in which the person failed to file the claim or to have a claim on file with the assessor.

Sec. 5. Section 425.7, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Any person whose claim is denied under the provisions of this ~~chapter~~ subchapter may appeal from the action of the board of supervisors to the district court of the county in which said claimed homestead is situated by giving written notice of such appeal to the county auditor of said county within twenty days from the date of mailing of notice of such action by the board of supervisors.

2. In the event any claim under this ~~chapter~~ subchapter is allowed, any owner of an eligible homestead may appeal from the action of the board of supervisors to the district court of the county in which said claimed homestead is situated, by giving written notice of such appeal to the county auditor of said county and such notice to the owner of said claimed homestead as a judge of the district court shall direct.

Sec. 6. Section 425.8, Code 2021, is amended to read as follows:

425.8 Forms — rules.

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~~ subchapter. 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.

2. The director of revenue may prescribe rules, not inconsistent with the provisions of this ~~chapter~~ subchapter, necessary to carry out and effectuate its purposes.

Sec. 7. Section 425.9, subsection 1, Code 2021, is amended to read as follows:

1. If the amount of credit apportioned to any homestead under the provisions of this ~~chapter~~ subchapter in any year shall exceed the total tax, exclusive of any special assessments levied against said homestead, then such excess shall be remitted by the county treasurer to the department of revenue to be redeposited in the homestead credit fund and be reallocated the following year by the department as provided in this ~~chapter~~ subchapter.

Sec. 8. Section 425.10, Code 2021, is amended to read as follows:

425.10 Reversal of allowed claim.

In the event any claim is allowed, and subsequently reversed on appeal, any credit made thereunder shall be void, and the amount of such credit shall be charged against the property in question, and the director of revenue, the county auditor, and the county treasurer are authorized and directed to correct their books and records accordingly. The amount of such erroneous credit, when collected, shall be returned by the county treasurer to the homestead credit fund to be reallocated the following year as provided in this ~~chapter~~ subchapter.

Sec. 9. Section 425.11, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

For the purpose of this ~~chapter~~ subchapter and wherever used in this ~~chapter~~ subchapter:

Sec. 10. Section 425.11, subsection 1, paragraph d, subparagraph (3), Code 2021, is amended to read as follows:

(3) It must not embrace more than one dwelling house, but where a homestead has more than one dwelling house situated thereon, the credit provided for in this ~~chapter~~ subchapter shall apply to the home and buildings used by the owner, but shall not apply to any other dwelling house and buildings appurtenant.

Sec. 11. Section 425.11, subsection 1, paragraph e, Code 2021, is amended to read as follows:

e. "Owner" means the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located; or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or the person occupying the homestead is a shareholder of a family farm corporation that owns the property; or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or where the person occupying the homestead holds a life estate with the reversion interest held by a nonprofit corporation organized under chapter 504, provided that the holder of the life estate is liable for and pays property tax on the homestead; or where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead; or where the person occupying the homestead is a member of a community land trust as defined in 42 U.S.C. §12773, regardless of whether the underlying land is in fee or as a leasehold interest, provided that the member of the community land trust is occupying the homestead and is liable for and pays property tax on the homestead. For the purpose of this ~~chapter~~ subchapter the word "owner" shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this ~~chapter~~ subchapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2.

Sec. 12. Section 425.12, Code 2021, is amended to read as follows:

425.12 Indian land.

Each forty acres of land, or fraction thereof, occupied by a member or members of the Sac and Fox Indians in Tama county, which land is held in trust by the secretary of the interior of the United States for said Indians, shall be given a homestead tax credit within the meaning and under the provisions of this ~~chapter~~ subchapter. Application for such homestead tax credit shall be made to the county auditor of Tama county and may be made by a representative of the tribal council.

Sec. 13. Section 425.13, Code 2021, is amended to read as follows:

425.13 Conspiracy to defraud.

If any two or more persons conspire and confederate together with fraudulent intent to obtain the credit provided for under the terms of this ~~chapter~~ subchapter by making a false deed, or a false contract of purchase, they are guilty of a fraudulent practice.

Sec. 14. Section 425.15, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

If the owner of a homestead allowed a credit under this ~~chapter~~ subchapter is any of the following, the credit allowed on the homestead from the homestead credit fund shall be the entire amount of the tax levied on the homestead:

Sec. 15. Section 425.16, Code 2021, is amended to read as follows:

425.16 Additional tax credit.

1. In addition to the homestead tax credit allowed under section 425.1, subsections 1 through 4, persons who own or rent their homesteads and who meet the qualifications provided in this subchapter are eligible for ~~an extraordinary~~ a property tax credit or¹ property taxes due or reimbursement of rent constituting property taxes paid.

2. *a.* The property tax credit for property taxes due under this subchapter shall be administered by the department of revenue, the assessor, and other county officials as provided in this subchapter.

b. The reimbursement of rent constituting property taxes paid under this subchapter shall be administered by the department of human services as provided in this subchapter.

Sec. 16. Section 425.17, subsection 3, Code 2021, is amended to read as follows:

3. “Gross rent” means rental paid at arm’s length for the right of occupancy of a homestead or manufactured or mobile home, including rent for space occupied by a manufactured or mobile home not to exceed one acre. If the department of ~~revenue~~ human services determines that the landlord and tenant have not dealt with each other at arm’s length, and the department of ~~revenue~~ human services is satisfied that the gross rent charged was excessive, the department of human services shall adjust the gross rent to a reasonable amount as determined by the department of human services.

Sec. 17. Section 425.18, Code 2021, is amended to read as follows:

425.18 Right to file a claim.

The right to file a claim for reimbursement or credit under this subchapter may be exercised by the claimant or on behalf of a claimant by the claimant’s legal guardian, spouse, or attorney, or by the executor or administrator of the claimant’s estate. If a claimant dies after having filed a claim for reimbursement for rent constituting property taxes paid, the amount of the reimbursement may be paid to another member of the household as determined by the department of ~~revenue~~ of² human services. If the claimant was the only member of the household, the reimbursement may be paid to the claimant’s executor or administrator, but if neither is appointed and qualified within one year from the date of the filing of the claim, the reimbursement shall escheat to the state. If a claimant dies after having filed a claim for credit for property taxes due, the amount of credit shall be paid as if the claimant had not died.

Sec. 18. Section 425.19, Code 2021, is amended to read as follows:

425.19 Claim and credit or reimbursement.

Subject to the limitations provided in this subchapter, a claimant may annually claim a credit for property taxes due during the fiscal year next following the base year or claim a reimbursement for rent constituting property taxes paid in the base year. The amount of the credit for property taxes due for a homestead shall be paid on June 15 of each year from the elderly and disabled property tax credit fund under section 425.39, subsection 1, by the director of revenue to the county treasurer who shall credit the money received against the amount of the property taxes due and payable on the homestead of the claimant and the amount of the reimbursement for rent constituting property taxes paid shall be paid by the director of human services to the claimant from the state general reimbursement fund under section 425.39, subsection 2, on or before December 31 of each year.

¹ See chapter 174, §18 herein

² See chapter 174, §19 herein

Sec. 19. Section 425.20, subsections 1 and 3, Code 2021, are amended to read as follows:

1. A claim for reimbursement for rent constituting property taxes paid shall not be paid or allowed, unless the claim is filed with and in the possession of the department of revenue human services on or before June 1 of the year following the base year.

3. In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue or the director of human services, as applicable, good cause exists and the claimant requests an extension, the director of human services may extend the time for filing a claim for reimbursement or and the director of revenue may extend the time for filing a claim for credit. However, any further time granted shall not extend beyond December 31 of the year following the year in which the claim was required to be filed. Claims filed as a result of this subsection shall be filed with the director of human services or the director of revenue, as applicable, who shall provide for the reimbursement of the claim to the claimant.

Sec. 20. Section 425.23, subsection 3, paragraph a, Code 2021, is amended to read as follows:

a. A person who is eligible to file a claim for credit for property taxes due and who has a household income of eight thousand five hundred dollars or less and who has an unpaid special assessment levied against the homestead may file a claim for a special assessment credit with the county treasurer. The department of revenue shall provide to the respective treasurers the forms necessary for the administration of this subsection. The claim shall be filed not later than September 30 of each year. Upon the filing of the claim, interest for late payment shall not accrue against the amount of the unpaid special assessment due and payable. The claim filed by the claimant constitutes a claim for credit of an amount equal to the actual amount due upon the unpaid special assessment, plus interest, payable during the fiscal year for which the claim is filed against the homestead of the claimant. However, where the claimant is an individual described in section 425.17, subsection 2, paragraph "a", subparagraph (2), and the tentative credit is determined according to the schedule in subsection 1, paragraph "b", subparagraph (2), of this section, the claim filed constitutes a claim for credit of an amount equal to one-half of the actual amount due and payable during the fiscal year. The treasurer shall certify to the director of revenue not later than October 15 of each year the total amount of dollars due for claims allowed. The amount of reimbursement due each county shall be certified by the director of revenue and paid by the director of the department of administrative services by November 15 of each year, drawn upon warrants payable to the respective treasurer. There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out the provisions of this subsection. The treasurer shall credit any moneys received from the department of revenue against the amount of the unpaid special assessment due and payable on the homestead of the claimant.

Sec. 21. Section 425.23, subsection 4, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The cumulative adjustment factor shall be determined annually by the department of revenue.

Sec. 22. Section 425.25, Code 2021, is amended to read as follows:

425.25 Administration — claim forms.

1. The director of revenue shall make available suitable forms with instructions for claimants of the credit for property taxes due. Each assessor and county treasurer shall make available the forms and instructions. The claim shall be in a form as the director of revenue may prescribe. The director ~~may~~ shall also devise a tax credit ~~or reimbursement~~ table, with amounts rounded to the nearest even whole dollar. ~~Reimbursements or credits~~ Credits in the amount of less than one dollar shall not be paid.

2. The director of human services shall make available suitable forms with instructions for claimants of the reimbursement for rent constituting property taxes paid. The claim shall be in a form as the director of human services may prescribe. The director of revenue shall devise a reimbursement table with amounts rounded to the nearest even whole dollar and

provide such table to the director of human services. Reimbursements in the amount of less than one dollar shall not be paid.

Sec. 23. Section 425.26, Code 2021, is amended to read as follows:

425.26 Proof of claim.

1. Every claimant for the credit for property taxes due shall give the department of revenue, in support of the claim, reasonable proof of:

a. Age and total disability, if any.

b. ~~Property taxes due or rent constituting property taxes paid, including the name and address of the owner or manager of the property rented and a statement whether the claimant is related by blood, marriage, or adoption to the owner or manager of the property rented.~~

c. Homestead credit allowed against property taxes due.

d. Changes of homestead.

e. Household membership.

f. Household income.

g. Size and nature of property claimed as the homestead.

2. Every claimant for reimbursement of rent constituting property taxes paid shall give the department of human services, in support of the claim, reasonable proof of:

a. Age and total disability, if any.

b. Rent constituting property taxes paid, including the name and address of the owner or manager of the property rented and a statement whether the claimant is related by blood, marriage, or adoption to the owner or manager of the property rented.

c. Changes of homestead.

d. Household membership.

e. Household income.

f. Size and nature of property claimed as the homestead.

~~2.~~ 3. The department of revenue or the department of human services may require any additional proof necessary to support a claim.

Sec. 24. Section 425.27, Code 2021, is amended to read as follows:

425.27 Audit — recalculation or denial — appeals.

1. a. The department of revenue is responsible for the audit of claims for credit of property taxes due under this subchapter.

b. The department of human services is responsible for the audit of claims for reimbursement for rent constituting property taxes paid under this subchapter.

2. ~~If on the audit of a claim for credit or reimbursement under this subchapter, the department of revenue determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, the department of revenue shall recalculate the claim and notify the claimant of the recalculation or denial and the reasons for it. The recalculation of the claim shall be final unless appealed to the director of revenue within thirty days from the date of notice of recalculation or denial. The director of revenue shall grant a hearing, and upon hearing determine the correct claim, if any, and notify the claimant of the decision by mail. The department of revenue shall not adjust a claim after three years from October 31 of the year in which the claim was filed. If the claim for reimbursement has been paid, the amount may be recovered by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. If the claim for credit has been paid, the department of revenue shall give notification to the claimant and the county treasurer of the recalculation or denial of the claim and the county treasurer shall proceed to collect the tax owed in the same manner as other property taxes due and payable are collected, if the property on which the credit was granted is still owned by the claimant, and repay the amount to the director upon collection. If the property on which the credit was granted is not owned by the claimant, the amount may be recovered from the claimant by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. The decision of the director of revenue shall be final unless appealed as provided in section 425.31.~~

3. If on the audit of a claim for reimbursement for rent constituting property taxes paid under this subchapter, the department of human services determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, the department of

human services shall recalculate the claim and notify the claimant of the recalculation or denial and the reasons for it. The recalculation of the claim shall be final unless appealed to the director of human services within thirty days from the date of notice of recalculation or denial. The director of human services shall grant a hearing, and upon hearing determine the correct claim, if any, and notify the claimant of the decision by mail. The department of human services shall not adjust a claim after three years from October 31 of the year in which the claim was filed. If the claim for reimbursement has been paid, the amount may be recovered by the department of human services. The decision of the director of human services shall be final unless appealed as provided in section 425.31.

4. a. Section For the purpose of administering the credit for property taxes due, including the duties of the director of revenue and the department of revenue, section 422.70 is applicable with respect to this subchapter.

b. For the purpose of administering the reimbursement for rent constituting property taxes paid, including the duties of the director of human services and the department of human services under this subchapter, the director of human services shall have the same powers as those described in section 422.70.

Sec. 25. Section 425.28, Code 2021, is amended to read as follows:

425.28 Waiver of confidentiality.

1. A claimant for the credit for property taxes due shall expressly waive any right to confidentiality relating to all income tax information obtainable through the department of revenue, including all information covered by sections 422.20 and 422.72. This waiver shall apply to information available to the county treasurer who shall hold the information confidential except that it may be used as evidence to disallow the credit.

2. A claimant for reimbursement of rent constituting property taxes paid shall expressly waive any right to confidentiality relating to all income tax information obtainable by the department of human services.

3. For the effective administration of this subchapter, the department of revenue and the department of human services shall share information obtained by each department from claimants under this subchapter.

2. 4. ~~The~~ In addition to the sharing of information under subsection 3, the department of revenue human services may release information pertaining to a person's eligibility or claim for or receipt of rent reimbursement to an employee of the department of inspections and appeals in the employee's official conduct of an audit or investigation.

Sec. 26. Section 425.29, Code 2021, is amended to read as follows:

425.29 False claim — penalty.

1. A person who makes a false affidavit for the purpose of obtaining credit or reimbursement provided for in this subchapter or who knowingly receives the credit or reimbursement without being legally entitled to it or makes claim for the credit or reimbursement in more than one county in the state without being legally entitled to it is guilty of a fraudulent practice. The claim for credit or reimbursement shall be disallowed in full and if the claim has been paid the amount shall be recovered in the manner provided in section 425.27.

2. ~~The~~ In the case of a claim for credit disallowed by the department of revenue, the department of revenue may impose penalties under section 421.27. The department of revenue shall send a notice of disallowance of the claim.

3. In the case of a claim for reimbursement disallowed by the department of human services, the department of human services may impose penalties described in section 421.27. The department of human services shall send a notice of disallowance of the claim.

Sec. 27. Section 425.30, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

425.30 Notices.

1. A notice authorized or required under this subchapter related to a credit for property taxes due may be given by mailing the notice to the person for whom it is intended, addressed

to that person at the address given in the last credit claim form filed by the person pursuant to this subchapter, or if no return has been filed, then to any address obtainable.

2. A notice authorized or required under this subchapter related to a reimbursement for rent constituting property taxes paid may be given by mailing the notice to the person for whom it is intended, addressed to that person at the address given in the reimbursement claim form filed by the person pursuant to this subchapter, or if no return has been filed, then to any address obtainable.

3. The mailing of the notice is presumptive evidence of the receipt of the notice by the person to whom addressed. Any period of time which is determined according to this subchapter by the giving of notice commences to run from the date of mailing of the notice.

Sec. 28. Section 425.31, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

425.31 Appeals.

1. Judicial review of the actions of the director of revenue or the department of revenue under this subchapter may be sought in accordance with the terms of chapter 17A and the rules of the department of revenue.

2. Judicial review of the actions of the director of human services or the department of human services under this subchapter may be sought in accordance with the terms of chapter 17A and the rules of the department of human services.

3. For cause and upon a showing by the director of revenue or the director of human services, as applicable, that collection of the amount in dispute is in doubt, the court may order the petitioner to file with the clerk a bond for the use of the respondent, with sureties approved by the clerk, equal to the amount appealed from, conditioned that the petitioner shall perform the orders of the court.

4. An appeal may be taken by the claimant or the director of revenue or the director of human services, as applicable, to the supreme court of this state irrespective of the amount involved.

Sec. 29. Section 425.32, Code 2021, is amended to read as follows:

425.32 Disallowance of certain claims for credit.

A claim for credit for property taxes due shall be disallowed if the department of revenue finds that the claimant or a person of the claimant's household received title to the homestead primarily for the purpose of receiving benefits under this subchapter.

Sec. 30. Section 425.33, Code 2021, is amended to read as follows:

425.33 Rent increase — request and order for reduction.

1. If upon petition by a claimant the department of ~~revenue~~ human services determines that a landlord has increased the claimant's rent primarily because the claimant is eligible for reimbursement under this subchapter, the department of ~~revenue~~ human services shall request the landlord by mail to reduce the rent appropriately.

2. In determining whether a landlord has increased a claimant's rent primarily because the claimant is eligible for reimbursement under this subchapter, the department of ~~revenue~~ human services shall consider the following factors:

a. The amount of the increase in rent.

b. If the landlord operates other rental property, whether a similar increase was imposed on the other rental property.

c. Increased or decreased costs of materials, supplies, services, and taxes in the area.

d. The time the rent was increased.

e. Other relevant factors in each particular case.

3. If the landlord fails to comply with the request of the department of ~~revenue~~ human services within fifteen days after the request is mailed ~~by the department~~, the department of ~~revenue~~ human services shall order the rent reduced by an appropriate amount.

Sec. 31. Section 425.34, Code 2021, is amended to read as follows:

425.34 Hearings Rent increase hearings and appeals.

1. If the department of ~~revenue~~ human services orders a landlord to reduce rent to a claimant, then upon the request of the landlord the department of ~~revenue~~ human services

shall hold a prompt hearing of the matter, to be conducted in accordance with the rules of the department. The department of ~~revenue~~ human services shall give notice of the decision by mail to the claimant and to the landlord.

2. The claimant and the landlord shall have the rights of appeal and review as provided in section 425.31.

Sec. 32. Section 425.37, Code 2021, is amended to read as follows:

425.37 Rules.

The director of revenue and the director of human services shall each adopt rules in accordance with chapter 17A for the interpretation and proper administration of this subchapter and each department's applicable powers and duties under this subchapter, including rules to prevent and disallow duplication of benefits and to prevent any unreasonable hardship or advantage to any person.

Sec. 33. Section 425.39, Code 2021, is amended to read as follows:

425.39 Fund Funds created — ~~appropriation~~ appropriations — priority.

1. The elderly and disabled property tax credit ~~and reimbursement~~ fund is created. There is appropriated annually from the general fund of the state to the department of revenue to be credited to the elderly and disabled property tax credit ~~and reimbursement~~ fund, from funds not otherwise appropriated, an amount sufficient to implement this subchapter for credits for property taxes due for claimants described in section 425.17, subsection 2, paragraph "a", subparagraph (1).³

2. The elderly and disabled rent reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of human services to be credited to the elderly and disabled rent reimbursement fund, from funds not otherwise appropriated, an amount sufficient to implement this subchapter for reimbursement for rent constituting property taxes paid for claimants described in section 425.17, subsection 2, paragraph "a", subparagraph (1).

Sec. 34. Section 425.40, Code 2021, is amended to read as follows:

425.40 Low-income fund created.

1. A low-income tax credit and reimbursement fund is created. Within the low-income tax credit and reimbursement fund, a rent reimbursement account is created under the control of the department of human services and a tax credit account is created under the control of the department of revenue. Amounts appropriated to the fund shall first be credited to the⁴ reimbursement account.

2. a. If The director of human services shall use amounts credited to the rent reimbursement account for a fiscal year to pay all claims for reimbursement of rent constituting property taxes paid for claimants described in section 425.17, subsection 2, paragraph "a", subparagraph (2). If the amount appropriated for purposes of this section for a fiscal year and credited to the rent reimbursement account is insufficient to pay all claims in full, the director of human services shall pay, in full, all claims to be paid during the fiscal year for reimbursement of rent constituting property taxes paid or if moneys are insufficient to pay all such claims on a pro rata basis. If the amount of claims for credit for property taxes due to be paid during the fiscal year exceed the amount remaining after payment to renters, the director of revenue shall prorate the payments to the counties for the property tax credit.

b. If the amount appropriated for purposes of this section for a fiscal year and credited to the rent reimbursement account exceeds the amount necessary to pay in full all reimbursement claims for the fiscal year, the department of human services shall transfer such excess amount to the department of revenue for deposit in the tax credit account. The department of revenue shall use any amounts credited to the tax credit account for a fiscal year to pay to the counties all claims for credit for property taxes due for the fiscal year, or if such amount is insufficient, to pay to the counties all such claims on a pro rata basis.

3. In order for the director of revenue or the director of human services to carry out the requirements of this subsection 2, notwithstanding any provision to the contrary in this

³ See chapter 177, §130 herein

⁴ See chapter 174, §20 herein

subchapter, claims for reimbursement for rent constituting property taxes paid filed before May 1 of the fiscal year shall be eligible to be paid in full during the fiscal year and those claims filed on or after May 1 of the fiscal year shall be eligible to be paid during the following fiscal year and the director of revenue is not required to make payments to counties for the property tax credit before June 15 of the fiscal year.

Sec. 35. TRANSITION PROVISION — ADMINISTRATIVE RULES. The department of revenue shall continue to administer that portion of chapter 425, subchapter II, relating to claims for reimbursement of rent constituting property taxes paid until the department of human services has adopted rules to assume such administration as provided in this Act, but not later than January 1, 2023.

Sec. 36. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 12, 2021

CHAPTER 42

RECEIPT OF ROAD USE TAX FUNDS BY CITIES — REPORTING DATES

H.F. 495

AN ACT relating to certain reporting dates for cities which receive road use tax fund moneys.

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

Section 1. Section 312.14, Code 2021, is amended to read as follows:

312.14 Cities to submit report.

Cities in the state which receive allotments of funds from road use tax funds shall prepare and deliver on or before ~~September 30~~ December 1 each year to the department an annual report showing all street receipts and expenditures for the city for the previous fiscal year. The report shall include a detailed cost accounting of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year, in the manner prescribed by rule of the department under section 314.1A. The report shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year.

Sec. 2. Section 312.15, subsection 2, Code 2021, is amended to read as follows:

2. If a city has not complied with the provisions of section 312.14, the treasurer of state shall withhold funds allocated to the city until the city complies. If a city has not complied with the provisions of section 312.14 by ~~December 31~~ March 1 following the date the report was required, funds shall not be allocated to the city until the city has complied and all funds withheld under this subsection shall revert to the street construction fund of the cities.

Approved April 12, 2021

CHAPTER 43

RETRIEVAL AND TRACKING OF WOUNDED DEER USING LEASHED DOGS

H.F. 552

AN ACT relating to requirements for using a dog to track a wounded deer.

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

Section 1. Section 481A.56A, Code 2021, is amended to read as follows:

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. An unarmed dog handler assisting in the recovery of a wounded deer is exempt from the licensing requirements as long as the handler is associated with the licensed hunter who wounded the deer.~~ 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 licensed hunter who wounded the deer may dispatch the deer using a legal method of take authorized by the person's deer hunting license consistent with all rules and regulations for that season.~~ A person shall not use that method of take to chase, 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 may adopt rules pursuant to chapter 17A to implement this section.

Approved April 12, 2021

CHAPTER 44

SALE OF NATURAL GAS AND PROPANE — REGULATION BY COUNTIES AND CITIES

H.F. 555

AN ACT prohibiting counties and cities from regulating the sale of natural gas and propane.

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

Section 1. Section 331.301, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 18. *a.* A county shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment, or use any other means, to restrict, impede, regulate, or prohibit, intentionally or effectively, any of the following:

(1) The provision of natural gas service by a public utility as defined in section 476.1, a competitive natural gas provider as defined in section 476.86, or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2 to a person, business, municipality, or other wholesale or retail customer within or outside the county.

(2) The purchase of natural gas or propane from a competitive natural gas provider as defined in section 476.86 or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2, or the receipt of natural gas or propane service from a public utility as defined in section 476.1, by any person, business, municipality, or other wholesale or retail customer within or outside the county.

b. Paragraph “a” does not apply to an ordinance, motion, resolution, or amendment that regulates a retail propane marketer or retail propane dispenser, as those terms are defined in section 101C.2, adopted before the effective date of this Act.

Sec. 2. Section 364.3, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 13. a. A city shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment, or use any other means, to restrict, impede, regulate, or prohibit, intentionally or effectively, any of the following:

(1) The provision of natural gas service by a public utility as defined in section 476.1, a competitive natural gas provider as defined in section 476.86, or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2 to a person, business, municipality, or other wholesale or retail customer within or outside the incorporated area of the city.

(2) The purchase of natural gas or propane from a competitive natural gas provider as defined in section 476.86 or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2, or the receipt of natural gas or propane service from a public utility as defined in section 476.1, by any person, business, municipality, or other wholesale or retail customer within or outside the incorporated area of the city.

b. (1) Paragraph “a” does not apply to an ordinance granting, extending, amending, or renewing a franchise pursuant to section 364.2, subsection 4, that does not restrict or impede the provision of natural gas service.

(2) Paragraph “a” does not apply to an ordinance, motion, resolution, or amendment relating to the rates, services, or governance of a public utility providing gas service to the public for compensation and subject to the jurisdiction of the utilities board of the department of commerce pursuant to section 476.1B.

(3) Paragraph “a” does not apply to an ordinance, motion, resolution, or amendment that regulates a retail propane marketer or retail propane dispenser, as those terms are defined in section 101C.2, adopted before the effective date of this Act.

Approved April 12, 2021

CHAPTER 45

APPRENTICESHIP TRAINING PROGRAMS — CONTACT HOURS — FINANCIAL ASSISTANCE

H.F. 559

AN ACT relating to financial assistance provided by the economic development authority to certain apprenticeship sponsors and lead apprenticeship sponsors, and including applicability provisions.

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

Section 1. Section 15B.2, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 06. “*Contact hours*” means the number of hours of in-person instruction received by an apprentice participating in an apprenticeship program.

Sec. 2. Section 15B.4, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. An apprenticeship sponsor or lead apprenticeship sponsor ~~conducting that conducts~~ an apprenticeship programs program that is registered with the United States department of labor, office of apprenticeship, through Iowa, for apprentices who will be employed at Iowa worksites located in this state may apply to the authority for a ~~training grant~~ financial

assistance under this section if the apprenticeship program includes a minimum of one hundred contact hours per apprentice for each training year of the apprenticeship program.

Sec. 3. Section 15B.4, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The authority shall provide financial assistance in the form of training grants to eligible apprenticeship sponsors or lead apprenticeship sponsors in the following manner:

Sec. 4. Section 15B.4, subsection 2, paragraphs b, c, and d, Code 2021, are amended to read as follows:

b. ~~By adding together all of the following:~~

~~(1) The determining the total number of apprentices trained during the most recent training year, as calculated on the last day of the training year, in all apprenticeship programs conducted by all applying apprenticeship sponsors or lead apprenticeship sponsors during the most recent training year as calculated on the last day of the training year eligible to apply for financial assistance under subsection 1.~~

~~(2) The total number of contact hours that apprenticeship instructors for all applying apprenticeship sponsors or lead apprenticeship sponsors spent in contact with apprentices during the most recent training year. For purposes of this subparagraph, "contact hours" includes the time spent instructing apprentices in person or, in the case of a lead apprenticeship sponsor with programs totaling one hundred or more total instructional hours, "contact hours" includes the time spent in online training if the total amount of online instruction does not account for more than thirty percent of the total instructional hours.~~

c. ~~By adding together all of the following:~~

~~(1) The determining the total number of apprentices trained during the most recent training year, as calculated on the last day of the training year, in each apprenticeship program conducted by a single applying each apprenticeship sponsor or lead apprenticeship sponsor during the most recent training year as calculated on the last day of the training year eligible to apply under subsection 1, and that applied for financial assistance under subsection 1.~~

~~(2) The total number of contact hours that apprenticeship instructors for a single applying apprenticeship sponsor or lead apprenticeship sponsor spent in contact with apprentices during the most recent training year. For purposes of this subparagraph, "contact hours" includes the time spent instructing apprentices in person or, in the case of a lead apprenticeship sponsor with programs totaling one hundred or more total instructional hours, "contact hours" includes the time spent in online training if the total amount of online instruction does not account for more than thirty percent of the total instructional hours.~~

d. ~~By determining the proportion, stated as a percentage, that a single each applying apprenticeship sponsor's or lead apprenticeship sponsor's total calculated pursuant to paragraph "c" bears to all applying apprenticeship sponsors' or lead apprenticeship sponsors' total calculated pursuant to paragraph "b".~~

Sec. 5. APPLICABILITY. This Act applies to financial assistance provided by the economic development authority to apprenticeship sponsors and lead apprenticeship sponsors that apply for financial assistance on or after July 1, 2021.

Approved April 12, 2021

CHAPTER 46**INTERFERENCE WITH TRANSPORTATION OF AGRICULTURAL ANIMALS***H.F. 655*

AN ACT prohibiting interference with the transportation of an agricultural animal, and providing penalties.

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

Section 1. NEW SECTION. 716.13 Interference with transportation of agricultural animals.

1. As used in this section, unless the context otherwise requires:

a. “*Agricultural animal*” means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer as defined in section 170.1; ostriches, rheas, and emus; turkeys, chickens, domestic geese or ducks, or other domestic fowl; fish or other aquatic organisms confined in private waters for human consumption; or honey bees.

b. (1) “*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.

(2) “*Convicted*” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

c. “*Motor vehicle*” means any self-propelled vehicle subject to registration under chapter 321, and includes an item attached to the vehicle.

2. A person commits interference with the transportation of an agricultural animal if the person knowingly does any of the following:

a. Stops, hinders, impedes, boards, obstructs, or otherwise interferes with a motor vehicle transporting an agricultural animal, regardless of whether the motor vehicle is moving.

b. Provokes, disturbs, or otherwise interacts with an agricultural animal when the agricultural animal is confined in a motor vehicle, regardless of whether the motor vehicle is moving.

3. In a prosecution alleging that a defendant committed interference with the transportation of an agricultural animal under subsection 2, the defendant may assert an affirmative defense of consent. The defendant must prove by a preponderance of the evidence that the defendant was acting with the consent of any of the following:

a. A person having real or apparent authority to transport the agricultural animal. This requirement is met if the person is a shipper or transporter acting in compliance with chapter 172B.

b. The owner of the agricultural animal or any other person having real or apparent authority to possess or control the agricultural animal.

4. a. A person who commits interference with the transportation of an agricultural animal, as provided in subsection 2, paragraph “a”, is guilty of an aggravated misdemeanor.

b. A person who commits interference with the transportation of an agricultural animal, as provided in subsection 2, paragraph “b”, is guilty of an aggravated misdemeanor.

5. Notwithstanding subsection 4, a person who commits interference with the transportation of an agricultural animal under subsection 2, paragraph “a” or “b”, is guilty of a class “D” felony if the person has previously been convicted of committing interference with the transportation of an agricultural animal under either of those paragraphs.

Approved April 12, 2021

CHAPTER 47**BROADBAND SERVICE EXPANSION — MISCELLANEOUS CHANGES***H.F. 848*

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 including effective date and 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 2021, 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 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 tier 1, tier 2, or tier 3 download and upload speeds ~~identified by the federal communications commission pursuant to section 706 of the federal Telecommunications Act of 1996, as amended.~~ As used in this subsection:

(1) “Tier 1” means a maximum download speed of less than twenty-five megabits per second and a maximum upload speed of less than three megabits per second.

(2) “Tier 2” means a minimum download speed of greater than or equal to twenty-five megabits per second but less than fifty megabits per second.

(3) “Tier 3” means a minimum download speed of greater than or equal to fifty megabits per second but less than eighty megabits per second.

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 tier 1, tier 2, and tier 3 download and upload speeds 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 facilitates broadband service meeting the tier 1 download and upload speeds specified in the definition of targeted service area in this section.

Sec. 2. Section 8B.10, subsection 1, Code 2021, is amended to read as follows:

1. The determination of whether a communications service provider facilitates broadband service meeting the tier 1, tier 2, or tier 3 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 identified by the office by rule. The office shall periodically make renewed determinations of whether a communications service provider facilitates broadband service at or above the tier 1, tier 2, or tier 3 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. The office is not required to make renewed determinations of whether a communications service provider facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds specified in the definition of targeted service area in section 8B.1 more frequently than once in any calendar year.

Sec. 3. Section 8B.11, Code 2021, is amended to read as follows:

8B.11 Empower rural Iowa — broadband grants — fund.

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 subsection 5, in accordance with this section~~ in accordance with the following:

a. The broadband infrastructure facilitates broadband service that provides a minimum download speed of one hundred megabits per second and a minimum upload speed of one hundred megabits per second in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in section 8B.1.

b. The broadband infrastructure facilitates broadband service that provides a minimum download speed of one hundred megabits per second and a minimum upload speed of one hundred megabits per second in a targeted service area within which no communications service provider offers or facilitates broadband service that provides any of the following:

(1) Download speeds less than or equal to the tier 2 download speed specified in the definition of targeted service area in section 8B.1.

(2) Download speeds less than or equal to the tier 3 download speed specified in the definition of targeted service area in section 8B.1.

2. a. 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, and for the fiberoptic network conduit installation program established in section 8B.25.

b. The office shall use moneys in the fund to provide grants to communications service providers pursuant to this section and to lead and coordinate the fiberoptic network conduit installation program pursuant to section 8B.25. The office may use not more than one two and one-half 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 and the fiberoptic network conduit installation program. The office shall use moneys in the fund to leverage available federal moneys if possible.

c. 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 three years following the last day of the fiscal year in which the funds were originally appropriated.

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.

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 subsection 5. 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 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. The office shall devote one full-time equivalent position to evaluate applications submitted under this section and provide 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.~~

4. ~~a.~~ The office shall award grants on a competitive basis for the installation of broadband infrastructure that facilitates broadband service as provided in subsection 3 in targeted service areas ~~at or above the download and upload speeds specified in subsection 5~~, after considering the following:

(1) The relative need for broadband infrastructure in the area and the existing broadband service speeds, including whether the project serves a rural area or areas.

(2) The applicant's total proposed budget for the project, including 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.

(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.

(3) The relative download and upload speeds of proposed projects for all applicants.

(4) The specific product attributes resulting from the proposed project, including technologies that provide higher qualities of service, such as service levels, latency, and other service attributes as determined by the office.

(5) The percentage of the homes, farms, schools, and businesses in the targeted service area that will be provided access to broadband service.

~~(6) The geographic diversity of the project areas of all the applicants.~~

~~(7) The economic impact of the project to the area.~~

(6) The proportion of proposed projects that will result in the installation of broadband infrastructure in a targeted service area within which the only broadband service available provides the tier 1 download and upload speeds specified in the definition of targeted service area in section 8B.1.

~~(8) (7) Other factors the office deems relevant.~~

b. In considering the factors listed in paragraph "a" for awarding grants pursuant to this section, the office shall afford the greatest weight to the factors described in paragraph "a", subparagraphs (1) through (3), and subparagraph (6).

c. ~~Except as otherwise provided in this section, the office shall not evaluate applications based on the office's knowledge of the applicant except for information obtained by the office during the application process or period for public comment.~~

5. ~~The office shall not award a grant pursuant to this section that exceeds 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 not exceed any of the following amounts:~~

a. ~~For Seventy-five percent of a communications service provider's project costs 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 in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in section 8B.1.~~

~~b. For Fifty percent of a communications service provider's project costs 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 in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 2 download and upload speeds specified in the definition of targeted service area in section 8B.1.~~

~~c. Thirty-five percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download speeds less than or equal to the tier 3 download speed specified in the definition of targeted service area in section 8B.1.~~

~~6. Notwithstanding subsections 3 and 5, 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 providing a minimum download speed of one hundred megabits per second and a minimum upload speed of twenty megabits per second in targeted service areas pursuant to this subsection. The office shall make available a public internet site identifying all publicly available information contained in the applications and any results of performance testing conducted after the project is completed.~~

~~a. The office shall award grants under this subsection on a competitive basis after considering the factors provided in subsection 4 and affording weight to the factors pursuant to subsection 4, paragraph "b".~~

~~b. The total amount of the grants the office shall award pursuant to this subsection shall not exceed fifty percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in section 8B.1.~~

~~7. Notwithstanding subsections 5 and 6, at least twenty percent of the total amount of the grants the office awards from the empower rural Iowa broadband grant fund pursuant to this section shall be allocated to projects that will result in the installation of broadband infrastructure in difficult to serve targeted service areas within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in section 8B.1. For purposes of this subsection, a targeted service area is difficult to serve if the soil conditions, topography, or other local conditions make the installation of broadband infrastructure in the targeted service area more time-consuming or labor-intensive compared to other areas of the state.~~

~~6. 8. The office shall provide public notice regarding the application process and receipt of funding.~~

~~7. The office shall not award a grant pursuant to this section on or after July 1, 2025.~~

~~8. 9. The office may adopt rules pursuant to chapter 17A interpreting this chapter or necessary for administering this chapter, including but not limited to rules relating to the broadband grant program process, management, and measurements as deemed necessary by the office.~~

~~9. 10. The office shall adopt rules establishing procedures to allow aggrieved applicants an opportunity to challenge the office's award of grants under this section.~~

Sec. 4. EMERGENCY RULES. The office of the chief information officer 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, 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.4.¹

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

Sec. 6. APPLICABILITY. This Act applies to applications for grants submitted pursuant to section 8B.11 on or after the effective date of this Act.

Approved April 28, 2021

CHAPTER 48

MISSOURI RIVER PRESERVATION AND LAND USE AUTHORITY — REPEAL

S.F. 185

AN ACT repealing the Missouri river preservation and land use authority, and including transition provisions.

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

Section 1. Section 456A.14, Code 2021, is amended to read as follows:

456A.14 Temporary appointments — peace officer status.

The director may appoint temporary officers for a period not to exceed six months and may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. Chapter 80B does not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of this chapter and chapters 321G, 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B, 482, 483A, 484A, and 484B, and the trespass laws.

Sec. 2. Section 456A.24, subsection 12, Code 2021, is amended to read as follows:

12. Adopt rules authorizing officers and employees of the department who are peace officers to issue warning citations for violations of this chapter and chapters 321G, 321I, 350, 456B, 457A, 461A through, 461B, 461C, 462A, 462B, 463B, 464A, 465A through, 465B, 465C, 481A, 481B, 482, 483A, 484A, and 484B.

Sec. 3. Section 461A.78, Code 2021, is amended to read as follows:

461A.78 Method not exclusive.

This subchapter shall not be the exclusive method for establishing a water recreational area and shall not be construed to prohibit the establishment of public recreational areas by the Missouri river preservation and land use authority under chapter 463B.

¹ See chapter 174, §33 herein

Sec. 4. Section 481A.1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Words and phrases as used in this chapter and chapters 350, 456A, 456B, 457A, 461A through, 461B, 461C, 462A, 462B, 463B, 464A, 465A through, 465B, 465C, 481B, 482, 483A, 484A, and 484B and such other chapters as relate to the subject matter of these chapters shall be construed as follows:

Sec. 5. REPEAL. Chapter 463B, Code 2021, is repealed.

Sec. 6. TRANSITION PROVISIONS. Any moneys remaining in any account or fund under the control of the Missouri river preservation and land use authority shall be transferred to the general fund of the state on the effective date of this Act.

Approved April 30, 2021

CHAPTER 49

REGULATION OF RENTAL HOUSING BY CITIES OR COUNTIES

S.F. 252

AN ACT relating to the authority of counties and cities to regulate rental housing, and including effective date provisions.

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

Section 1. Section 331.304, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 13. A county shall not adopt or enforce an ordinance or regulation that prohibits an owner, lessor, sublessor, managing agent, or other person having the right to lease, sublease, or rent out a dwelling unit from refusing to lease or rent out the dwelling unit to a person because of the person's use of a federal housing choice voucher issued by the United States department of housing and urban development. Such an ordinance or regulation in effect on January 1, 2021, is void and unenforceable on and after January 1, 2023. For purposes of this subsection, "dwelling unit" means the same as defined in section 562A.6.

Sec. 2. Section 364.3, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 13. A city shall not adopt or enforce an ordinance or regulation that prohibits an owner, lessor, sublessor, managing agent, or other person having the right to lease, sublease, or rent out a dwelling unit from refusing to lease or rent out the dwelling unit to a person because of the person's use of a federal housing choice voucher issued by the United States department of housing and urban development. Such an ordinance or regulation in effect on January 1, 2021, is void and unenforceable on and after January 1, 2023. For purposes of this subsection, "dwelling unit" means the same as defined in section 562A.6.

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

Approved April 30, 2021

CHAPTER 50**CHILDREN REQUIRING SPECIAL EDUCATION AND OPEN ENROLLMENT —
MEDICAID REIMBURSEMENT PROCESS FOR SERVICES***S.F. 260*

AN ACT relating to the Medicaid reimbursement process for services provided by a receiving district to children requiring special education services.

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

Section 1. Section 282.18, subsection 8, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For children requiring special education, the receiving district shall complete and provide to the district of residence the documentation necessary to seek Medicaid reimbursement for eligible services.

Approved April 30, 2021

CHAPTER 51**DEPARTMENT OF ADMINISTRATIVE SERVICES REPORTING REQUIREMENTS***S.F. 315*

AN ACT relating to reporting requirements concerning the department of administrative services.

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

Section 1. Section 7A.3, subsection 1, paragraph h, Code 2021, is amended by striking the paragraph.

Sec. 2. Section 8A.111, subsections 2 and 11, Code 2021, are amended by striking the subsections.

Sec. 3. Section 8A.123, subsection 5, Code 2021, is amended by striking the subsection.

Sec. 4. Section 315.7, Code 2021, is amended to read as follows:

315.7 Monthly certification of funds Account of funds — disbursements.

The account of the fund shall be kept by the director of the department of administrative services and the treasurer of state and shall show the amount of the fund including all credits to the fund and disbursements. ~~The director of the department of administrative services shall report monthly to the department an account of the fund including all credits and disbursements.~~ Upon certification by the department in accordance with rules adopted by the director of the department of administrative services, the director of the department of administrative services shall issue warrants for disbursements from the fund.

Approved April 30, 2021

CHAPTER 52

PLACEMENT OF A CHILD IN DETENTION

S.F. 357

AN ACT relating to the placement of a child in detention, and including effective date provisions.

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

Section 1. Section 232.22, subsection 5, Code 2021, is amended to read as follows:

5. ~~a.~~ A child shall not be detained in a facility under subsection 3, paragraph “c”, for a period of time in excess of six hours without the oral or written order of a judge or a magistrate authorizing the detention. A judge or magistrate may authorize detention in a facility under subsection 3, paragraph “c”, for a period of time in excess of six hours but less than twenty-four hours, excluding weekends and legal holidays, but only if all of the following occur or exist:

~~(1) a.~~ The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States census bureau office of management and budget.

~~(2) b.~~ The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department of human services.

~~(3) c.~~ The facility has been certified by the department of corrections as being capable of sight and sound separation pursuant to this section and section 356.3.

~~(4) d.~~ The child is awaiting an initial hearing before the court pursuant to section 232.44.

~~b.~~ The restrictions contained in this subsection relating to the detention of a child in a facility under subsection 3, paragraph “c”, do not apply if the court has waived its jurisdiction over the child for the alleged commission of a felony offense pursuant to section 232.45.

Sec. 2. Section 232.22, subsection 7, Code 2021, is amended to read as follows:

7. a. If the juvenile court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A, and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3. However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult postarrest or pretrial detainees, or the child is excluded from the jurisdiction of the juvenile court pursuant to section 232.8, subsection 1, paragraph “c”, and the child is awaiting trial or other legal process, the child shall not be detained in any facility intended for the detention of adults unless the district court determines that after a hearing and issuing written findings, that such detention is in the best interest of the child and the community. In determining whether it is in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults, the court shall consider all of the following:

(1) The age of the child, including the child’s physical and mental maturity.

(2) The present mental state of the child, including whether the child presents an imminent risk of harm to the child’s self.

(3) The nature and circumstances of the alleged offense.

(4) The child’s history of prior delinquent acts.

(5) The relative ability of available adult and juvenile detention facilities to not only meet the specific needs of the child but also to protect the safety of the public as well as other detained children.

(6) Any other relevant factor.

b. If a court determines pursuant to paragraph “a” that it is in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults, the following conditions shall apply:

(1) The child shall not have sight or sound contact with adult inmates.

(2) The court shall hold a hearing, not less than once every thirty days, or in the case of a rural, nonmetropolitan jurisdiction as determined by the United States office of management

and budget, not less than once every forty-five days, to review whether it is still in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults.

(3) The child shall not be detained in a facility intended for the detention of adults for more than one hundred eighty days unless the court, in writing, determines there is good cause for an extension or the child expressly waives this limitation.

(4) A child detained in a county jail in a facility intended for the detention of adults under this subsection shall have all the rights of adult postarrest or pretrial detainees.

Sec. 3. EFFECTIVE DATE. This Act takes effect December 18, 2021.

Approved April 30, 2021

CHAPTER 53

DEPENDENT ADULT ABUSE — ABUSE RESULTING IN DEATH

S.F. 450

AN ACT relating to the death of a dependent adult, and providing penalties.

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

Section 1. Section 235B.20, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A caretaker who intentionally or recklessly commits dependent adult abuse on a dependent adult in violation of this chapter which resulted in the death of the dependent adult is guilty of murder in the second degree in violation of section 707.3.

Approved April 30, 2021

CHAPTER 54

CONCUSSION AND BRAIN INJURY POLICIES FOR EXTRACURRICULAR INTERSCHOLASTIC ACTIVITIES — LICENSED HEALTH CARE PROVIDER DEFINITION

S.F. 466

AN ACT relating to licensed health care providers for purposes of state law regarding concussion and brain injury policies for extracurricular interscholastic activities.

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

Section 1. Section 280.13C, subsection 2, paragraph e, Code 2021, is amended to read as follows:

e. “*Licensed health care provider*” means a physician, physician assistant, chiropractor, advanced registered nurse practitioner, nurse, physical therapist, occupational therapist, or athletic trainer licensed by a board designated under section 147.13.

Approved April 30, 2021

CHAPTER 55**CITY OR COUNTY ACQUISITION OF ABANDONED PROPERTY — TAX SALES —
PETITIONS FOR TITLE — EXCEPTIONS**

S.F. 554

AN ACT relating to the acquisition of title to abandoned property in the unincorporated area of a county.

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

Section 1. Section 448.13, Code 2021, is amended to read as follows:

448.13 Cancellation of tax sale and certificate of purchase — refund of purchase money.

If the county treasurer receives a verified statement from a city or county stating that a parcel sold at tax sale contains a building ~~which~~ that is abandoned, as those terms are defined in section 657A.1, prior to redemption of the parcel under chapter 447 or the issuance of a tax deed for the parcel, and the verified statement is accompanied by a petition filed by the city or county under section 657A.10B for title to the parcel, the county treasurer shall make an entry in the county system canceling the sale of the parcel and shall refund the purchase money to the tax sale certificate holder.

Sec. 2. Section 657A.10B, Code 2021, is amended to read as follows:

657A.10B Petition by city or county for title to abandoned property.

1. For purposes of this section, when referring to the location of an abandoned building, "county" means only the area of the county located outside the limits of a city.

~~1.~~ 2. a. In lieu of the procedures in sections 657A.1A through 657A.10 and 657A.10A, a city or county in which a building that has been abandoned for at least six consecutive months is located may petition the court to enter judgment awarding title to the abandoned property to the city or county. A petition filed under this section shall include the legal description of the abandoned property. If more than one abandoned building is located on a parcel of real estate, the city or county may combine the actions into one petition. The owner of the building and grounds, mortgagees of record, lienholders of record, or other known persons who hold an interest in the property shall be named as respondents on the petition.

b. The petition shall be filed in the district court of the county in which the property is located. Service on the owner and any other named respondents shall be by personal service or certified mail or, if service cannot be made by either method, by posting the notice in a conspicuous place on the building and by publication in a newspaper of general circulation in the city or county. The notice shall include a statement of the city's or county's intended use of the property or purpose for acquiring the property. The action shall be in equity.

c. A county shall not petition to acquire title to any property under this section if the property is larger than two and one-half acres.

d. A county shall not petition to acquire title to a property under this section unless the county submits to the court a plan to transfer title to the property to another entity no more than eighteen months after the court enters judgment and order awarding title to the county under this section.

~~2.~~ 3. Not sooner than sixty days after the filing of the petition, the city or county may request a hearing on the petition.

~~3.~~ 4. In determining whether a property has been abandoned, the court shall consider the following for each building that is located on the property and named in the petition and the building grounds:

a. Whether any property taxes or special assessments on the property were delinquent at the time the petition was filed.

b. Whether any utilities are currently being provided to the property.

c. Whether the building is unoccupied by the owner or lessees or licensees of the owner.

d. Whether the building meets the city's or county's housing code as being fit for human habitation, occupancy, or use.

e. Whether the building meets the city's or county's building code as being fit for occupancy or use.

- f. Whether the building is exposed to the elements such that deterioration of the building is occurring.
- g. Whether the building is boarded up or otherwise secured from unauthorized entry.
- h. Past efforts to rehabilitate the building and grounds.
- i. Whether those claiming an interest in the property have, prior to the filing of the petition, demonstrated a good-faith effort to restore the property to productive use.
- j. The presence of vermin, accumulation of debris, and uncut vegetation.
- k. The effort expended by the petitioning city or county to maintain the building and grounds.
- l. Past and current compliance with orders of the local housing or building code official.
- m. Any other evidence the court deems relevant.
4. 5. In lieu of the considerations in subsection 3, 4, if the city or county can establish to the court's satisfaction that all parties with an interest in the property have received proper notice and either consented to the entry of an order awarding title to the property to the city or county or did not make a good-faith effort to comply with the order of the local housing or building code official within sixty days after the filing of the petition, the court shall enter judgment against the respondents granting the city or county title to the property.
5. 6. a. If the court determines that the property has been abandoned or that subsection 4 5 applies, the court shall enter judgment and order awarding title to the city or county. The title awarded to the city or county shall be free and clear of any claims, liens, or encumbrances held by the respondents.
- b. If the court enters judgment and order awarding title to a county, the court shall enforce the county's plan under subsection 2 to transfer title to the property to another entity no more than eighteen months after the court's judgment and order.
6. 7. If a city or county files a petition under subsection 1 2, naming the holder of a tax sale certificate of purchase for the property as a respondent, the city or county shall also file the petition, along with a verified statement declaring that the property identified in the petition contains an abandoned building, with the county treasurer. Upon receiving the petition and verified statement, the county treasurer shall make an entry in the county system canceling the sale of the property and shall refund the purchase money to the tax sale certificate holder.
8. This section does not apply to a house, barn, outbuilding, or structure located on agricultural land outside the limits of a city. For purposes of this subsection, "agricultural land" means land suitable for use in farming. For purposes of this subsection, "farming" means the cultivation of land for the production of agricultural crops, the production of fruit or other horticultural crops, grazing, or the production of livestock.

Approved April 30, 2021

CHAPTER 56

UNAUTHORIZED DISCLOSURE OF INTIMATE IMAGES — CIVIL REMEDY

H.F. 233

AN ACT creating a civil remedy for the disclosure of private, sexually explicit images without consent of the depicted individual.

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

Section 1. NEW SECTION. 659A.1 Short title.

This chapter may be cited as the "Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act".

Sec. 2. NEW SECTION. 659A.2 Definitions.

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

1. “*Consent*” means affirmative, conscious, and voluntary authorization by an individual with legal capacity to give authorization.

2. “*Depicted individual*” means an individual whose body is shown in whole or in part in an intimate image.

3. “*Disclosure*” means transfer, publication, or distribution to another person. “*Disclose*” has a corresponding meaning.

4. “*Identifiable*” means recognizable by a person other than the depicted individual from any of the following:

a. An intimate image itself.

b. An intimate image and identifying characteristic displayed in connection with the intimate image.

5. “*Identifying characteristic*” means information that may be used to identify a depicted individual.

6. “*Individual*” means a human being.

7. “*Intimate image*” means a photograph, film, video recording, or other similar medium that shows any of the following:

a. The uncovered genitals, pubic area, anus, or female post-pubescent nipple of a depicted individual.

b. A depicted individual engaging in or being subjected to sexual conduct.

8. “*Person*” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

9. “*Sexual conduct*” includes all of the following:

a. Masturbation, which means the same as “*masturbate*” as defined in section 709.9, subsection 2, paragraph “c”.

b. Genital, anal, or oral sex.

c. Sexual penetration of, or with, an object.

d. Bestiality.

e. The transfer of semen onto a depicted individual.

Sec. 3. NEW SECTION. 659A.3 Civil action.

1. As used in this section, unless the context otherwise requires:

a. “*Harm*” includes physical harm, economic harm, and emotional distress whether or not accompanied by physical or economic harm.

b. “*Private*” means any of the following:

(1) Created or obtained under circumstances in which a depicted individual had a reasonable expectation of privacy.

(2) Made accessible through theft, bribery, extortion, fraud, false pretenses, voyeurism, or exceeding authorized access to an account, message, file, device, resource, or property.

2. Except as otherwise provided in section 659A.4, a depicted individual who is identifiable and who suffers harm from a person’s intentional disclosure or threatened disclosure of an intimate image that was private without the depicted individual’s consent has a cause of action against the person if the person knew, or acted with reckless disregard regarding, all of the following:

a. The depicted individual did not consent to the disclosure.

b. The intimate image was private.

c. The depicted individual was identifiable.

3. The following conduct by a depicted individual does not establish by itself that the individual consented to the disclosure of the intimate image which is the subject of an action under this chapter or that the individual lacked a reasonable expectation of privacy:

a. Consent to creation of the image.

b. Previous consensual disclosure of the image.

4. A depicted individual who does not consent to the sexual conduct or uncovering of the part of the body depicted in an intimate image of the individual retains a reasonable expectation of privacy even if the image was created when the individual was in a public place.

Sec. 4. NEW SECTION. 659A.4 Exceptions to liability.

1. As used in this section, unless the context otherwise requires:
 - a. "Child" means an unemancipated individual who is less than eighteen years of age.
 - b. "Parent" means an individual recognized as a parent under law of this state other than this chapter.
2. A person is not liable under this chapter if the person proves that disclosure of, or a threat to disclose, an intimate image was any of the following:
 - a. Made in good faith in any of the following circumstances:
 - (1) Law enforcement.
 - (2) A legal proceeding.
 - (3) Medical education or treatment.
 - b. Made in good faith in the reporting or investigation of any of the following:
 - (1) Unlawful conduct.
 - (2) Unsolicited and unwelcome conduct.
 - c. Related to a matter of public concern or public interest.
 - d. Reasonably intended to assist the depicted individual.
3. Subject to subsection 4, a defendant who is a person responsible for the care of a child as defined in section 232.68 is not liable under this chapter for a disclosure or threatened disclosure of an intimate image, as defined in section 659A.2, subsection 7, paragraph "a", of the child.
4. If a defendant asserts an exception to liability under subsection 3, the exception does not apply if the plaintiff proves the disclosure was any of the following:
 - a. Prohibited by law other than this chapter.
 - b. Made for the purpose of sexual arousal, sexual gratification, humiliation, degradation, or monetary or commercial gain.
5. Disclosure of, or a threat to disclose, an intimate image is not a matter of public concern or public interest solely because the depicted individual is a public figure.

Sec. 5. NEW SECTION. 659A.5 Plaintiff's privacy.

In an action under this chapter all of the following are true:

1. Identifying characteristics of the plaintiff shall be redacted from all pleadings and documents filed in the action under rule of civil procedure 1.422, without court order.
2. A plaintiff to whom subsection 1 applies shall file with the court and serve on the defendant a protected information form, pursuant to rule of electronic procedure 16.606, that includes the excluded or redacted plaintiff's name and other identifying characteristics.
3. The court may make further orders as necessary to protect the identity and privacy of a plaintiff.

Sec. 6. NEW SECTION. 659A.6 Remedies.

1. In an action under this chapter, a prevailing plaintiff may recover all of the following:
 - a. The greater of the following:
 - (1) Economic and noneconomic damages proximately caused by the defendant's disclosure or threatened disclosure, including damages for emotional distress whether or not accompanied by other damages.
 - (2) Statutory damages not to exceed ten thousand dollars against each defendant found liable under this chapter for all disclosures and threatened disclosures by the defendant of which the plaintiff knew or reasonably should have known when filing the action or which became known during the pendency of the action. In determining the amount of statutory damages under this subparagraph, consideration shall be given to all of the following:
 - (a) The age of the parties at the time of the disclosure or threatened disclosure.
 - (b) The number of disclosures or threatened disclosures made by the defendant.
 - (c) The breadth of distribution of the image by the defendant.
 - (d) Other exacerbating or mitigating factors.
 - b. An amount equal to any monetary gain made by the defendant from disclosure of the intimate image.
 - c. Punitive damages as allowed under chapter 668A.
2. In an action under this chapter, the court may award a prevailing plaintiff all of the following:

- a. Reasonable attorney fees and costs.
- b. Additional relief, including injunctive relief.
3. This chapter does not affect a right or remedy available under law of this state other than this chapter.

Sec. 7. NEW SECTION. **659A.7 Statute of limitations.**

1. An action under section 659A.3, subsection 2, for:
 - a. An unauthorized disclosure shall not be brought later than four years from the date the disclosure was discovered or should have been discovered with the exercise of reasonable diligence.
 - b. A threat to disclose shall not be brought later than four years from the date of the threat to disclose.
2. This section is subject to section 614.8.

Sec. 8. NEW SECTION. **659A.8 Construction.**

This chapter shall be construed to be consistent with the Communications Decency Act of 1996, 47 U.S.C. §230.

Sec. 9. NEW SECTION. **659A.9 Uniformity of application and construction.**

In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 10. Section 614.8, subsection 2, Code 2021, is amended to read as follows:

2. Except as provided in section 614.1, subsection 9, the times limited for actions in this chapter, or chapter 216, 659A, 669, or 670, except those brought for penalties and forfeitures, are extended in favor of minors, so that they shall have one year from and after attainment of majority within which to file a complaint pursuant to chapter 216, to make a claim pursuant to chapter 669, or to otherwise commence an action.

Approved April 30, 2021

CHAPTER 57

INVESTMENTS BY LIFE INSURANCE COMPANIES OR ASSOCIATIONS — REPURCHASE AGREEMENTS COLLATERALIZED BY SECURITIES

H.F. 236

AN ACT relating to life insurance company or association cash reinvestments in repurchase agreements collateralized by securities, and including applicability provisions.

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

Section 1. Section 511.8, subsection 23, paragraph c, Code 2021, is amended to read as follows:

c. If the loan is collateralized by cash or cash equivalents, the cash or cash equivalent collateral may be reinvested by the life insurance company or association in rule 2a-7 money market funds as defined in subsection 24, individual securities which are eligible for inclusion in the legal reserve of the life insurance company or association, or in repurchase agreements fully collateralized by such securities if the life insurance company or association takes delivery of the collateral either directly or through an authorized custodian or pooled fund comprised of individual securities which are eligible for inclusion in the legal reserve of the life insurance company or association. If such reinvestment is made in individual securities, or in repurchase agreements collateralized by securities other than United States government obligations as described in subsection 1, the individual securities or

the securities which collateralize the repurchase agreements shall mature in less than two hundred seventy days. If such reinvestment is made in a pooled fund, the average maturity of the securities comprising such pooled fund must be one hundred eighty days or less and the individual maturities of the securities comprising such pooled fund must be three hundred ninety-seven days or less. Individual securities and securities comprising the pooled fund shall be investment grade. As used in this paragraph, “maturity” means the earlier of the fixed date on which the holder of the security is unconditionally entitled to receive principal and interest in full or the date on which the holder of the security is unconditionally entitled upon demand to receive principal and interest in full.

Sec. 2. APPLICABILITY. This Act applies to cash or cash equivalent reinvestments by a life insurance company or association made in repurchase agreements collateralized by securities on or after January 1, 2022.

Approved April 30, 2021

CHAPTER 58

PROFESSIONAL ENGINEER LICENSURE PREREQUISITES

H.F. 284

AN ACT relating to the qualifications necessary for an applicant for licensure as a professional engineer.

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

Section 1. Section 542B.14, subsection 1, paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(4) Successfully passing an examination designed to determine the proficiency and qualifications to engage in the practice of engineering. ~~No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in engineering work.~~

Approved April 30, 2021

CHAPTER 59

PROGRAMS FOR AT-RISK CHILDREN

H.F. 315

AN ACT relating to programs for at-risk children.

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

Section 1. Section 279.51, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. Two hundred seventy-five thousand eight hundred sixty-four dollars of the funds appropriated shall be allocated to the area education agencies to assist school districts in developing program plans and budgets under this section and to assist school districts and

child development programs under section 256A.3 in meeting other responsibilities in early childhood education.

Sec. 2. Section 279.51, subsection 2, paragraph a, subparagraph (2), subparagraph division (a), Code 2021, is amended to read as follows:

(a) To school districts to establish programs for three-year-old, four-year-old, and five-year-old at-risk children ~~which are a combination of preschool and full-day kindergarten.~~

Approved April 30, 2021

CHAPTER 60

EDUCATION FUNDING FOR CHILDREN LIVING IN CERTAIN FACILITIES

H.F. 317

AN ACT relating to the calculation of education funding for children living in certain facilities and including applicability provisions.

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

Section 1. Section 282.31, subsection 1, paragraph b, subparagraph (2), Code 2021, is amended to read as follows:

(2) However, on June 30 of a school year, if the board of directors of a school district determines that the number of days for which a school district generated funding for children under this paragraph "b" who were counted in the basic enrollment of the school district in that school year in accordance with section 257.6, subsection 1, is fewer less than the sum of the number of months days enrolled for all children were enrolled in the school district under this paragraph "b" during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment quotient of the excess number of enrolled days for children under this paragraph "b" divided by the number of days in the district's board-approved calendar for the previous year. The amount of the claim shall be paid by the department of administrative services to the school district by October 1. The department of administrative services shall transfer the total amount of the approved claim of a school district from the moneys appropriated under section 257.16 and the amount paid shall be deducted monthly from the state foundation aid paid to all school districts in the state during the remainder of the subsequent fiscal year in the manner provided in paragraph "a".

Sec. 2. **APPLICABILITY.** This Act applies to school budget years beginning on or after July 1, 2021.

Approved April 30, 2021

CHAPTER 61

APPOINTMENTS OF GUARDIANS AD LITEM, CHILD CUSTODY INVESTIGATORS, CHILD AND FAMILY REPORTERS, AND ATTORNEYS FOR CHILDREN — CHILD CUSTODY AND VISITATION PROCEEDINGS AND CHILD PROSECUTING WITNESSES

H.F. 361

AN ACT relating to the appointment of a guardian ad litem, a child custody investigator or child and family reporter, or an attorney for certain child custody and visitation matters, and a guardian ad litem for certain child prosecution witnesses.

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

Section 1. Section 600B.40, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The court may order the appointment of a guardian ad litem or attorney for a child, a child custody investigator, or a child and family reporter consistent with the provisions of sections 598.12, 598.12A, and 598.12B.

Sec. 2. Section 915.37, subsection 1, Code 2021, is amended to read as follows:

1. a. A prosecuting witness who is a child, ~~as defined in section 702.5,~~ in a case involving a violation of chapter 709 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child's interests with the prospective guardian ad litem. If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this section. The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court. ~~If a prosecuting witness is fourteen, fifteen, sixteen, or seventeen years of age, and would be entitled to the appointment of a guardian ad litem if the prosecuting witness were a child, the court may appoint a guardian ad litem if the requirements for guardians ad litem in this section are met, and the guardian ad litem agrees to participate without compensation.~~

b. For purposes of this subsection, "child" means a person under eighteen years of age.

Approved April 30, 2021

CHAPTER 62

CHILD DEVELOPMENT COORDINATING COUNCIL DUTIES

H.F. 388

AN ACT relating to the duties of the child development coordinating council.

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

Section 1. Section 256A.3, subsections 4 and 7, Code 2021, are amended by striking the subsections.

Approved April 30, 2021

CHAPTER 63**PUBLIC WATER SUPPLY SYSTEMS — FLUORIDATION — NOTICE OF DISCONTINUANCE***H.F. 390*

AN ACT relating to notice requirements prior to discontinuing fluoridation in a public water supply system.

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

Section 1. NEW SECTION. **135.39E Fluoridation in public water supply — notice of discontinuance.**

1. At least ninety days prior to taking any action to permanently discontinue fluoridation in its water supply, an owner or operator of a public water supply system, as defined in section 455B.171, shall provide notice to the oral and health delivery system bureau established in section 135.15 and the public water supply system's customers.

2. In order to provide notice to its customers, the owner or operator of the public water supply system shall place a notice on each customer's water bill or provide notice in a way that is reasonably calculated so that all customers will receive the notice.

3. Section 135.38 does not apply to violations of this section.

Approved April 30, 2021

CHAPTER 64**FORFEITURE OF BAIL***H.F. 424*

AN ACT relating to the forfeiture of bail.

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

Section 1. Section 602.8102, subsection 131, Code 2021, is amended to read as follows:

131. Hold the amount of forfeiture and judgment of bail in the clerk's office for ninety one hundred fifty days as provided in section 811.6.

Sec. 2. Section 811.6, subsections 2 and 3, Code 2021, are amended to read as follows:

2. Where a forfeiture and judgment have been entered as provided in this section, and the amount of the judgment has been paid to the clerk, the clerk shall hold the same as funds of the clerk's office for a period of ninety one hundred fifty days from the date of judgment.

3. a. The court may, upon application, set aside such judgment if, within ninety one hundred fifty days from the date of the judgment, the any of the following occur:

(1) The defendant shall voluntarily surrender surrenders to the sheriff of the county, or the.

(2) The defendant's sureties shall, at their own expense, deliver the defendant or facilitate delivery of the defendant to the custody of the sheriff. Such

(3) The court determines, upon consideration of all circumstances, that setting aside the judgment is warranted.

b. A judgment shall not be set aside, however, under this subsection unless as a condition precedent thereto, the defendant and the defendant's sureties shall have paid all costs and expenses incurred in connection therewith with the judgment.

Approved April 30, 2021

CHAPTER 65**STATE MILITARY FORCES — ARMORY BOARD LEASES, CODE OF MILITARY JUSTICE,
AND RECRUITMENT AND RETENTION INCENTIVES***H.F. 428*

AN ACT relating to the national guard of the state concerning armory board leases, persons subject to the code of military justice, criminal justice reporting, and scholarship and loan repayment programs.

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

Section 1. Section 29A.58, subsection 1, Code 2021, is amended to read as follows:

1. The armory board as lessee may lease property to be used for armory purposes and other training of the national guard. Leases may be made for any term not to exceed twenty thirty years. Rents under such leases shall be paid from funds appropriated for the support and maintenance of the national guard.

Sec. 2. Section 29B.1, subsection 1, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

1. A person shall not be punished for an offense under this chapter unless the person is a member of the military forces of the state and any of the following applies:

a. The person is on national guard duty or state active duty, including between consecutive drill periods which are less than twenty-four hours apart. For purposes of this paragraph, a member of the state military forces is on national guard duty or state active duty during travel to or from the member's duty location.

b. (1) The person is not on national guard duty or state active duty but a nexus exists between the offense and the military forces of the state. Only a commanding officer holding a position in the grade of 0-6 and above may impose nonjudicial punishment for an offense subject to this paragraph.

(2) For purposes of this paragraph, the military forces of the state shall have the burden to show the existence of a nexus by a preponderance of the evidence and the term nexus shall be liberally construed in favor of finding the existence of a nexus.

Sec. 3. Section 29B.116B, Code 2021, is amended to read as follows:

29B.116B Adjutant general report.

1. The adjutant general shall report annually, by January 15, to the governor and to the chairpersons and ranking members of the general assembly's standing committees on veterans affairs on the number of offenses described in section 29B.116A, subsection 1, which have been reported to civilian law enforcement authorities in the prior year, if such offenses were committed by a member of the state military forces against another member of the state military forces while both are subject to this code. The report shall provide such numbers by type of offense.

2. The adjutant general may include in the annual report described in subsection 1 the number of sexual abuse cases reported to the United States department of defense that are not otherwise required to be included in the annual report pursuant to subsection 1.

Sec. 4. Section 261.86, subsection 6, Code 2021, is amended to read as follows:

6. a. Notwithstanding section 8.33, funds appropriated for purposes of this section which remain unencumbered or unobligated at the close of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year upon the authority of the adjutant general for purposes of this section and section 261.86A.

b. The adjutant general shall submit a report to the governor and the general assembly by December 31 of each year listing the science, technology, engineering, and mathematics-related career fields the adjutant general plans to focus on in providing educational incentives under this section and section 261.86A using funds available under this subsection for that fiscal year.

Sec. 5. **NEW SECTION. 261.86A National guard STEM-related recruitment and retention incentive programs.**

1. *a.* The adjutant general has the authority under this section to authorize the expenditure of unencumbered or unobligated funds as described in section 261.86, subsection 6, to recruit or retain individuals who have completed or are pursuing training in science, technology, engineering, and mathematics-related military occupational specialties or air force specialty codes by issuing awards through a national guard student loan repayment program in accordance with subsection 2 or by providing a scholarship award to an eligible member of the national guard who is enrolled at an institution defined in section 261.86, subsection 1, paragraph “d”, in a master’s degree program that is in compliance with the federal Edith Nourse Rogers STEM scholarship program established under 38 U.S.C. §3320 in accordance with the requirements of subsection 3.

b. The adjutant general can offer a recruitment or retention incentive as authorized by this section in either the military entrance process or within the final year of the service member’s initial contract obligation pending the service member signing a six-year extension.

2. *a.* A national guard student loan repayment program is established to be administered by the college student aid commission. Funds for loan repayment awards under the program shall be expended upon the authority of the adjutant general.

b. An individual is eligible for a loan repayment award under this subsection if the individual meets all of the following conditions:

(1) Is a resident of the state and a member of an Iowa army or air national guard unit while receiving loan repayment awards issued pursuant to this subsection.

(2) Satisfactorily completed required initial active duty training.

(3) Maintains satisfactory performance of duty upon return from initial active duty training, including attending a minimum ninety percent of scheduled drill dates and attending annual training.

c. An applicant for an award under this subsection shall, in accordance with the rules promulgated by the college student aid commission, do all of the following:

(1) Complete and file an application for national guard student loan repayment. The individual shall be responsible for the prompt submission of any information required by the national guard and the college student aid commission.

(2) File a new application and submit information as required by the national guard and the college student aid commission annually on the basis of which the applicant’s eligibility for the renewed loan repayment will be evaluated and determined.

d. The annual amount of an award to an applicant under this subsection shall not exceed five thousand dollars or one hundred percent of the applicant’s total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, the applicant’s federal grad plus loans, or the applicant’s federal Perkins loans, including principal and interest, whichever is less. An applicant shall be eligible for a loan repayment award under this subsection for not more than six consecutive years.

3. An applicant for a master’s degree scholarship award as described in subsection 1 shall meet the criteria as provided in section 261.86, subsection 1, except that the applicant can be enrolled in a master’s degree program. The provisions of section 261.86, subsections 2, 4, and 5, shall also apply to scholarship awards made under this subsection. A scholarship award provided to a recipient enrolled in a master’s degree program under this subsection shall be limited to thirty-six, or equivalent, credit hours of graduate study.

Approved April 30, 2021

CHAPTER 66**COURT REPORTING — ADOPTION HEARINGS — APPOINTMENTS OF UNCERTIFIED SHORTHAND REPORTERS***H.F. 433*

AN ACT relating to court reporters, including the reporting of adoption hearings and uncertified shorthand reporter appointments.

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

Section 1. Section 600.12, subsection 1, Code 2021, is amended to read as follows:

1. An adoption hearing shall be conducted informally as a hearing in equity. The hearing shall be reported or electronically recorded.

Sec. 2. Section 602.6603, subsection 4, Code 2021, is amended to read as follows:

4. If a regularly appointed court reporter becomes disabled, or if a vacancy occurs in a regularly appointed court reporter position, the judge may appoint a competent uncertified shorthand reporter for a period of time of up to ~~six months~~ one year, upon verification by the chief judge that a diligent but unsuccessful search has been conducted to appoint a certified shorthand reporter to the position and, in a disability case, that the regularly appointed court reporter is disabled. An uncertified shorthand reporter shall not be reappointed to the position unless the reporter becomes a certified shorthand reporter within the period of appointment under this subsection.

Approved April 30, 2021

CHAPTER 67**GOVERNMENT ETHICS AND LOBBYING — SALE OR LEASE OF REAL ESTATE BY REGULATORY AGENCY OFFICIALS OR EMPLOYEES***H.F. 491*

AN ACT relating to the sale or lease of real estate by regulatory agency officials and employees to persons subject to the agency's regulatory authority, and making penalties applicable.

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

Section 1. Section 68B.4, subsection 1, Code 2021, is amended to read as follows:

1. An official or employee of any regulatory agency shall not sell or lease, either directly or indirectly, any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the agency of which the person is an official or employee, except when the official or employee has met all of the following conditions:

a. The consent of the regulatory agency for which the person is an official or employee is obtained and the person is not the official or employee with the authority to determine whether agency consent is to be given under this section.

b. The duties or functions performed by the official or employee for the regulatory agency are not related to the regulatory authority of the agency over the individual, association, or corporation, or the selling or leasing of goods, real estate, or services by the official or employee to the individuals, associations, or corporations does not affect the official's or employee's duties or functions at the regulatory agency.

c. The selling or leasing of any goods, real estate, or services by the official or employee to an individual, association, or corporation does not include advocacy on behalf of the

individual, association, or corporation to the regulatory agency in which the person is an official or employee.

d. The selling or leasing of any goods, real estate, or services by the official or employee to an individual, association, or corporation does not cause the official or employee to sell or lease goods, real estate, or services to the regulatory agency on behalf of the individual, association, or corporation.

Approved April 30, 2021

CHAPTER 68

PRACTICE OF PHARMACY — MISCELLANEOUS CHANGES

H.F. 514

AN ACT relating to the practice of pharmacy, and providing for a repeal.

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

DIVISION I

PHARMACY TECHNICIANS AND PHARMACY SUPPORT PERSONS — REGISTRATION AND DELEGATION OF FUNCTIONS

Section 1. Section 147.107, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. A pharmacist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist in the pharmacist's physical presence. The pharmacist's verification of the accuracy of the prescription drug dispensed shall not be required when verified by a certified pharmacy technician in a technician product verification program ~~or a tech-check-tech program~~ as defined in section 155A.3. The pharmacist's physical presence shall not be required when the pharmacist is remotely supervising pharmacy personnel operating in an ~~approved~~ licensed telepharmacy site or when utilizing an automated dispensing system that utilizes an internal quality control assurance plan. When utilizing a technician product verification program ~~or tech-check-tech program~~, or when remotely supervising pharmacy personnel operating at an ~~approved~~ licensed telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Automated dispensing verification, technician product verification, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board of pharmacy.

Sec. 2. Section 155A.3, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 35A. "Pharmacy support person" means a person, other than a licensed pharmacist, a registered pharmacist-intern, or a registered pharmacy technician, who may perform nontechnical duties assigned by a supervising pharmacist under the pharmacist's responsibility and supervision.

Sec. 3. Section 155A.3, subsection 46, Code 2021, is amended by striking the subsection.

Sec. 4. Section 155A.6A, subsections 3 and 4, Code 2021, are amended to read as follows:
3. A person who is in the process of acquiring national certification as a pharmacy technician and who is in training to become a pharmacy technician shall register with the

board as a pharmacy technician. ~~The registration shall be issued for a period not to exceed one year and shall not be renewable.~~

4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacy technician registration, application, forms, renewals, fees, termination of registration, ~~tech-check-tech programs~~, technician product verification programs, national certification, training, and any other relevant matters.

Sec. 5. Section 155A.33, Code 2021, is amended to read as follows:

155A.33 Delegation of technical functions.

A pharmacist may delegate any technical dispensing functions to pharmacy technicians and any nontechnical functions to pharmacy support persons, but only if the pharmacist is physically present available to verify the accuracy and completeness provide professional oversight of the patient's prescription prior to the delivery of the prescription to the patient or the patient's representative ~~delegated functions performed by the pharmacy technician or pharmacy support person. However, the physical presence requirement does not apply when a pharmacist is utilizing an automated dispensing system or a technician product verification program or when a pharmacist is remotely supervising a certified pharmacy technician practicing at a telepharmacy site approved by the board. When using an automated dispensing system or a technician product verification program, or when remotely supervising a certified pharmacy technician practicing at an approved telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan that ensures accuracy for dispensing.~~ Verification of automated dispensing, technician product verification, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board.

DIVISION II
OUTSOURCING FACILITY LICENSE

Sec. 6. Section 155A.13C, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Submit evidence of a satisfactory inspection conducted by the home state regulatory authority or an entity approved by the board in the two-year period immediately preceding the application which demonstrates compliance with current good manufacturing practices. In addition, the applicant shall submit evidence of correction of all deficiencies discovered in such inspections and evidence of compliance with all directives from the home state regulatory authority or entity approved by the board. The board may recover from an outsourcing facility, prior to the issuance of a license or license renewal, the costs associated with conducting an inspection by or on behalf of the board for purposes of satisfying the requirements of this paragraph.

DIVISION III
INFORMATION SHARING

Sec. 7. Section 155A.45, Code 2021, is amended to read as follows:

155A.45 Inspection reports Reports — disclosure.

1. Notwithstanding section 272C.6, subsection 4, paragraph “a”, an inspection report in possession of the board, regardless of whether the report is based on a routine inspection or an inspection prompted by one or more complaints, may be disclosed to the national association of boards of pharmacy’s inspection network.

2. Notwithstanding section 272C.6, subsection 4, paragraph “a”, any complaints, investigative information, or data collected pertaining to compounded human drug products may be disclosed to the United States food and drug administration, including through the use of an information sharing network, in order to comply with any memorandum of understanding with the United States food and drug administration.

DIVISION IV
PHARMACY PILOT OR DEMONSTRATION RESEARCH PROJECTS

Sec. 8. **NEW SECTION. 155A.47 Pilot or demonstration research projects.**

1. Notwithstanding any provision of section 147.107, subsection 2, or section 155A.33 to the contrary, the board may approve a pilot or demonstration research project of innovative applications in the practice of pharmacy to provide enhanced patient care.

2. The board shall adopt rules pursuant to chapter 17A for application for and approval of such projects. The rules may include exceptions to any existing rules under the purview of the board as necessary for completion of the project, limited to the duration of the project. The board may approve a project for no more than eighteen months. The board may extend or renew a project in accordance with board rules. All projects shall comply with the rules adopted for such projects.

3. The board shall not approve any project that expands the practice of pharmacy as defined in section 155A.3.

Sec. 9. **REPEAL.** 2011 Iowa Acts, chapter 63, section 36, is repealed.

Approved April 30, 2021

CHAPTER 69

ARCHITECTURAL LICENSURE — EXAMINATION REQUIREMENTS

H.F. 546

AN ACT relating to applications for architectural licensure and including retroactive applicability provisions.

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

Section 1. Section 544A.8, subsection 5, Code 2021, is amended by striking the subsection.

Sec. 2. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to persons who applied to the architectural examining board for licensure and who, on or after June 25, 2020, passed one or more modules of the architect registration examination but failed to pass the examination.

Approved April 30, 2021

CHAPTER 70

TERMINATION OF AGRICULTURAL EQUIPMENT DEALERSHIP AGREEMENTS

H.F. 556

AN ACT providing for the termination of dealership agreements involving agricultural equipment.

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

Section 1. Section 322F.3, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

If a dealership agreement is terminated by cancellation or nonrenewal by either the dealer or supplier, the supplier must repurchase equipment and parts in the dealer's inventory and must repurchase special tools and computer hardware or software required for the dealership. The repurchase is subject to the following conditions:

Approved April 30, 2021

CHAPTER 71

AMUSEMENT RIDE ATTENDANTS — MINIMUM AGE AND TRAINING

H.F. 558

AN ACT establishing a minimum age and training requirements for attendants who control amusement rides, and making penalties applicable.

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

Section 1. NEW SECTION. **88A.18 Amusement ride attendants — minimum age — training.**

1. An attendant who controls patron restraints or the operation, starting, stopping, or speed of an amusement ride shall be at least sixteen years of age.

2. An operator shall require that a person complete training as provided in this subsection prior to beginning work as an attendant. The training shall consist of, at minimum, the following topics:

a. The operating procedures specific to any amusement ride the attendant will control, including the specific duties applicable to each of the amusement ride's assigned positions.

b. The general procedures of the carnival or fair.

c. The general safety procedures, and safety procedures specific to any amusement ride the attendant will control, that the attendant must follow in the event of an unusual condition, interruption in operation, injury, emergency, or evacuation.¹

Approved April 30, 2021

CHAPTER 72

MECHANICS' LIENS — PERFECTION — REMEDIES

H.F. 561

AN ACT relating to the perfection of mechanics' liens and mechanics' liens remedies and including effective date provisions.

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

Section 1. Section 572.8, subsection 3, Code 2021, is amended to read as follows:

3. A lien perfected under this section shall be limited to the county or counties in which the building, land, or improvement to be charged with the lien is situated. The county or counties

¹ See chapter 174, §42 herein

identified on the mechanics' notice and lien registry internet site at the time of posting the required notices pursuant to sections 572.13A and 572.13B shall be the only county or counties in which the building, land, or improvement may be charged with a mechanic's lien.

Sec. 2. Section 572.32, Code 2021, is amended to read as follows:

572.32 Attorney fees — remedies.

1. In a court action to enforce a mechanic's lien, or an action brought upon any bond given in lieu thereof, a prevailing plaintiff may be awarded reasonable attorney fees.

2. In a court action to challenge a mechanic's lien posted on a residential construction property, or any bond given in lieu thereof, if the person challenging the lien or defending against any action on the bond prevails, the court may award reasonable attorney fees and actual damages. If the court determines that the mechanic's lien was posted in bad faith or the supporting affidavit was materially false, the court shall award the owner reasonable attorney fees plus an amount not less than five hundred dollars or the amount of the lien, whichever is less.

Sec. 3. EFFECTIVE DATE. This Act takes effect January 1, 2022.

Approved April 30, 2021

CHAPTER 73

PRIVATE RESIDENTIAL FLOOD INSURANCE

H.F. 583

AN ACT relating to private flood insurance, and including future repeal provisions.

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

Section 1. NEW SECTION. 515J.1 Title.

This chapter shall be known and may be cited as the "*Private Primary Residential Flood Insurance Model Act*".

Sec. 2. NEW SECTION. 515J.2 Purpose.

The purpose of this chapter is to provide for the protection of lives and property from the peril of flood, and to encourage a robust private primary residential flood insurance market to provide consumer choices and alternatives to the existing national flood insurance program.

Sec. 3. NEW SECTION. 515J.3 Intent.

It is the intent of the legislature that this chapter shall not restrict the use of existing filings by an insurer, or limit the ability of authorized insurers to provide flood insurance coverage in this state of any type other than primary residential flood insurance.

Sec. 4. NEW SECTION. 515J.4 Definitions.

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

1. "*Authorized insurer*" means an insurer authorized by the commissioner to write insurance under a certificate of authority issued by the commissioner to transact insurance in this state.

2. "*Commissioner*" means the commissioner of insurance.

3. "*FAIR plan*" means the plan to assure fair access to insurance requirements established pursuant to section 515F.33.

4. "*National flood insurance program*" means the program of flood insurance coverage and floodplain management administered under the National Flood Insurance Act of 1968, as

amended, Pub. L. No. 90-48,¹ 42 U.S.C. §4001 et seq., and applicable regulations promulgated in 44 C.F.R.

5. “*Primary residential flood insurance*” means an insurance policy covering losses from flood to residential property, other than commercial property, written in this state by any authorized insurer and that is not written to apply coverage in excess of the coverage provided under another flood insurance policy, including a policy issued by a private insurer or by the national flood insurance program.

Sec. 5. NEW SECTION. 515J.5 Rates.

1. Rates established pursuant to this section for flood insurance issued pursuant to this chapter shall not be subject to prior approval by the commissioner. An insurer shall attest that all rates are based on actuarial data, methodologies, standards, and guidelines relating to floods that are not excessive, inadequate, or unfairly discriminatory. The commissioner may audit an insurer’s flood rates to ensure compliance with applicable state laws and administrative rules.

2. An insurer shall file with the commissioner all rates and any changes to such rates which the insurer proposes to use. A filing must state the proposed effective date, indicate the character and extent of the coverage contemplated, include the name of the insurer, and include the average statewide percentage change in rates. Actuarial data with regard to rates for flood coverage must be maintained by the insurer for two years after the effective date of a rate change.

Sec. 6. NEW SECTION. 515J.6 Forms.

The commissioner may require, through the application of the state’s existing regulatory system, all of the following:

1. That an authorized insurer file all forms for primary residential flood insurance coverage.

2. That an authorized insurer may issue an insurance policy, contract, or endorsement.

3. That flood insurance on a residential property that is located in a special flood hazard area designated by the federal emergency management agency provides coverage that at a minimum complies with 42 U.S.C. §4012a(b) and applicable regulations in 84 FR 4953.

Sec. 7. NEW SECTION. 515J.7 Notice to commissioner.

At least thirty calendar days prior to writing primary residential flood insurance in this state, an authorized insurer shall comply with the following requirements:

1. Notify the commissioner of the insurer’s intent to sell primary residential flood insurance.

2. File a plan of operation and financial projections, or material revisions to a plan of operation and financial projections, with the commissioner.

Sec. 8. NEW SECTION. 515J.8 Notice to consumers — special flood hazard areas.

1. Before placing an applicant whose property is located in a special flood hazard area with private flood insurance, an insurance producer, surplus lines broker, or an authorized insurer upon the authorized insurer’s election or if there is not an insurance producer or surplus lines broker, shall provide notice to the applicant of the following:

a. Of the existence of the national flood insurance program if the applicant does not currently have flood coverage under the national flood insurance program.

b. That flood coverage under the national flood insurance program may be provided at a subsidized rate, and that the full-risk rate for flood insurance may apply to the applicant’s property if the applicant later seeks to reinstate coverage under the program.

2. This section is repealed effective thirty calendar days after enactment of federal legislation mandating that an insured may switch between private flood insurance and flood insurance under the national flood insurance program without risk of penalty. The commissioner shall notify the Iowa Code editor upon the occurrence of this condition.

Sec. 9. NEW SECTION. 515J.9 Cancellation and nonrenewal — notice.

¹ According to Act; a reference to Pub. L. No. 90-448 probably intended

1. Notice of cancellation or nonrenewal of private residential flood insurance, other than for nonpayment of premium, shall be made and provided to the policyholder a minimum of forty-five days before the cancellation or nonrenewal of the flood insurance, and in compliance with the applicable provisions of sections 515.129A, 515.129B, and 515.129C.

2. Notwithstanding subsection 1, notice of cancellation of private residential flood insurance for nonpayment of the premium, or fraud or misrepresentation on the application for the flood insurance, shall be made and provided to the policyholder in compliance with the applicable provisions of sections 515.129A, 515.129B, and 515.129C.

Sec. 10. NEW SECTION. **515J.10 Surplus lines placements.**

Diligent search requirements pursuant to section 515I.3, subsection 1, paragraph “c”, shall not apply to flood coverage under an insurance policy issued by an eligible surplus lines insurer until such time that the commissioner certifies in a commissioner’s bulletin or by order that the admitted private flood insurance market is adequate.

Sec. 11. NEW SECTION. **515J.11 Property insurance market participation.**

Writing private flood insurance shall not constitute participation in the property insurance market for purposes of determining membership in the FAIR plan pursuant to section 515F.34.

Sec. 12. NEW SECTION. **515J.12 Certification — private flood insurance.**

An insurer that writes flood insurance under this chapter may certify that the insurance policy meets the definition of “private flood insurance” as specified in 42 U.S.C. §4012a(b)(7) and corresponding federal regulations.

Sec. 13. NEW SECTION. **515J.13 Public records.**

Upon disposition, all rates, supplementary rate information, and supporting information filed with the commissioner pursuant to this chapter shall be a public record under chapter 22, except any information marked by the insurer or the filer as confidential, trade secret, or proprietary pursuant to section 22.7, and that is accepted by the commissioner.

Sec. 14. NEW SECTION. **515J.14 Conflict of laws.**

Notwithstanding any law to the contrary, with respect to regulation of flood coverage written in this state by an authorized insurer, this chapter shall control.

Sec. 15. NEW SECTION. **515J.15 Rules.**

The commissioner may adopt rules pursuant to chapter 17A as necessary to administer this chapter.

Approved April 30, 2021

CHAPTER 74

SCHOOL FINANCE — WEIGHTING FOR LIMITED-ENGLISH-PROFICIENT STUDENTS

H.F. 605

AN ACT relating to supplementary weighting for limited-English-proficient students and including effective date and applicability provisions.

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

Section 1. Section 280.4, subsection 1, Code 2021, is amended to read as follows:

1. a. The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a world language is deemed appropriate in the teaching of any subject or when the student is limited English proficient. When the student is limited English proficient, both public and nonpublic schools shall

provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language.

~~b. As used in this section, “limited English proficient” means a student’s language background is in a language other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background.;~~

~~(1) “Fully English proficient” means a student who is able to read, understand, write, and speak the English language and to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom has attained a level of English-language skill in reading, writing, listening, and speaking to be proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency as required by section 1111 of the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95.~~

~~(2) “Intensive student” means a limited-English-proficient student who, even with support, is not proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.~~

~~(3) “Intermediate student” means a limited-English-proficient student who, either with or without support, approaches being proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.~~

~~(4) “Limited English proficient” means a student’s language background is in a language other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background. Each limited-English-proficient student shall be identified as either an intensive student or an intermediate student.~~

Sec. 2. Section 280.4, subsection 3, paragraph a, Code 2021, is amended to read as follows:

a. In order to provide funds for the excess costs of instruction of limited English proficient students specified in paragraph “b” above the costs of instruction of pupils in a regular curriculum, ~~students~~ each limited-English-proficient student identified as limited English proficient an intensive student shall be assigned an additional weighting of ~~twenty-two~~ twenty-six hundredths, ~~each limited-English-proficient student identified as an intermediate student shall be assigned an additional weighting of twenty-one hundredths, and that the applicable weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding five years as provided in paragraph “b”.~~ However, the school budget review committee may grant supplemental aid or a modified supplemental amount to a school district to continue funding a program for students after the expiration of the five-year period.

Sec. 3. APPLICABILITY. This Act applies to school budget years beginning on or after July 1, 2021.

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

Approved April 30, 2021

CHAPTER 75

UTILITIES REGULATION — MISCELLANEOUS CHANGES

H.F. 693

AN ACT relating to matters under the purview of the utilities division of the department of commerce.

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

DIVISION I
ADMINISTRATION

Section 1. Section 476.2, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The board shall have the authority to employ or appoint an independent administrative law judge to preside over any hearing or proceeding before the board. Sections 10A.801 and 17A.11 do not apply to the employment or appointment of an administrative law judge pursuant to this subsection.

Sec. 2. Section 476.10, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. The board shall ascertain the total of the division's expenses incurred during each fiscal year in the performance of its duties under law. The board shall add to the total of the division's expenses the certified expenses of the consumer advocate as provided under section 475A.6. The board shall deduct all amounts charged directly to any person from the total expenses of the board and the consumer advocate. The board may assess the amount remaining after the deduction to all persons providing service over which the board has jurisdiction in proportion to the respective gross operating revenues of such persons from intrastate operations during the last calendar year over which the board has jurisdiction. For purposes of determining gross operating revenues under this section, the board shall not include gross receipts received by a cooperative corporation or association for wholesale transactions with members of the cooperative corporation or association, provided that the members are subject to assessment by the board based upon the members' gross operating revenues, or provided that such a member is an association whose members are subject to assessment by the board based upon the members' gross operating revenues. If any portion of the remainder can be identified with a specific type of utility service, the board shall assess those expenses only to the entities providing that type of service over which the board has jurisdiction. The board may make the remainder assessments under this paragraph ~~on a quarterly basis~~ to some or all persons providing service over which the board has jurisdiction, based upon estimates of the expenditures for the fiscal year for the utilities division and the consumer advocate. Not more than ninety days following the close of the fiscal year, the utilities division shall conform the amount of the prior fiscal year's assessments to the requirements of this paragraph. For gas and electric public utilities exempted from rate regulation pursuant to this chapter, and for providers of telecommunications service required to register with the board pursuant to section 476.95A that are exempted from rate regulation pursuant to this chapter, the remainder assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other persons.

DIVISION II
PIPELINE

Sec. 3. Section 479.31, subsection 1, Code 2021, is amended to read as follows:

1. A person who violates this chapter or any rule or order issued pursuant to this chapter shall be subject to a civil penalty levied by the board ~~not to exceed one hundred thousand dollars for each violation in accordance with 49 C.F.R. §190.223. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed one million dollars for any related series of violations.~~ Civil penalties collected pursuant to this section shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the

division of community action agencies of the department of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 4. Section 479A.7, Code 2021, is amended to read as follows:

479A.7 Annual inspection fee.

~~A The board may, in accordance with section 476.10, charge a pipeline company shall pay with an annual inspection fee of fifty cents per mile of pipeline or fraction thereof for each inch of diameter of the pipeline located in this state that is directly attributable to the costs of conducting annual inspections pursuant to this chapter. The annual inspection fee shall be paid for the calendar year in advance between January 1 and February 1 of each year.~~

DIVISION III
TELECOMMUNICATIONS SERVICES

Sec. 5. Section 34A.2, subsections 8 and 14, Code 2021, are amended to read as follows:

8. ~~“Competitive local exchange service provider” means the same as defined in section 476.96~~ any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.

14. ~~“Local exchange carrier” means the same as defined in section 476.96~~ any person that was the incumbent and historical rate-regulated wireline provider of local exchange services or any successor to such person that provides local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.

Sec. 6. Section 423.3, subsection 47A, Code 2021, is amended to read as follows:

47A. a. 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.

b. For the purposes of this subsection, ~~“central:~~

(1) ~~“Central office equipment”~~ means equipment utilized in the initiating, processing, amplifying, switching, or monitoring of telecommunications services. ~~“Central office equipment”~~ also includes ancillary equipment and apparatus which support, regulate, control, repair, test, or enable such equipment to accomplish its function.

(2) ~~“Competitive local exchange service provider”~~ means any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.

(3) ~~“Local exchange carrier”~~ means any person that was the incumbent and historical rate-regulated wireline provider of local exchange services or any successor to such person that provides local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.

(4) ~~“Transmission equipment”~~ means equipment utilized in the process of sending information from one location to another location. ~~“Central office equipment”~~ and ~~“transmission~~ ~~“Transmission equipment”~~ also includes ancillary equipment and apparatus which support, regulate, control, repair, test, or enable such equipment to accomplish its function.

Sec. 7. Section 477C.7, subsection 2, Code 2021, is amended to read as follows:

2. The entities subject to assessment shall remit the assessed amounts quarterly, as determined by the board, to a special fund, as defined under section 8.2, subsection 9. The moneys in the fund are appropriated solely to plan, establish, administer, and promote the relay service and equipment distribution programs.

Approved April 30, 2021

CHAPTER 76

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 699

AN ACT relating to nonsubstantive Code corrections, and including retroactive applicability provisions.

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

DIVISION I MISCELLANEOUS CHANGES

Section 1. Section 8.44, subsection 1, paragraph a, Code 2021, is amended to read as follows:

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~~ the 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.

Sec. 2. Section 8A.460, subsection 1, Code 2021, is amended to read as follows:

1. A terminal liability health insurance fund is created in the state treasury under the control of the department of administrative services. The proceeds of the terminal liability health insurance fund shall be used by the department of administrative services to pay the state's share of the terminal liability of the existing health insurance contract administered by the department of administrative services. The moneys appropriated to the terminal liability health insurance fund plus any additional moneys appropriated or collected pursuant to 2001 Iowa Acts, ch. 190, or other Acts of the general assembly shall constitute the total amount due to pay the terminal liability specified in this section.

Sec. 3. Section 12.20, Code 2021, is amended to read as follows:

12.20 Issuance of new check.

Upon presentation of any check voided as provided in section 12.19 by the holder of the check after the ~~six months'~~ six-month period, the state treasurer is authorized to issue a new check for the amount of the original check to the holder.

Sec. 4. Section 15.317, subsection 3, Code 2021, is amended to read as follows:

3. The business is not an entity providing professional services, health care services, or medical treatments or is not an entity engaged primarily in retail operations.

Sec. 5. Section 15.354, subsection 3, paragraph e, subparagraph (2), subparagraph division (b), Code 2021, is amended to read as follows:

(b) If the project costs cause the housing project's average dwelling unit cost to exceed the applicable maximum amount authorized in section 15.353, subsection 3, but ~~does do~~ not cause the average dwelling unit cost to exceed one hundred ten percent of such applicable maximum amount, the authority may consider the agreement fulfilled and may issue a tax credit certificate. In such case, the authority shall reduce the tax incentive award and the corresponding amount of tax incentives the eligible housing project may claim under section 15.355, subsections 2 and 3, by the same percentage that the housing project's average dwelling unit cost exceeds the applicable maximum amount under section 15.353, subsection 3, and such tax incentive reduction shall be reflected on the tax credit certificate. If the authority issues a certificate pursuant to this subparagraph division, the department of revenue shall accept the certificate notwithstanding that the housing project's average dwelling unit costs ~~exceeds~~ exceed the maximum amount specified in section 15.353, subsection 3.

Sec. 6. Section 15J.2, subsection 7, paragraph c, Code 2021, is amended to read as follows:

c. A joint board or other legal entity established or designated in an agreement made pursuant to chapter 28E between two or more contiguous municipalities identified in paragraph "a" or "b" ~~pursuant to chapter 28E~~.

Sec. 7. Section 17A.4A, subsection 4, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Upon receipt by an agency of a timely request for a regulatory analysis, the agency shall extend the period specified in this chapter for each of the following until at least twenty days after publication in the Iowa administrative bulletin of a concise summary of the regulatory analysis:

Sec. 8. Section 24.29, Code 2021, is amended to read as follows:

24.29 Appeal.

The state board may conduct the hearing or may appoint a deputy. A deputy designated to hear an appeal shall attend in person and conduct the hearing in accordance with section 24.28, ~~and~~. The deputy shall promptly report the proceedings at the hearing, which report shall become a part of the permanent record of the state board.

Sec. 9. Section 29A.75, Code 2021, is amended to read as follows:

29A.75 Affidavit.

An affidavit, executed by an attorney in fact or agent, setting forth that the attorney or agent has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this state, ~~such the~~ the affidavit ~~(when, if~~ authenticated for record in the manner prescribed by ~~law)~~ law, shall likewise be recordable.

Sec. 10. Section 29B.43, Code 2021, is amended to read as follows:

29B.43 Oaths.

Before performing their official duties, military judges, members of a general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The adjutant general shall adopt rules prescribing the form of the oath, the time and place of the taking of the oath, the manner of recording, and whether the oath must be taken for all cases in which official duties must be performed or for a particular case. The rules may provide that an oath to perform duties faithfully as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate

or legal officer, or other person certified to be qualified or competent for the duty, and that once taken the oath need not be taken again each time the person is detailed to that duty.

Sec. 11. Section 48A.19, subsection 1, paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(4) Special supplemental ~~food~~ nutrition program for women, infants, and children.

Sec. 12. Section 50.48, subsection 6, Code 2021, is amended to read as follows:

6. The commissioner shall promptly notify the state commissioner of any recount of votes for an office to which section 50.30₂ or section 43.60 in the case of a primary election, is applicable. If necessary, the state canvass required by section 50.38, or by section 43.63, as the case may be, shall be delayed with respect to the office or the nomination to which the recount pertains. The commissioner shall subsequently inform the state commissioner at the earliest possible time whether any change in the outcome of the election in that county or district resulted from the recount.

Sec. 13. Section 67.3, Code 2021, is amended to read as follows:

67.3 Refusal to obey subpoena — fees.

1. If any witness, duly subpoenaed, refuses to obey said the subpoena, or refuses to testify, said the commission shall certify said the fact to the district court of the county where the investigation is ~~being had and said taking place~~. The court shall proceed with said the witness in the same manner as though said the refusal had occurred in a legal proceeding before said the court or judge.

2. Witnesses shall be paid in the manner provided for witnesses before the executive council and from the same appropriation.

Sec. 14. Section 80.45A, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. “*Commissioner*” means the commissioner ~~of the department~~ of public safety or the commissioner’s designee.

Sec. 15. Section 80D.9, Code 2021, is amended to read as follows:

80D.9 Supervision of reserve peace officers.

1. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the chief of police, sheriff, commissioner of public safety, or director of the judicial district department of correctional services unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigation, civil process, court duties, jail duties, and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank.

2. Each department for which a reserve force is established shall appoint a certified peace officer as the reserve force coordinating and supervising officer. A reserve peace officer force established in a judicial district department of correctional services must be directly supervised by a certified peace officer who is on duty. That certified peace officer shall report directly to the chief of police, sheriff, commissioner of public safety or the commissioner’s designee, or director of the judicial district department of correctional services or the director’s designee, as the case may be.

Sec. 16. Section 84A.13, subsection 4, Code 2021, 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 created pursuant to section 84A.13A. The assets of the Iowa employer innovation fund shall be used by the department in accordance with this section.

All moneys deposited or paid into the fund are appropriated and made available to the board to be used 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. 17. Section 85.26, subsection 3, Code 2021, is amended to read as follows:

3. Notwithstanding chapter 17A, the filing with the workers' compensation commissioner of the original notice or petition for an original proceeding or an original notice or petition to reopen an award or agreement of settlement provided by section 86.13, for benefits under this chapter or chapter 85A or 85B is the only act constituting ~~"commencement"~~ commencement for purposes of this section.

Sec. 18. Section 85.55, subsection 1, Code 2021, is amended to read as follows:

1. For purposes of this section, franchisee "franchisee" and franchisor "franchisor" mean the same as defined in section 523H.1.

Sec. 19. Section 85A.4, Code 2021, is amended to read as follows:

85A.4 Disablement defined.

~~Disablement as that term is~~ As used in this chapter is, "disablement" means the event or condition where an employee becomes actually incapacitated from performing the employee's work or from earning equal wages in other suitable employment because of an occupational disease as defined in this chapter in the last occupation in which such employee is injuriously exposed to the hazards of such disease.

Sec. 20. Section 89A.10, subsection 3, Code 2021, is amended to read as follows:

3. If the commissioner has reason to believe that the continued operation of a conveyance constitutes an imminent danger which could reasonably be expected to seriously injure or cause death to any person, in addition to any other remedies, the commissioner may apply to the district court in the county in which such imminently dangerous condition exists for a temporary order for the purpose of enjoining such imminently dangerous conveyance. Upon hearing, if deemed appropriate by the court, a permanent injunction may be issued to ~~insure~~ ensure that such imminently dangerous conveyance be prevented or controlled. Upon the elimination or rectification of such imminently dangerous condition, the temporary or permanent injunction shall be vacated.

Sec. 21. Section 91.11, Code 2021, is amended to read as follows:

91.11 Prosecutions for violations.

1. If the commissioner learns of any violation of any law administered by the division, the commissioner may give the county attorney of the county in which the violation occurred written notice of the facts, whereupon that officer shall institute the proper proceedings against the person charged with the offense.

2. If the commissioner is of the opinion that the violation is not willful, or is an oversight or of a trivial nature, the commissioner may at the commissioner's discretion fix a time within which the violation shall be corrected and notify the owner, operator, superintendent, or person in charge, ~~and if~~. If the violation is corrected within the time fixed, then the commissioner shall not cause prosecution to be begun.

Sec. 22. Section 96.1A, subsection 37, Code 2021, is amended to read as follows:

37. ~~"Total and partial unemployment"~~ "Totally unemployed", "partially unemployed", and "temporarily unemployed".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed "partially unemployed" in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed "*temporarily unemployed*" if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work, or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Sec. 23. Section 96.6, subsection 2, Code 2021, 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 issuing issuance of the notice of the filing of the claim 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 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. 24. Section 96.14, subsection 16, Code 2021, is amended to read as follows:

16. *Injunction upon nonpayment.* Any employer or employing unit refusing or failing to make and file required reports, or 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.

Sec. 25. Section 96.40, subsection 5, Code 2021, is amended to read as follows:

5. An employer may file an appeal in writing of from 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. 26. Section 124.409, subsection 3, Code 2021, is amended to read as follows:

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~~ ensure compliance with the court's order and to ~~insure~~ ensure that the person will not, during the period of treatment and rehabilitation, again violate a provision of this chapter.

Sec. 27. Section 125.33, subsection 5, Code 2021, is amended to read as follows:

5. If a patient leaves a facility, with or against the advice of the administrator in charge of the facility, the director may make reasonable provisions for the patient's transportation to another facility or to the patient's home. If the patient has no home the patient shall be assisted in obtaining shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative, or by the minor or incompetent person if the patient was the original applicant.

Sec. 28. Section 135.14, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. Manage the oral and health delivery systems bureau including direction, supervision, and fiscal management of bureau staff.

Sec. 29. Section 135.15, unnumbered paragraph 1, Code 2021, is amended to read as follows:

An oral and health delivery ~~system~~ systems bureau is established within the division of health promotion and chronic disease prevention of the department. The bureau shall be responsible for all of the following:

Sec. 30. Section 135.16, Code 2021, is amended to read as follows:

135.16 Special supplemental nutrition program for women, infants, and children supplemental food program — methamphetamine education.

As a component of the federal funding received by the department as the administering agency for the special supplemental nutrition program for women, infants, and children supplemental food program, from the United States department of agriculture, food and ~~consumer~~ nutrition service, the department shall incorporate a methamphetamine education program into its nutrition and health-related education services. The department shall be responsible for the development of the education program to be delivered, and for the selection of qualified contract agencies to deliver the instruction under the program.

Sec. 31. Section 135.16A, Code 2021, is amended to read as follows:

135.16A Vendors participating in federal ~~food~~ nutrition program — egg sales.

1. As used in this section, unless the context otherwise requires:

- a. "Conventional eggs" means eggs other than specialty eggs.
- b. "Eggs" means shell eggs that are graded as "AA", "A", or "B" pursuant to 7 C.F.R. pt. 56, subpt. A, and that are sold at retail in commercial markets.
- c. "Federal ~~food~~ nutrition program" means the special supplemental ~~food~~ nutrition program for women, infants, and children as provided in 42 U.S.C. §1786, et seq.
- d. "Grocery store" means a food establishment as defined in section 137F.1 licensed by the department of inspections and appeals pursuant to section 137F.4, to sell food or food products to customers intended for preparation or consumption off premises.
- e. "Specialty eggs" means eggs produced by domesticated chickens, and sold at retail in commercial markets if the chickens producing such eggs are advertised as being housed in any of the following environments:

- (1) Cage-free.
- (2) Free-range.
- (3) Enriched colony cage.

2. a. The department of inspections and appeals shall assist the Iowa department of public health in adopting rules necessary to implement and administer this section.

b. If necessary to implement, administer, and enforce this section, the Iowa department of public health, in cooperation with the department of agriculture and land stewardship, shall submit a request to the United States department of agriculture for a waiver or other exception from regulations as deemed feasible by the Iowa department of public health. The Iowa department of public health shall regularly report the status of such request to the legislative services agency.

3. A grocery store that is a vendor participating in a federal ~~food~~ nutrition program and offering specialty eggs for retail sale shall maintain an inventory of conventional eggs for retail sale sufficient to meet federal and state requirements for participation in the federal ~~food~~ nutrition program.

4. This section does not require a grocery store to do any of the following:

a. Stock or sell specialty eggs.

b. Stock or sell eggs, if the grocery store elects not to stock or sell conventional eggs for retail sale as part of its normal business.

c. Comply with the provisions of this section, if the grocery store's inventory of eggs for retail sale was limited to specialty eggs prior to January 1, 2018.

5. A violation of subsection 3 by a grocery store shall not be construed to disqualify a grocery store from participating in a federal ~~food~~ nutrition program unless otherwise authorized by the United States department of agriculture.

Sec. 32. Section 135.19, subsection 2, Code 2021, is amended to read as follows:

2. The department shall establish by rule a list of individuals by category who are at increased risk for viral hepatitis exposure. The list shall be consistent with recommendations developed by the centers for disease control and prevention of the United States department of health and human services, and shall be developed in consultation with the Iowa viral hepatitis task force and the Iowa department of veterans affairs. The department shall also establish by rule what information is to be distributed and the form and manner of distribution. The rules shall also establish a vaccination and testing program, to be coordinated by the department through local health departments and clinics and other appropriate locations.

Sec. 33. Section 135.43, subsection 2, paragraph n, Code 2021, is amended to read as follows:

n. One other member who is appointed at large.

Sec. 34. Section 135.43, subsection 4, paragraph c, subparagraph (3), Code 2021, is amended to read as follows:

(3) Confirmation of receipt by the department of human services ~~receipt~~ of any report of child abuse involving the child, including confirmation as to whether or not any assessment involving the child was performed in accordance with section 232.71B, the results of any assessment, a description of the most recent assessment and the services offered to the family, the services rendered to the family, and the basis for the department's decisions concerning the case.

Sec. 35. Section 135.173A, subsection 4, paragraph n, Code 2021, is amended to read as follows:

n. One designee of the early childhood Iowa office of the department of management.

Sec. 36. Section 148F.3, subsection 8, Code 2021, is amended to read as follows:

8. Adoption of rules providing temporary licensing for persons providing orthotic, prosthetic, and pedorthic care in this state prior to ~~the effective date of this Act~~ July 1, 2012. A temporary license is good for no more than one year.

Sec. 37. Section 153.14, subsection 2, Code 2021, is amended to read as follows:

2. Licensed ~~“physicians and surgeons”~~ physicians and surgeons or licensed ~~“osteopathic physicians and surgeons”~~ osteopathic physicians and surgeons who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their profession.

Sec. 38. Section 154A.20, subsection 2, Code 2021, is amended to read as follows:

2. The receipt shall bear the following statement in type no smaller than the largest used in the body copy portion of the receipt:

The purchaser has been advised that any examination or representation made by a licensed hearing aid specialist in connection with the fitting or selection and selling of this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and, therefore, must not be regarded as medical opinion or advice.

Sec. 39. Section 158.1, subsection 3, Code 2021, 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. 40. Section 162.1, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. ~~Insure~~ Ensure that all dogs and cats handled by commercial establishments are provided with humane care and treatment.

Sec. 41. Section 190B.201, subsections 2 and 3, Code 2021, are amended to read as follows:

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 of agriculture and land stewardship 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 of agriculture and land stewardship as required by the department.

Sec. 42. Section 191.1, Code 2021, is amended to read as follows:

191.1 Label requirements.

All food offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in sections 189.9 ~~to through~~ through 189.12, ~~inclusive~~, unless otherwise provided in this chapter.

Sec. 43. Section 191.2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The products enumerated below shall be labeled on the side or top of the container or package in which placed, kept, offered or exposed for sale, or sold as prescribed in sections 189.9 ~~to through~~ through 189.12, ~~inclusive~~, except that the label shall be printed in letters not less than three-quarters inch in height and one-half inch in width and subject to the following regulations:

Sec. 44. Section 200.2, Code 2021, is amended to read as follows:

200.2 Enforcing official.

This chapter shall be administered by the secretary of agriculture, ~~hereinafter referred to as the secretary.~~

Sec. 45. Section 200.15, Code 2021, is amended to read as follows:

200.15 Refusal to register or cancellation of registration and licenses.

1. The Upon satisfactory evidence that the registrant or licensee has used fraudulent or deceptive practices or has willfully violated any provisions of this chapter or any rules and regulations promulgated under this chapter, the secretary is authorized and empowered to cancel do any of the following:

a. Cancel the registration of any product of commercial fertilizer or soil conditioner or license ~~or to refuse.~~

~~b. Refuse to register any product of commercial fertilizer or soil conditioner or refuse.~~

~~c. Refuse to license any applicant upon satisfactory evidence that the registrant or licensee has used fraudulent or deceptive practices or has willfully violated any provisions of this chapter or any rules and regulations promulgated under this chapter.~~

2. However, a registration or license shall not be revoked or refused until the registrant or licensee has been given the opportunity to appear for a hearing by the secretary.

Sec. 46. Section 202B.202, subsections 1, 2, and 3, Code 2021, are amended to read as follows:

1. a. A cooperative association which is a party to a contract for the care and feeding of swine in compliance with section 9H.2 prior to May 9, 2003, and which is in violation of section 9H.2, as amended by 2003 Iowa Acts, ch. 115, shall have until June 30, 2007, to comply with section 9H.2, as amended by 2003 Iowa Acts, ch. 115.

b. Notwithstanding any provision of this section, a cooperative association shall not take an action on or after May 9, 2003, that would be in violation of section 9H.2, as amended by 2003 Iowa Acts, ch. 115.

2. A processor that was in compliance with section 9H.2, Code 2001, prior to January 1, 2002, and which is in violation of section 9H.2, as amended by 2002 Iowa Acts, ch. 1095, shall have until June 30, 2006, to comply with section 9H.2, as amended by 2002 Iowa Acts, ch. 1095.

3. Notwithstanding any provision of this section, a processor shall not take an action on or after January 1, 2002, that would be in violation of section 9H.2, as amended by 2002 Iowa Acts, ch. 1095.

Sec. 47. Section 216.22, subsection 1, Code 2021, is amended to read as follows:

1. For purposes of this section, ~~franchisee and franchisor~~ “franchisee” and “franchisor” mean the same as defined in section 523H.1.

Sec. 48. Section 216B.2, Code 2021, is amended to read as follows:

216B.2 Commission created.

1. The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. The commission shall adopt rules concerning programs and services for blind persons provided under this chapter. The members of the commission shall appoint officers for the commission. A majority of the members of the commission shall constitute a quorum.

2. Commission members shall be reimbursed for actual expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.6. The members of the commission shall appoint officers for the commission. A majority of the members of the commission shall constitute a quorum.

3. The commission shall adopt rules concerning programs and services for blind persons provided under this chapter.

Sec. 49. Section 225C.3, subsection 1, Code 2021, is amended to read as follows:

1. The division is designated the state mental health authority as defined in 42 U.S.C. §201(m) (1976) for the purpose of directing the benefits of the National Mental Health Act, 42 U.S.C. §201 et seq. This designation does not preclude the state board of regents from authorizing or directing any institution under its jurisdiction to carry out educational, prevention, and research activities in the areas of mental health and intellectual disability. The division may contract with the state board of regents or any institution under the board's jurisdiction to perform any of these functions.

Sec. 50. Section 230.20, subsection 1, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) The costs of certain direct medical services identified in administrative rule, which may include but need not be limited to ~~X-ray~~ x-ray, laboratory, and dental services.

Sec. 51. Section 232.182, subsections 5A and 6, Code 2021, are amended to read as follows:

~~5A.~~ 6. If the court orders placement of the child into foster care, the court or the department shall establish a support obligation for the costs of the placement pursuant to section 234.39.

6. 7. The hearing may be waived and the court may issue the findings and order required under subsection 5 on the basis of the department's written report if all parties agree to the hearing's waiver and the department's written report.

Sec. 52. Section 260C.48, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), Code 2021, is amended to read as follows:

(a) Possess a baccalaureate or graduate degree in the area or a related area of study or occupational area in which the instructor teaches classes, or ~~possesses~~ possess 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.

Sec. 53. Section 261.120, subsection 3, paragraph a, subparagraphs (1) and (2), Code 2021, are amended to read as follows:

(1) Is enrolled in the final year of a doctor of veterinary medicine 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 doctor of veterinary medicine degree from a college of veterinary medicine accredited by the American veterinary medical association council on education.

Sec. 54. Section 261.120, subsection 4, paragraph a, Code 2021, is amended to read as follows:

a. Receive or possess a doctor of veterinary medicine degree, or the equivalent, from a college of veterinary medicine accredited by the American veterinary medical association council on education.

Sec. 55. Section 263B.4, Code 2021, is amended to read as follows:

263B.4 Definitions.

As used in sections 263B.5 and 263B.6:

1. "Appropriate authority" means the federal or state authorities concerned with the preservation and study of historical objects.

~~1.~~ 2. "Historical objects" means archaeological and paleontological objects, including all ruins, sites, buildings, artifacts, fossils, or other objects of antiquity that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the people of the United States.

2. 3. "Salvage" means the salvage of historical objects.

~~3. "Appropriate authority" means the federal or state authorities concerned with the preservation and study of historical objects.~~

Sec. 56. Section 272A.1, subsection 2, paragraphs a, b, c, d, e, and f, Code 2021, are amended to read as follows:

~~a. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.~~

~~a. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.~~

~~b. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of that state, contracts pursuant to this agreement.~~

~~e. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.~~

c. “Educational personnel” means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

d. “State” means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

e. d. “Originating state” means a state, and the subdivision thereof, if any, whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to article III of this agreement.

f. e. “Receiving state” means a state, and the subdivisions thereof, which accepts educational personnel in accordance with the terms of a contract made pursuant to article III of this agreement.

f. “State” means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

Sec. 57. Section 306A.10, Code 2021, is amended to read as follows:

306A.10 Notice to relocate — costs paid.

Whenever the state department of transportation, a city, or a county determines that relocation or removal of any utility facility now located in, over, along, or under any highway or street, is necessitated by the construction of a project on routes of the national system of interstate and defense highways including extensions within cities or on streets or highways resulting from interstate substitutions in a qualified metropolitan area under Tit. 23, U.S.C., the utility owning or operating the facility shall relocate or remove the same facility in accordance with statutory notice. The costs of relocation or removal, including the costs of installation in a new location, shall be ascertained by the authority having jurisdiction over the project or as determined in condemnation proceedings for such purposes and may be paid from participating federal aid or other funds.

Sec. 58. Section 311.23, subsection 1, Code 2021, is amended to read as follows:

1. The total cost of any secondary road assessment district project shall in the first instance be paid out of the county treasury. Any assessments which are paid in cash, and in anticipation of which assessments no certificates have been issued, shall be transferred to the county treasury.

Sec. 59. Section 321.504, Code 2021, is amended to read as follows:

321.504 Optional notification.

In lieu of mailing the notification described in section 321.502 to the defendant in a foreign state, the plaintiff may cause 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 the notification to the defendant or by offering to make such delivery in case the defendant refuses to accept delivery.

Sec. 60. Section 327E.1, Code 2021, is amended to read as follows:

327E.1 Foreign railway ~~companies~~ corporations.

1. Any railway corporation organized or created by or under the laws of any other state, owning and operating a line or lines of railroad in such state, may build its road or branches into this state, and shall possess all the powers and privileges, and be subject to the same liabilities, as like corporations organized and incorporated under the laws of this state, if ~~it shall file the railway corporation files~~ with the secretary of state a copy of its articles of incorporation, if incorporated under a general law of such state, or a certified copy of the statute incorporating it ~~where~~ if the charter ~~thereof~~ was granted by statute.

2. Any such railway corporation may take and hold voluntary grants of real estate and other property as are made to it to aid in the construction, maintenance, and continued operation of its railway. However, all real estate so received shall be held only as long as the real estate is used for the construction, maintenance, and continued operation of a railway.

Sec. 61. Section 331.424, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), Code 2021, is amended to read as follows:

(b) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight saving school, the Iowa school for the deaf, or the university of Iowa hospitals and clinics' center for disabilities and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4 ~~through 270.7~~.

Sec. 62. Section 359.3, Code 2021, is amended to read as follows:

359.3 Boundaries conterminous with city.

Where the boundaries of any city have been changed, the board of supervisors of the county in which the same city is situated shall have power to change the boundary lines of townships so as to make them conform to the boundaries of the city, and to make such other changes in township lines, and the number of townships, as it may deem necessary; but no action shall be taken affecting the boundaries or existing conditions of school districts.

Sec. 63. Section 359.32, Code 2021, is amended to read as follows:

359.32 Sale of lots — gifts.

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. 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 a gift, devise, or bequest, made to them for that purpose.

Sec. 64. Section 359A.22, Code 2021, is amended to read as follows:

359A.22 Controversies.

Upon the application of either owner, after notice is given as prescribed in this chapter, the fence viewers shall determine all controversies arising under sections 359A.18 ~~to~~ through 359A.21, ~~inclusive~~, including the partition fences made sheep and swine tight.

Sec. 65. Section 420.236, subsection 1, Code 2021, is amended to read as follows:

1. That ~~no~~ a person shall ~~not~~ be permitted to pay taxes of any one year until the taxes for the previous years ~~shall be~~ are first paid.

Sec. 66. Section 421.27, subsection 2, paragraph c, subparagraph (2), subparagraph division (b), Code 2021, is amended to read as follows:

(b) As used in this subparagraph, all words and phrases shall have the same meaning as defined in section 422.25A ~~shall have the same meaning given them by that section~~.

Sec. 67. Section 421.59, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. A taxpayer may at any time revoke a power of attorney filed with the department pursuant to this subsection ~~1~~. Upon processing of the taxpayer's revocation of a power of attorney, the department shall cease honoring the power of attorney.

Sec. 68. Section 422.1, subsections 4 and 10, Code 2021, are amended to read as follows:

- | | |
|------------------|---|
| 4. Subchapter IV | Repealed by 2003 Iowa Acts,
1st Ex., ch. 2, §151, 205;
see chapter 423. |
| 10. Subchapter X | Repealed by 2009 Iowa Acts,
ch. 179, §152, 153. |

Sec. 69. Section 422.4, subsection 10, Code 2021, is amended to read as follows:

10. The word "*nonresident*" applies only to individuals, and includes all individuals who are not "residents" within the meaning of subsection 15 ~~hereof~~.

Sec. 70. Section 422.11A, Code 2021, is amended to read as follows:

422.11A New jobs tax credit.

1. The taxes imposed under this subchapter, 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.

2. The amount of this credit is equal to the product of six percent of the taxable wages, as defined in section 96.1A, subsection 36, upon which an employer is required to contribute to the state unemployment compensation fund, as defined in section 96.1A, subsection 36, 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.

3. 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. 71. Section 422.11S, subsection 8, paragraph a, subparagraph (2), subparagraph division (b), subparagraph subdivision (i), Code 2021, is amended to read as follows:

(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 is 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.

Sec. 72. Section 422.25A, subsection 1, paragraph r, Code 2021, is amended to read as follows:

r. "Partnership level audit" means an examination by the internal revenue service at the partnership level pursuant to subchapter C, of 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.

Sec. 73. Section 422.29, subsection 1, Code 2021, is amended to read as follows:

1. Judicial review of actions of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act chapter 17A, petitions for judicial review may be filed in the district court of the county in which the petitioner resides, or in which the petitioner's principal place of business is located, or in the case of a nonresident not maintaining a place of business in this state either in any county in which the income involved was earned or derived or in Polk county, within sixty days after the petitioner shall have received notice of a determination by the director as provided for in section 422.28.

Sec. 74. Section 422.33, subsection 6, Code 2021, is amended to read as follows:

6. a. The taxes imposed under this subchapter 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.

b. The amount of this credit is equal to the product of six percent of the taxable wages, as defined in section 96.1A, subsection 36, upon which an employer is required to contribute to the state unemployment compensation fund, ~~as defined in section 96.1A, subsection 36~~, 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.

c. 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. 75. Section 422.72, subsection 1, paragraph a, subparagraph (1), Code 2021, 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. 76. Section 455B.133B, subsection 5, paragraph d, subparagraph (2), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Notwithstanding subparagraph (1), moneys in the air emission fee account are also appropriated to the department to pay for costs associated with implementing and administering regulatory activities, including programs, provided for in ~~division this subchapter II of this chapter~~ this subchapter II of this chapter, other than costs covered by any of the following:

Sec. 77. Section 455B.134, subsection 3, paragraph e, subparagraph (1), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Notwithstanding any other provision of ~~division this subchapter II of this chapter~~ or chapter 459, subchapter II, the following siting requirements shall apply to anaerobic lagoons and earthen waste slurry storage basins:

Sec. 78. Section 455B.134, subsections 12 and 13, Code 2021, are amended to read as follows:

12. Review and evaluate air pollution control programs conducted by political subdivisions of the state with respect to whether the programs are consistent with the provisions of ~~division this subchapter II of this chapter~~ and chapter 459, subchapter II, and rules adopted by the commission.

13. Hold public hearings, except when the evidence to be received is confidential pursuant to section 455B.137, necessary to accomplish the purposes of ~~division this subchapter II of this chapter~~ and chapter 459, subchapter II. The director may issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as in civil actions.

Sec. 79. Section 455B.138, subsection 1, Code 2021, is amended to read as follows:

1. When the director has evidence that a violation of any provision of ~~division this subchapter II of this chapter~~ or chapter 459, subchapter II, or rule, standard, or permit established or issued under ~~division this subchapter II~~ or chapter 459, subchapter II, has occurred, the director shall notify the alleged violator and, by informal negotiation, attempt to resolve the problem. If the negotiations fail to resolve the problem within a reasonable period of time, the director shall issue an order directing the violator to prevent, abate, or control the emissions or air pollution involved. The order shall prescribe the date by which the violation shall cease and may prescribe timetables for necessary action to prevent, abate, or control the emissions of air pollution. The order may be appealed to the commission. The applicable time frames for the issuance and appeal of the order are defined in section 455B.110.

Sec. 80. Section 455B.140, Code 2021, is amended to read as follows:

455B.140 Judicial review.

Judicial review of actions of the commission or of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of ~~said Act chapter 17A~~, petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed.

Sec. 81. Section 455B.143, subsection 1, Code 2021, is amended to read as follows:

1. The director shall promptly investigate the application and approve or disapprove the application. The director may grant a variance if the director finds ~~that~~ all of the following:

- a. The emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety or property; ~~and~~.
- b. Compliance with the rules or standards from which the variance is sought will produce serious hardship without equal or greater benefits to the public.

Sec. 82. Section 455B.145, Code 2021, is amended to read as follows:

455B.145 Acceptance of local program.

When an air pollution control program conducted by a political subdivision, or a combination of them, is deemed upon review as provided in section 455B.134, to be consistent with the provisions of this ~~division subchapter II~~ or the rules established under this ~~division subchapter II~~, the director shall accept such program in lieu of state administration and regulation of air pollution within the political subdivisions involved. This section shall not be construed to limit the power of the director to issue state permits and to take other actions consistent with this ~~division subchapter II~~ or the rules established under this ~~division subchapter II~~ that the director deems necessary for the continued proper administration of the air pollution programs within the jurisdiction of the local air pollution program.

1. In evaluating an air pollution control program, consideration shall be given to whether such program provides for the following:

- a. Ordinances, rules, and standards establishing requirements consistent with, or more strict than, those imposed by this ~~division subchapter II~~ or rules and standards adopted by the department.
- b. Enforcement of such requirements by appropriate administrative and judicial process.
- c. Administrative organization, staff, financial, and other resources necessary to administer an efficient and effective program.
- d. Location of emission monitoring devices in areas of the political subdivision in compliance with uniform state standards adopted by the department. The department shall adopt uniform state standards for the location of emission monitoring devices specifying such intervals and such procedures to provide a reasonably consistent measurement of emissions from air contaminant sources regardless of the political subdivision of the state in which the sources may be located.

2. Upon acceptance of a local air pollution control program, the director shall issue a certificate of acceptance to the appropriate local agency.

a. Any political subdivision desiring a certificate of acceptance shall apply to the department on forms prescribed by the director.

b. The director shall promptly investigate the application and approve or disapprove the application. The director may conduct a public hearing before action is taken to approve or disapprove. If the director disapproves issuing a certificate, the political subdivision may appeal the action to the department of inspections and appeals. At the hearing on appeal, the department of inspections and appeals shall decide whether the local program is substantially consistent with the provisions of this ~~division~~ subchapter II, or rules adopted thereunder, and whether the local program is being enforced. The burden of proof shall be upon the political subdivision.

c. If the director determines at any time that a local air pollution program is being conducted in a manner inconsistent with the substantive provisions of this ~~division~~ subchapter II or the rules adopted ~~thereunder~~ under this subchapter II, the director shall notify the political subdivision, citing the deviations from the acceptable standards and the corrective measures to be completed within a reasonable amount of time. If the corrective measures are not implemented as prescribed, the director shall suspend in whole or in part the certificate of acceptance of such political subdivision and shall administer the regulatory provisions of ~~said division~~ this subchapter II in whole or in part within the political subdivision until the appropriate standards are met. Upon receipt of evidence that necessary corrective action has been taken, the director shall reinstate the suspended certificate of acceptance, and the political subdivision shall resume the administration of the local air pollution control program within its jurisdiction. In cases where the certificate of acceptance is suspended, the political subdivision may appeal the suspension to the department of inspections and appeals.

d. Nothing in this ~~division~~ subchapter II shall be construed to supersede the jurisdiction of any local air pollution control program in operation on the first of January, 1973, except that any such program shall meet all requirements of ~~said division~~ this subchapter II.

Sec. 83. Section 455B.146, Code 2021, is amended to read as follows:

455B.146 Civil action for compliance — local program actions.

If any order, permit, or rule of the department is being violated, the attorney general shall, at the request of the department or the director, institute a civil action in any district court for injunctive relief to prevent any further violation of the order, permit, or rule, or for the assessment of a civil penalty as determined by the court, not to exceed ten thousand dollars per day for each day such violation continues, or both such injunctive relief and civil penalty. Notwithstanding sections 331.302 and 331.307, a city or county which maintains air pollution control programs authorized by certificate of acceptance under this ~~division~~ subchapter II may provide civil penalties consistent with the amount established for such penalties under this ~~division~~ subchapter II.

Sec. 84. Section 455B.146A, subsections 1 and 2, Code 2021, are amended to read as follows:

1. A person who knowingly violates any provision of ~~division this subchapter II of this chapter~~, any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~, or any condition or limitation included in any permit issued under ~~division this subchapter II of this chapter~~, is guilty of an aggravated misdemeanor. A conviction for a violation is punishable by a fine of not more than ten thousand dollars for each day of violation or by imprisonment for not more than two years, or both. If the conviction is for a second or subsequent violation committed by a person under this section, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than four years, or by both.

2. a. A person who knowingly makes any false statement, representation, or certification of any application, record, report, plan, or other document filed or required to be maintained under ~~division this subchapter II of this chapter~~, or by any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~ or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under ~~division this subchapter II of this chapter~~, or by any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~, or who knowingly fails to notify or report as required by ~~division this subchapter II of this chapter~~ or by any permit, rule,

standard, or order issued under ~~division this subchapter II of this chapter~~, or by any condition or limitation included in any permit issued under ~~division this subchapter II of this chapter~~, is guilty of an aggravated misdemeanor punishable by a fine of not more than ten thousand dollars per day per violation or by imprisonment for not more than one year, or by both. If the conviction is for a second or subsequent violation committed by a person under this paragraph, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than two years, or by both.

b. A person who knowingly fails to pay any fee owed the state under any provision of ~~division this subchapter II of this chapter~~, or any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~, is guilty of an aggravated misdemeanor punishable by a fine of not more than ten thousand dollars per day per violation or by imprisonment for not more than six months, or by both. If the conviction is for a second or subsequent violation under this paragraph, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than one year, or by both.

Sec. 85. Section 455B.149, subsection 1, Code 2021, is amended to read as follows:

1. Upon application by the owner or operator of a fuel-burning stationary source, and after notice and opportunity for public hearing, the commission may petition the president, under section 110, subsection “f”, paragraph 1, of the federal Clean Air Act as amended through January 1, 1991, for a determination that a national or regional energy emergency exists. If the president determines an emergency exists, the commission may suspend any requirement of this ~~division subchapter II~~ or a rule or permit issued under this ~~division subchapter II~~. A temporary emergency suspension under this subsection shall be issued only if there exists in the vicinity of the source a temporary emergency involving high levels of unemployment or loss of necessary energy supplies for residential buildings and if the unemployment or loss can be totally or partially alleviated by the suspension. Only one suspension may be issued for a source on the basis of the same set of circumstances or on the basis of the same emergency. A suspension shall remain in effect for a maximum of four months. The commission may include in a suspension a provision directing the director to delay for a period identical to the period of the suspension a compliance schedule or increment of progress to which the source is subject under section 455B.138, if the source is unable to comply with the schedule or increment solely because of the conditions on the basis of which the suspension was issued.

Sec. 86. Section 455B.171, subsections 28 and 36, Code 2021, are amended to read as follows:

28. “*Schedule of compliance*” means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any effluent standard, water quality standard, or any other requirement of this part 1 of ~~this division subchapter III~~ or any rule promulgated pursuant thereto to this subchapter.

36. “*Sewer system*” means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices, and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the federal Water Pollution Control Act, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of this part 1 of ~~this division subchapter III~~.

Sec. 87. Section 455B.173, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. If the federal environmental protection agency has promulgated an effluent standard or pretreatment standard pursuant to section 301, 306, or 307 of the federal Water Pollution Control Act, a pretreatment or effluent standard adopted pursuant to this section shall not be more stringent than the federal effluent or pretreatment standard for such source. This section may not preclude the establishment of a more restrictive effluent limitation in the permit for a particular point source if the more restrictive effluent limitation is necessary to meet water quality standards, the establishment of an effluent standard for a source or

class of sources for which the federal environmental protection agency has not promulgated standards pursuant to section 301, 306, or 307 of the federal Water Pollution Control Act. Except as required by federal law or regulation, the commission shall not adopt an effluent standard more stringent with respect to any pollutant than is necessary to reduce the concentration of that pollutant in the effluent to the level due to natural causes, including the mineral and chemical characteristics of the land, existing in the water of the state to which the effluent is discharged. Notwithstanding any other provision of this part 1 of ~~this division subchapter III~~ or chapter 459, subchapter III, any new source, the construction of which was commenced after October 18, 1972, and which was constructed as to meet all applicable standards of performance for the new source or any more stringent effluent limitation required to meet water quality standards, shall not be subject to any more stringent effluent limitations during a ten-year period beginning on the date of completion of construction or during the period of depreciation or amortization of the pollution control equipment for the facility for the purposes of section 167 or 169 or both sections of the Internal Revenue Code, whichever period ends first.

Sec. 88. Section 455B.174, subsections 1 and 3, Code 2021, are amended to read as follows:

1. Conduct investigations of alleged water pollution or of alleged violations of this part 1 of ~~this division subchapter III~~, chapter 459, subchapter III, chapter 459A, chapter 459B, or any rule adopted or any permit issued pursuant thereto upon written request of any state agency, political subdivision, local board of health, twenty-five residents of the state, as directed by the department, or as may be necessary to accomplish the purposes of this part 1 of ~~this division subchapter III~~, chapter 459, subchapter III, chapter 459A, or chapter 459B.

3. Take any action or actions allowed by law which, in the director's judgment, are necessary to enforce or secure compliance with the provisions of this part 1 of ~~this division subchapter III~~ or chapter 459, subchapter III, or of any rule or standard established or permit issued pursuant thereto.

Sec. 89. Section 455B.174, subsection 4, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Approve or disapprove the plans and specifications for the construction of disposal systems or public water supply systems except for those sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The director shall issue, revoke, suspend, modify, or deny permits for the operation, installation, construction, addition to, or modification of any disposal system or public water supply system except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The director shall also issue, revoke, suspend, modify, or deny permits for the discharge of any pollutant, or for the use or disposal of sewage sludge. The permits shall contain conditions and schedules of compliance as necessary to meet the requirements of this part 1 of ~~this division subchapter III~~ or chapter 459, subchapter III, the federal Water Pollution Control Act and the federal Safe Drinking Water Act. A permit issued under this chapter for the use or disposal of sewage sludge is in addition to and must contain references to any other permits required under this chapter. The director shall not issue or renew a permit to a disposal system or a public water supply system which is not viable. If the director has reasonable grounds to believe that a disposal system or public water supply system is not viable, the department may require the system to submit a business plan as a means of determining viability. This plan shall include the following components:

Sec. 90. Section 455B.174, subsection 5, paragraph a, Code 2021, is amended to read as follows:

a. Periodically review permits and reports submitted by city and county public works departments in accordance with section 455B.183, subsection 3, to ensure such public works departments are complying with this part 1 of ~~this division subchapter III~~. If a city or county public works department is not complying with section 455B.183 in reviewing plans and

specifications or in granting permits or both, the department shall perform these functions in that jurisdiction until the city or county public works department is able to perform them. Performance of these functions in a jurisdiction by a local public works department shall not be suspended or revoked until after notice and opportunity for hearing as provided in chapter 17A.

Sec. 91. Section 455B.175, Code 2021, is amended to read as follows:

455B.175 Violations.

1. If there is substantial evidence that any person has violated or is violating any provision of, or any rule or standard established or permit issued pursuant to, this part 1 of this ~~division subsection~~ ¹ III, chapter 459, subchapter III, chapter 459A, or chapter 459B, ~~or of any rule or standard established or permit issued pursuant thereto~~; then one of the following may apply:

a. The director may issue an order directing the person to desist in the practice which constitutes the violation or to take such corrective action as may be necessary to ensure that the violation will cease. The person to whom such order is issued may cause to be commenced a contested case within the meaning of the Iowa administrative procedure Act, chapter 17A, by filing with the director a notice of appeal to the commission. The applicable time frames for the issuance and appeal of the order are defined in section 455B.110. On appeal the commission may affirm, modify, or vacate the order of the director; ~~or~~.

b. If it is determined by the director that an emergency exists respecting any matter affecting or likely to affect the public health, the director may issue any order necessary to terminate the emergency without notice and without hearing. Any such order shall be binding and effective immediately and until such order is modified or vacated at a hearing before the commission or by a court; ~~or~~.

c. The director, with the approval of the commission, may request the attorney general to institute legal proceedings pursuant to section 455B.191 or 459.604.

2. Notwithstanding the limitations on civil and criminal penalty amounts in sections 331.302 and 331.307, a county that has entered into an agreement with the department pursuant to sections 455B.174 and 455B.183 regarding the construction of semipublic sewage disposal systems may assess civil penalties in amounts consistent with and not exceeding the amounts established for such penalties under this ~~division~~ subchapter III.

Sec. 92. Section 455B.177, subsection 1, Code 2021, is amended to read as follows:

1. The general assembly finds and declares that because the federal Water Pollution Control Act provides for a permit system to regulate the discharge of pollutants into the waters of the United States and provides that permits may be issued by states which are authorized to implement that Act, it is in the interest of the people of Iowa to enact this part 1 of this ~~division~~ subchapter III in order to authorize the state to implement the federal Water Pollution Control Act, and federal regulations and guidelines issued pursuant to that Act.

Sec. 93. Section 455B.179, Code 2021, is amended to read as follows:

455B.179 Trade secrets protected.

Upon a satisfactory showing by any person to the director that public disclosure of any record, report, permit, permit application, or other document or information or part thereof would divulge methods or processes entitled to protection as a trade secret, any such record, report, permit, permit application, or other document or part thereof other than effluent data and analytical results of monitoring of public water supply systems, shall be accorded confidential treatment. Notwithstanding the provisions of chapter 22, a person in connection with duties or employment by the department shall not make public any information accorded confidential status; however, any such record or other information accorded confidential status may be disclosed or transmitted to other officers, employees, or authorized representatives of this state or the United States concerned with carrying out this part 1 of this ~~division~~ subchapter III; chapter 459, subchapter III; or chapter 459A; or when relevant in any proceeding under this part 1 of this ~~division~~ subchapter III; chapter 459, subchapter III; or chapter 459A.

¹ See chapter 174, §21 herein

Sec. 94. Section 455B.182, Code 2021, is amended to read as follows:

455B.182 Failure constitutes contempt.

Failure to obey any order issued by the department with reference to a violation of this part 1 of this ~~division~~ subchapter III; chapter 459, subchapter III; chapter 459A; chapter 459B; or any rule promulgated or permit issued pursuant thereto shall constitute prima facie evidence of contempt. In such event the department may certify to the district court of the county in which such alleged disobedience occurred the fact of such failure. The district court after notice, as prescribed by the court, to the parties in interest shall then proceed to hear the matter and if it finds that the order was lawful and reasonable, it shall order the party to comply with the order. If the person fails to comply with the court order, that person shall be guilty of contempt and shall be fined not to exceed five hundred dollars for each day that the person fails to comply with the court order. The penalties provided in this section shall be considered as additional to any penalty which may be imposed under the law relative to nuisances or any other statute relating to the pollution of any waters of the state or related to public water supply systems and a conviction under this section shall not be a bar to prosecution under any other penal statute.

Sec. 95. Section 455B.183A, subsection 1, Code 2021, is amended to read as follows:

1. A water quality protection fund is created in the state treasury under the control of the department. The fund consists of moneys appropriated to the fund by the general assembly, moneys deposited into the fund from fees described in subsection 2, moneys deposited into the fund from fees collected pursuant to sections 455B.187 and 455B.190A, and other moneys available to and obtained or accepted by the department from the United States government or private sources for placement in the fund. The fund is divided into the public water supply system account and the private water supply system account. Moneys in the public water supply system account are appropriated to the department for purposes of carrying out the provisions of this ~~division~~ subchapter III, which relate to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and to support the program to assist supply systems, as provided in section 455B.183B. Moneys in the private water supply system account are appropriated to the department for the purpose of supporting the programs established to protect private drinking water supplies as provided in sections 455B.187, 455B.188, 455B.190, and 455B.190A.

Sec. 96. Section 455B.183C, Code 2021, is amended to read as follows:

455B.183C Personnel — department of management.

Notwithstanding any limitation upon the department's number of full-time equivalent positions as defined in section 8.36A, any point limitation on personnel, or any other limitation upon the number of personnel or their employment classification, imposed by the department of management, the department may employ the number of full-time equivalent positions which equals the number of positions allocated by the general assembly to the department for each applicable fiscal year in order to carry out the provisions of this ~~division~~ subchapter III relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and the program to assist supply systems, but only to the extent that moneys used to support the positions derive from moneys deposited in the water quality protection fund, as provided in section 455B.183A. If a specific number of full-time equivalent positions are not allocated by the general assembly, the department may fill any number of positions required to administer the program, to the extent the positions are supported by the fund.

Sec. 97. Section 455B.191, subsections 2, 4, 5, and 6, Code 2021, are amended to read as follows:

2. Any person who violates any provision of this part 1 of ~~division~~ subchapter III of this chapter or any permit, rule, standard, or order issued under this part 1 of ~~division~~ subchapter III of this chapter shall be subject to a civil penalty not to exceed five thousand dollars for each day of such violation.

4. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained

under ~~this part 1 of division subchapter III of this chapter~~, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under ~~this part 1 of division subchapter III of this chapter~~ or by any permit, rule, regulation, or order issued under ~~this part 1 of division subchapter III of this chapter~~, shall upon conviction be punished by a fine of not more than ten thousand dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

5. The attorney general shall, at the request of the director with approval of the commission, institute any legal proceedings, including an action for an injunction or a temporary injunction, necessary to enforce the penalty provisions of ~~this part 1 of division subchapter III of this chapter~~ or to obtain compliance with the provisions of ~~this part 1 of division subchapter III of this chapter~~ or any rules promulgated or any provision of any permit issued under ~~this part 1 of division subchapter III of this chapter~~. In any such action, any previous findings of fact of the director or the commission after notice and hearing shall be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

6. In all proceedings with respect to any alleged violation of the provisions of this part 1 of ~~division subchapter III~~ or any rule established by the commission or the department, the burden of proof shall be upon the commission or the department except in an action for contempt as provided in section 455B.182.

Sec. 98. Section 455B.192, Code 2021, is amended to read as follows:

455B.192 Local government — penalties.

Notwithstanding sections 331.302, 331.307, 364.3, and 364.22, a city or county may assess a civil penalty for a violation of this ~~division subchapter III~~ which is equal to the amount the department has assessed for a violation under this ~~division subchapter III~~.

Sec. 99. Section 455B.219, subsection 8, Code 2021, is amended to read as follows:

8. Willful or repeated violations of ~~division this subchapter III of this chapter~~.

Sec. 100. Section 455B.224, Code 2021, is amended to read as follows:

455B.224 Simple misdemeanor.

Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, violating any provisions of this part 2 of ~~division subchapter III~~ or the rules adopted ~~thereunder~~ under this part after written notice thereof by the executive director is guilty of a simple misdemeanor. Each day of operation in such violation of ~~said this part~~ or any rules adopted ~~thereunder~~ under this part shall constitute a separate offense. It shall be the duty of the appropriate county attorney to secure injunctions of continuing violations of any provisions of ~~said this part~~ or the rules adopted ~~thereunder~~ under this part.

Sec. 101. Section 455B.307, Code 2021, is amended to read as follows:

455B.307 Dumping — where prohibited — penalty.

1. A private agency or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director unless the agency has been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. The department shall adopt rules regarding the permitting of this activity which shall provide that the public interest is best served, but which may be based upon criteria less stringent than those regulating a public sanitary disposal project provided that the rules adopted meet the groundwater protection goal specified in section 455E.4. The comprehensive plans for these facilities may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operations characteristics, and volumes and types of waste handled at the disposal site. The director may issue temporary permits for dumping or disposal of solid waste at disposal sites for which an application for a permit to operate a sanitary disposal project has been made and which have not met all of the requirements of part 1 of this ~~division subchapter IV~~ and the rules adopted by the commission if a compliance schedule has been submitted by the applicant specifying how and when the applicant will meet the requirements for an operational sanitary disposal project and the director determines the public interest will be best served by granting such temporary permit.

2. The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this part 1 of ~~division subchapter IV~~ or the rules adopted pursuant to the part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of the part or rules issued pursuant to ~~the~~ this part.

3. Any person who violates any provision of part 1 of this ~~division subchapter IV~~ or any rule or any order adopted or the conditions of any permit or order issued pursuant to part 1 of this ~~division subchapter IV~~ shall be subject to a civil penalty, not to exceed five thousand dollars for each day of such violation.²

Sec. 102. Section 455B.307A, subsection 4, Code 2021, is amended to read as follows:

4. This section shall not apply to the discarding of litter regulated under ~~chapter 455B, division subchapter IV~~, part 3, and local littering ordinances.³

Sec. 103. Section 455B.396, subsection 1, Code 2021, is amended to read as follows:

1. Liability to the state under this part 4 or part 5 of this ~~division subchapter IV~~ is a debt to the state. Liability to a political subdivision under this part 4 of this ⁴ ~~division subchapter IV~~ is a debt to the political subdivision. The debt, together with interest on the debt at the maximum lawful rate of interest permitted pursuant to section 535.2, subsection 3, paragraph "a", from the date costs and expenses are incurred by the state or a political subdivision is a lien on real property, except single and multifamily residential property, on which the department incurs costs and expenses creating a liability and owned by the persons liable under this part 4 or part 5. To perfect the lien, a statement of claim describing the property subject to the lien must be filed within one hundred twenty days after the incurrence of costs and expenses by the state or a political subdivision. The statement shall be filed with, accepted by, and recorded by the county recorder in the county in which the property subject to the lien is located. The statement of claim may be amended to include subsequent liabilities. To be effective, the statement of claim shall be amended and filed within one hundred twenty days after the occurrence of the event resulting in the amendment.

Sec. 104. Section 455B.423, subsection 2, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) Emergency response activities as provided in part 4 of this ~~division subchapter IV~~.

Sec. 105. Section 455B.477, subsection 7, Code 2021, is amended to read as follows:

7. The civil penalties or other damages or moneys recovered by the state or the petroleum underground storage tank fund in connection with a petroleum underground storage tank under this part 8 of this ~~division subchapter IV~~ or chapter 455G shall be credited to the fund created in section 455G.3 and allocated between fund accounts according to the fund budget. Any federal moneys, including but not limited to federal underground storage tank trust fund moneys, received by the state or the department of natural resources in connection with a release occurring on or after May 5, 1989, or received generally for underground storage tank programs on or after May 5, 1989, shall be credited to the fund created in section 455G.3 and allocated between fund accounts according to the fund budget, unless such use would be contrary to federal law. The department shall cooperate with the board of the Iowa comprehensive petroleum underground storage tank fund to maximize the state's eligibility for and receipt of federal funds for underground storage tank related purposes.

Sec. 106. Section 455B.751, unnumbered paragraph 1, Code 2021, is amended to read as follows:

As used in this ~~division subchapter X~~, unless the context otherwise requires:

Sec. 107. Section 455B.754, Code 2021, is amended to read as follows:

455B.754 Legal responsibility.

² See chapter 174, §22 herein

³ See chapter 174, §23 herein

⁴ See chapter 174, §24 herein

This ~~division~~ subchapter X shall not be interpreted to affect the legal responsibility to the state to conduct response actions under any applicable state law. This ~~division~~ subchapter X shall not be interpreted to affect or provide immunity from any criminal liability.

Sec. 108. Section 455B.801, Code 2021, is amended to read as follows:

455B.801 Short title.

This ~~division~~ subchapter XI shall be known and may be cited as the “Mercury-Free Recycling Act”.

Sec. 109. Section 455B.802, unnumbered paragraph 1, Code 2021, is amended to read as follows:

As used in this ~~division~~ subchapter XI, unless the context otherwise requires:

Sec. 110. Section 455B.803, subsection 2, paragraph b, subparagraph (9), Code 2021, is amended to read as follows:

(9) The program shall not include inaccessible mercury-added switches from end-of-life vehicles with significant damage to the vehicle in the area surrounding the mercury-added switch location. All accessible mercury-added switches are expected to be collected under the provisions of this ~~division~~ subchapter XI.

Sec. 111. Section 455B.803, subsection 2, paragraph e, Code 2021, is amended to read as follows:

e. On July 1, 2020, the commission shall cease enforcement of the removal, collection, and recovery plans under this section. On or before July 1, 2020, the commission shall review the mercury-added switch removal, collection, and recovery portion of this ~~division~~ subchapter XI and submit a recommendation to the general assembly regarding the necessity of continuing the enforcement of the removal, collection, and recovery plans under this section.

Sec. 112. Section 455B.805, Code 2021, is amended to read as follows:

455B.805 General compliance with other provisions.

Except as expressly provided in this ~~division~~ subchapter XI, compliance with this ~~division~~ subchapter XI shall not exempt a person from compliance with any other law.

Sec. 113. Section 455B.806, Code 2021, is amended to read as follows:

455B.806 Regulations.

The commission shall adopt rules pursuant to chapter 17A as necessary to implement the provisions of this ~~division~~ subchapter XI.

Sec. 114. Section 455B.807, subsection 2, Code 2021, is amended to read as follows:

2. Publication of all required plans, information, reports, and educational materials under this ~~division~~ subchapter XI shall be through no less than two types of media available to the general public. One medium must be available twenty-four hours per day, seven days per week, and maintained with current information. Acceptable types of media include but are not limited to internet sites, periodicals, journals, and other publicly available media in the state.

Sec. 115. Section 458A.21, subsection 1, Code 2021, is amended to read as follows:

1. The state, counties, and cities, and other political subdivisions may lease publicly owned lands under their respective jurisdictions for the purpose of oil or gas or metallic minerals exploration and production. Any such leases shall be entered into on behalf of the state by the executive council, on behalf of a county by the board of supervisors, on behalf of a city by the council, and on behalf of another political subdivision by the governing body. The leases shall be upon terms and conditions as agreed upon.

Sec. 116. Section 458A.25, Code 2021, is amended to read as follows:

458A.25 Liens for labor or materials and of contractor and subcontractor — manner of perfecting liens — enforcement of liens.

Provisions of chapter 572 as to mechanic's liens or labor and materials furnished for improvements on real estate and of contractors and subcontractors shall apply to labor and materials furnished for gas or oil wells, or pipe lines, ~~and such.~~ The liens shall not attach on the real estate, but shall attach to the whole of the lease held, and upon the gas or oil wells, buildings and appurtenances, and pipe lines for which said labor or materials were furnished, and shall be perfected and enforced as provided by ~~said~~ chapter 572.

Sec. 117. Section 459.202, subsection 1, paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, a bona fide religious institution, or an educational institution:

Sec. 118. Section 459.202, subsection 2, paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, a bona fide religious institution, or an educational institution:

Sec. 119. Section 459.304, subsection 3, paragraph c, Code 2021, is amended to read as follows:

c. In completing the master matrix, the board shall not score criteria on a selective basis. The board must score all criteria which is ~~are~~ part of the master matrix according to the terms and conditions relating to construction as specified in the application or commitments for manure management that are to be incorporated into a manure management plan as provided in section 459.312.

Sec. 120. Section 462A.8, Code 2021, is amended to read as follows:

462A.8 Transmittal of information.

When any request is duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the commission under this chapter, ~~such information~~ shall be transmitted to ~~said~~ that official or agency.

Sec. 121. Section 481A.98, Code 2021, is amended to read as follows:

481A.98 Reporting violations.

Each fur dealer shall report to the commission, the name of any person, if known to the dealer, who attempts to sell any skins or hides which appear to have been unlawfully taken, or possessed by that person.

Sec. 122. Section 483A.1A, subsection 2, Code 2021, is amended to read as follows:

2. "Commission" means the natural resource commission created under section 455A.5.

Sec. 123. Section 483A.24, subsection 7, Code 2021, is amended to read as follows:

7. A license shall not be required of minor pupils of the ~~state school for the blind Iowa braille and sight saving school~~, 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. 124. Section 508.36, subsection 6, paragraph b, subparagraph (1), subparagraph division (a), Code 2021, is amended to read as follows:

(a) For life insurance,

$$I \text{ equals } .03 + W(R1 - .03) + \frac{W}{2} \times (R2 - .09),$$

where R1 is the lesser of R and .09, R2 is the greater of R and .09, R is the reference interest rate defined in paragraph “d” of this subsection, and W is the weighting factor defined in paragraph “c” of this subsection.

Sec. 125. Section 509.2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

No policy of group life insurance shall be delivered in this state unless it contains in substance the following provisions, or provisions which in the opinion of the commissioner are more favorable to the persons insured or at least as favorable to the persons insured, and more favorable to the policyholder, provided, however, that provisions of subsections 6 to ~~through 10, inclusive, of this section~~ shall not apply to policies issued to a creditor to insure debtors of such creditor; that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies:

Sec. 126. Section 509.2, subsection 7, Code 2021, is amended to read as follows:

7. A provision that the insurer will issue to the policyholder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which the person is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in subsections 8 to ~~through 10, inclusive,~~ following if applicable.

Sec. 127. Section 515.4, Code 2021, is amended to read as follows:

515.4 Name.

If the commissioner of insurance finds the name of the company to be so similar to one already appropriated by a corporation of the same character as to be likely to mislead the public or to cause inconvenience, the commissioner shall refuse the commissioner’s certificate to ~~its~~ the company’s articles on that ground.

Sec. 128. Section 515D.6, Code 2021, is amended to read as follows:

515D.6 Prohibited reasons.

~~1. No An~~ An insurer shall ~~not~~ refuse to renew a policy solely because of age, residence, sex, race, color, creed, or occupation of an insured.

~~2. No An~~ An insurer shall ~~not~~ require a physical examination of a policyholder as a condition for renewal solely on the basis of age or other arbitrary reason. In the event that an insurer requires a physical examination of a policyholder, the burden of proof in establishing reasonable and sufficient grounds for ~~such~~ the requirement shall rest with the insurer and the expenses incident to ~~such~~ the examination shall be borne by the insurer.

Sec. 129. Section 518B.5, Code 2021, is amended to read as follows:

518B.5 Warrants issued — overage fund.

~~1.~~ 1. The secretary shall be reimbursed up to the amount requested by warrants issued against the fund by the director of the department of administrative services upon vouchers approved by the director of the department of administrative services and the commissioner. If the assessment produces a fund greater than the amount requested by the secretary, the overage shall be placed in a special fund in the office of the treasurer of state under the control of the commissioner and the director of the department of administrative services and shall be applied to any subsequent requests by the secretary for reimbursement of losses paid on lines of insurance reinsured by the secretary in this state in accordance with the Act.

2. In the event that the provisions of this chapter and the assessments made ~~thereunder~~ under this chapter are no longer needed in order to effectuate the program for which they were intended, the amounts remaining in the special fund shall inure to the general fund of the state.

Sec. 130. Section 521A.2, subsection 1, paragraph 1, Code 2021, is amended to read as follows:

1. Owning a corporation or corporations engaged or organized to engage exclusively in one or more of the businesses specified in paragraphs “a” ~~to through~~ through “k” ~~inclusive~~.

Sec. 131. Section 523C.9, subsection 3, Code 2021, 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, as to indicate the general business practices of the service company.

Sec. 132. Section 537.1201, subsection 1, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

A transaction, or acts, practices, or conduct with respect to a transaction, if the transaction is entered into in this state, except that a transaction involving other than open-end credit or acts, practices, or conduct with respect to such a transaction shall not subject any person to damages or penalty under article 5 of this chapter, or administrative enforcement under article 6, part 1.:

Sec. 133. Section 543C.1, subsection 1, Code 2021, is amended to read as follows:

1. “Advertisement” means the attempt by, dissemination, solicitation, or circulation to ~~induce~~ directly or indirectly induce any person to enter into any obligation or acquire any title or interest in land offered for sale or lease, to the public in this state.

Sec. 134. Section 551.6, Code 2021, is amended to read as follows:

551.6 Enforcement.

It shall be the duty of the county attorneys, in their counties, and the attorney general, to enforce the provisions of sections 551.1 ~~to, 551.2, 551.4, and 551.5, inclusive~~, by appropriate actions in courts of competent jurisdiction.

Sec. 135. Section 556E.6, Code 2021, is amended to read as follows:

556E.6 Tests for articles.

In any test for the ascertainment of the fineness of any such article mentioned in this and sections 556E.3 ~~to through~~ through 556E.5, ~~inclusive~~, according to the foregoing standards, the part of the article taken for the test shall be such portion as does not contain or have attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article, and provided further and in addition to the foregoing test and standards, that the actual fineness of the entire quantity of metal purporting to be silver contained in any article mentioned in sections 556E.3 ~~to through~~ through 556E.5, ~~inclusive~~, including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such article, all such silver, alloy, or solder being assayed as one piece, shall not be less by more than ten one-thousandths parts than the fineness indicated according to the foregoing standards, by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any container in which said article is enclosed.

Sec. 136. Section 557C.2, Code 2021, is amended to read as follows:

557C.2 Definitions.

As used in this chapter, unless the context otherwise requires, ~~“book”;~~

1. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. A ~~“mineral~~ “Mineral interest in coal” means an interest created by an instrument which creates or transfers either by grant, assignment, reservation, or otherwise, an interest of any kind in coal, as described in chapter 207, without limitation on the manner of mining the coal.

Sec. 137. Section 573.6, Code 2021, is amended to read as follows:

573.6 Subcontractors on public improvements.

The following provisions shall be held to be a part of every bond given for the performance of a contract for the construction of a public improvement, whether said provisions be inserted in such bond or not, to wit:

1. [1] The principal and sureties on this bond hereby agree to pay to all persons, firms, or corporations having contracts directly with the principal or with subcontractors, all just claims due them for labor performed or materials furnished, in the performance of the contract on account of which this bond is given, when the same are not satisfied out of the portion of the contract price which the public corporation is required to retain until completion of the public improvement, but the principal and sureties shall not be liable to said persons, firms, or corporations unless the claims of said claimants against said portion of the contract price shall have been established as provided by law.

2. [2] Every surety on this bond shall be deemed and held, any contract to the contrary notwithstanding, to consent without notice:

a. [a] To any extension of time to the contractor in which to perform the contract.

b. [b] To any change in the plans, specifications, or contract, when such change does not involve an increase of more than twenty percent of the total contract price, and shall then be released only as to such excess increase.

c. [c] That no provision of this bond or of any other contract shall be valid which limits to less than one year from the time of the acceptance of the work the right to sue on this bond for defects in the quality of the work or material not discovered or known to the obligee at the time such work was accepted.

Sec. 138. Section 588.1, Code 2021, is amended to read as follows:

588.1 Failure to make proper entries.

All execution sales heretofore had wherein the execution officer has failed to endorse on the execution the day and hour when received, the levy, sale, or other act done by virtue thereof, with the date thereof, the dates and amounts of any receipts or payment in satisfaction thereof at the time of the receipt or act done, or has failed to endorse thereon, an exact description of the property levied upon at length with the date of levy, be and the same are hereby legalized and declared to be legal and valid as if all of the provisions of laws as required by sections 11664 to through 11668.1 [~~Code 1939~~], both inclusive, Code 1939, had been in all respects strictly and fully complied with.

Sec. 139. Section 590.1, Code 2021, is amended to read as follows:

590.1 Notice of appointment of executors.

1. In all instances prior to January 1, 1964, where executors or administrators have failed to publish notice of their appointment as required by section 3304, Code of 1897, and section 11890, Codes of 1924 to through 1939, inclusive, and section 633.46, Codes 1946 to through 1962, inclusive, but have published a notice of appointment, such notice of appointment is hereby legalized and shall have the same force and effect as though the same had been published as directed by the court or clerk.

2. In all instances where more than five years have passed since the appointment of a personal representative or probate of a will without administration, where administrators have failed to publish notice of their appointment as required by section 633.230, and executors have failed to publish a notice of admission of the will to probate and their appointment as required by sections 633.304 and 633.305, but have published a notice of appointment or notice of admission of the will to probate and of the appointment of the executor, such notice of appointment or notice of admission of the will to probate and of the appointment of the executor, is hereby legalized and shall have the same force and effect as though the same had been published as required.

Sec. 140. Section 592.4, Code 2021, is amended to read as follows:

592.4 Making and recording plats.

The acts of the county auditors of Iowa, in making and recording plats as authorized under sections 922, 923, and 924 of the Code, of 1897, and sections 6289 to through 6299, ~~inclusive~~, of subsequent Codes to and including the Code, of 1939, without first having properly signed or acknowledged the same, and the acts of the county recorders of Iowa in recording such plats, are hereby legalized and the same declared valid and binding the same as though they had in such respects been made and recorded in strict compliance with law.

Sec. 141. Section 602.8108, subsection 7, paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

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 of the following:

Sec. 142. Section 621.4, Code 2021, is amended to read as follows:

621.4 Dismissal for failure to furnish.

An action in which a bond for costs is required by sections 621.1 to through 621.3, ~~inclusive~~, shall be dismissed, if a bond is not given in such time as the court allows.

Sec. 143. Section 621.5, Code 2021, is amended to read as follows:

621.5 Becoming nonresident.

If the plaintiff or any intervenor in an action, after its institution and at any time before its final determination, becomes a nonresident of this state, the plaintiff or intervenor may be required to give security for costs in the manner provided in sections 621.1 to through 621.4, ~~inclusive~~.

Sec. 144. Section 622.10, subsection 3, paragraph e, Code 2021, is amended to read as follows:

e. Defendant's counsel shall provide a written notice to plaintiff's attorney in a manner consistent with the Iowa rules of civil procedure providing for notice of deposition at least ten days prior to any meeting with plaintiff's physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional. Plaintiff's attorney has the right to be present at all such meetings, or participate in telephonic communication with the physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional and the attorney for the defendant. Prior to scheduling any meeting or engaging in any communication with the physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional, the attorney for the defendant shall confer with plaintiff's attorney to determine a mutually convenient date and time for such meeting or telephonic communication. Plaintiff's attorney may seek a protective order structuring all communication by making application to the court at any time.

Sec. 145. Section 633.402, Code 2021, is amended to read as follows:

633.402 Sale defined.

For purposes of this part, 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. 146. Section 633.563, subsection 1, unnumbered paragraph 1, Code 2021, 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 is met:

Sec. 147. Section 802.9, Code 2021, is amended to read as follows:

802.9 Indictment or information where a defect is found.

If a defect, error, or irregularity is discovered in any indictment or information which, on motion of either party, causes ~~same~~ the indictment or information to be dismissed or the prosecution to be set aside or reversed on appeal, a new indictment or information may be found within thirty days after such action notwithstanding the time limitations enumerated in this chapter.

Sec. 148. 2020 Iowa Acts, chapter 1102, section 16, is amended to read as follows:

SEC. 16. Section 270.1, Code 2020, is amended to read as follows:

270.1 Superintendent.

The superintendent of the Iowa 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. 149. 2020 Iowa Acts, chapter 1108, section 2, is amended to read as follows:

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.

DIVISION II
CODE EDITOR DIRECTIVES

Sec. 150. CODE EDITOR DIRECTIVES.

1. a. The Code editor shall change Arabic numeral subchapter designations to Roman numeral subchapter designations in the following Code chapters:

- (1) Chapter 190C.
- (2) Chapter 216A.
- (3) Chapter 455H.
- (4) Chapter 554D.
- (5) Chapter 637.

b. In addition to making changes throughout the 2021 version of the Iowa Code, the Code editor is directed to make changes in any Code sections amended or enacted by any other Act to correspond with the changes made in this section of this Act if there appears to be no doubt as to the proper method of making the changes and the changes would not be contrary to or inconsistent with the purposes of this Act or any other Act.

2. a. The Code editor is directed to make the following transfers:

- (1) Section 232.152 to section 232.7A.
- (2) Section 232.153 to section 232.7B.

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 reference as necessary in and to chapter 455B.

4. Sections 101.10, 455B.135, 455B.137, 455B.142, 455B.185, 455B.223, 455B.336, 455B.339, 455B.340, 455B.382, 455H.102, and 459A.501, Code 2021, are amended by striking the word "division" and inserting in lieu thereof the word "subchapter".

5. Sections 172D.3, subsection 2, paragraph "b", unnumbered paragraph 1; 172D.3, subsection 2, paragraph "c", unnumbered paragraph 1; 172D.3, subsection 2, paragraph "c", subparagraphs (1), (2), (3), and (4); 455B.103, subsection 4, paragraph "d"; 455B.103A, subsection 5; 455B.104, subsection 1; 455B.131, unnumbered paragraph 1; 455B.134, subsection 2; 455B.171, unnumbered paragraph 1; 455B.211, unnumbered paragraph 1; 455B.261, unnumbered paragraph 1; 455B.301, unnumbered paragraph 1; 455B.303,

subsection 1; 455B.304, subsection 1; 455B.331, unnumbered paragraph 1; 455B.335, subsections 1 and 3; 455B.337, subsection 2; 455B.361, unnumbered paragraph 1; 455B.362, subsection 2; 455B.381, unnumbered paragraph 1; 455B.381, subsection 4; 455B.384, subsection 2; 455B.390, unnumbered paragraph 1; 455B.390, subsection 2; 455B.391, subsection 1; 455D.4A, subsection 2, unnumbered paragraph 1; 455D.4A, subsections 3 and 4; 455E.11, subsection 2, paragraph “d”, subparagraph (2); 455H.107, subsection 3, paragraph “a”; 455H.204, subsection 6; 456.14, subsection 2, unnumbered paragraph 1; 459.601, subsection 2, paragraph “a”; and 459A.401, subsection 3, Code 2021, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

6. The Code editor may number unnumbered paragraphs within sections 28A.17, 28I.1, 28K.4, 64.15, 80D.6, 87.19, 90A.8, 103A.2, 135J.2, 136B.4, 148B.1, 162.19, 165.28, 232A.2, 238.12, 252F.2, 256A.5, 262A.5, 262A.9, 263A.7, 285.4, 285.14, 299.10, 306C.21, 316.14, 323.5, 323.11, 327C.19, 341A.3, 341A.4, 341A.5, 341A.8, 347B.9, 389.4, 425A.8, 426.6, 450B.6, 465B.1, 481B.3, 481B.4, 484A.4, 492.6, 493.12, 496B.13, 497.22, 497.35, 498.19, 498.24, 498.37, 507D.2, 507D.5, 510.12, 510.21, 513A.6, 515A.15, 516A.1, 516A.3, 516B.2, 517A.1, 518.29, 518A.44, 518A.54, 518C.16, 521G.8, 527.10, 538A.11, 552.4, 552.17, 553.14, 570.4, 589.27, 591.16, 591.17, 610.1, 611.2, 617.9, 618.14, 625.22, 645.2, 647.1, 647.2, 654B.11, 679B.14, 681.11, 714A.4, 714D.1, 819.3, 819.4, 904.109, and 914.7, Code 2021, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

DIVISION III APPLICABILITY PROVISIONS

Sec. 151. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2020:

The section of this Act amending 2020 Iowa Acts, chapter 1102, section 16.

Approved April 30, 2021

CHAPTER 77 INTERPRETERS AND TRANSLATORS IN LEGAL PROCEEDINGS *H.F. 707*

AN ACT relating to interpreters and translators for limited-English-proficient, deaf, and hard-of-hearing persons in certain legal proceedings.

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

Section 1. Section 331.424, subsection 1, paragraph a, subparagraph (6), Code 2021, is amended to read as follows:

(6) The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk’s office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, sexual abuse cases under section 236A.7, and elder abuse cases under section 235F.6, the county’s expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, sign language interpreters’ fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

Sec. 2. Section 622A.1, Code 2021, is amended by adding the following new subsections:
NEW SUBSECTION. 1A. “Interpreter” means a person who transfers the meaning of spoken or written words in one language into the equivalent meaning in another spoken language.

NEW SUBSECTION. 3. “Limited English proficient” means the inability to adequately understand or effectively communicate in the English language because a person’s primary language is a language other than English.

NEW SUBSECTION. 4. “Translator” means a person who transfers the meaning of written or spoken words in one language into the equivalent meaning in the written words of another language.

Sec. 3. Section 622A.2, Code 2021, is amended to read as follows:

622A.2 Who entitled to interpreter Limited-English-proficient persons — when entitled to an interpreter or a translator.

1. Every A limited-English-proficient person who cannot speak or understand the English language and who is a party to any legal proceeding or a witness therein, shall be entitled to an interpreter to assist such person throughout the proceeding.

2. A limited-English-proficient person who is a party to any legal proceeding shall be entitled to a translator to produce a written translation of written or electronically recorded material only when a court determines that an oral or sign interpretation of the material is not sufficient to ensure due process under the circumstances.

Sec. 4. Section 622A.3, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

An interpreter or translator shall be appointed without expense to the a limited-English-proficient person requiring assistance in the following cases:

Sec. 5. Section 622A.3, subsection 2, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

2. The state court administrator shall receive, review, and pay fee claims from an interpreter or translator appointed under subsection 1, including all interpreter or translator claims formerly paid from the indigent defense fund. The fees shall be paid from the revolving fund created in section 602.1302, subsection 3, when a limited-English-proficient person is entitled to an interpreter or translator under section 622A.2 and the interpreter or translator services are not provided before an administrative agency.

Sec. 6. Section 622A.3, Code 2021, is amended by adding the following new subsections:
NEW SUBSECTION. 2A. In civil cases, every court shall tax the costs of an interpreter or translator the same as other court costs.

NEW SUBSECTION. 2B. In criminal cases, where the defendant is indigent, the interpreter or translator shall be considered as a defendant’s witness under rule of criminal procedure 2.15 for the purpose of receiving fees, except that subpoenas shall not be required.

NEW SUBSECTION. 2C. An administrative agency shall pay an interpreter when a limited-English-proficient person is entitled to an interpreter under section 622A.2 and the interpreter services are provided before an administrative agency. The agency may require that the party to the proceeding pay the expense of the interpreter.

Sec. 7. Section 622A.4, Code 2021, is amended to read as follows:

622A.4 Fee set by court — payment or administrative agency.

Every interpreter appointed by a court or administrative agency shall receive a fee to be set by the court or administrative agency. If the interpreter is appointed by the court in a civil case for a person who is indigent and unable to secure an interpreter, the fee for the interpreter shall be paid from the revolving fund established in section 602.1302, subsection 3.

Sec. 8. Section 622A.5, Code 2021, is amended to read as follows:

622A.5 Oath.

Every interpreter and translator in any legal proceeding shall take the same an oath as any other witness consistent with the rules the supreme court adopts under this chapter.

Sec. 9. Section 622A.6, Code 2021, is amended to read as follows:

622A.6 Qualifications, neutrality, and integrity.

Any court or administrative agency may inquire into the qualifications, neutrality, and integrity of any interpreter or translator, and may disqualify any person from serving as an interpreter or translator.

Sec. 10. Section 622A.7, Code 2021, is amended to read as follows:

622A.7 Rules.

The supreme court, after consultation with the ~~commission of Latino affairs of the~~ department of human rights and other appropriate departments, shall adopt rules governing the qualifications and compensation of interpreters or translators appearing in legal proceedings before a court or grand jury under this chapter. However, an administrative agency which is subject to chapter 17A may adopt rules differing from those of the supreme court governing the qualifications and compensation of interpreters or translators appearing in proceedings before that agency.

Sec. 11. Section 622A.8, Code 2021, is amended to read as follows:

622A.8 ~~Tape~~ Electronic recording of testimony.

~~A tape~~ An electronic recording of the portion of proceedings where non-English testimony is given shall be made and maintained for one year after the entry of the final disposition or sentence or, if the final judgment is appealed, until one year after the final disposition of the appeal.

Sec. 12. NEW SECTION. **622A.9 Privileged communications.**

Communications between a limited-English-proficient person and a third party which are privileged under chapter 622 in which an interpreter or translator participates as an interpreter or translator shall be privileged with regard to the interpreter or translator.

Sec. 13. Section 622B.1, Code 2021, is amended to read as follows:

622B.1 Definitions — rules.

1. As used in this chapter, unless the context otherwise requires:

a. “*Administrative agency*” means any department, board, commission, or agency of the state or any political subdivision of the state.

b. “*Deaf person*” means an individual who uses sign language as the person’s primary mode of communication and who may use sign language interpreters to facilitate communication.

c. “*Hard-of-hearing person*” means an individual who is unable to hear and distinguish sounds within normal conversational range and who needs to use speechreading, assistive listening devices, or oral interpreters other reasonable accommodations to facilitate communication.

d. “*Interpreter*” means an oral interpreter or sign language interpreter.

e. “*Oral interpreter*” means an interpreter who is fluent in transliterating, paraphrasing, and voicing.

f. d. “*Sign language interpreter*” means ~~an interpreter~~ a person who is able to interpret from sign language to English and English to into an oral language and from an oral language into sign language.

2. The supreme court, after consultation with the department of human rights, shall adopt rules governing the qualifications and compensation of sign language interpreters appearing in a legal proceeding before a court, grand jury, or before an administrative agency under this chapter. However, an administrative agency which is subject to chapter 17A may adopt rules differing from those of the supreme court governing the qualifications and compensation of sign language interpreters appearing in proceedings before that agency.

Sec. 14. Section 622B.2, Code 2021, is amended to read as follows:

622B.2 Interpreter appointed.

If a deaf or hard-of-hearing person is a party to, a witness at, or a participant in a proceeding before a grand jury, court, or administrative agency of this state, the court or administrative agency shall appoint ~~an~~ a sign language interpreter without expense to the deaf or hard-of-hearing person to interpret or translate the proceedings to the deaf or

hard-of-hearing person and to interpret or translate the person's testimony unless the deaf or hard-of-hearing person waives the right to an a sign language interpreter.

Sec. 15. Section 622B.3, Code 2021, is amended to read as follows:

622B.3 Notice of need.

When a deaf or hard-of-hearing person is entitled to an a sign language interpreter, the deaf or hard-of-hearing person shall notify the presiding official within three days after receiving notice of the proceeding, stating the disability and requesting the services of an a sign language interpreter. If the deaf or hard-of-hearing person receives notification of an appearance less than five days prior to the proceeding, that person shall notify the presiding official requesting an a sign language interpreter as soon as practicable or may apply for a continuance until an a sign language interpreter is appointed.

Sec. 16. Section 622B.4, Code 2021, is amended to read as follows:

622B.4 List.

The office of deaf services of the department of human rights shall prepare and continually update a listing of qualified and available sign language interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for deaf and hard-of-hearing persons as furnished by the department of human rights. The office of deaf services shall maintain a list of sign language interpreters which shall be made available to a court, administrative agency, or interested parties to an action using the services of an a sign language interpreter.

Sec. 17. Section 622B.5, Code 2021, is amended to read as follows:

622B.5 Oath.

Before participating in a proceeding, an a sign language interpreter shall take an oath that the sign language interpreter will make a true interpretation in an understandable manner to the person for whom the sign language interpreter is appointed and that the sign language interpreter will interpret or translate the statements of the deaf or hard-of-hearing person to the best of the sign language interpreter's skills and judgment.

Sec. 18. Section 622B.6, Code 2021, is amended to read as follows:

622B.6 Privileged communications.

Communication between a deaf or hard-of-hearing person and a third party which is privileged under chapter 622 in which the sign language interpreter participates as an a sign language interpreter shall be privileged to the sign language interpreter.

Sec. 19. Section 622B.7, Code 2021, is amended to read as follows:

622B.7 Fee.

An A sign language interpreter appointed under this chapter is entitled to a reasonable fee and expenses as determined by the rules applying to that proceeding. This schedule shall be furnished to all courts and administrative agencies and maintained by them. If the sign language interpreter is appointed by the court, the fee and expenses shall be paid by the county and if the sign language interpreter is appointed by an administrative agency, the fee and expenses shall be paid out of funds available to the administrative agency.

Sec. 20. Section 622B.8, Code 2021, is amended to read as follows:

622B.8 Disqualification.

On motion of a party or on its own motion, a court or administrative agency shall inquire into the qualifications, neutrality, and integrity of an a sign language interpreter. A court or administrative agency may disqualify for good reason any person from serving as an a sign language interpreter in that proceeding. If an a sign language interpreter is disqualified, the court or administrative agency shall appoint another sign language interpreter.

Sec. 21. Section 815.11, Code 2021, is amended to read as follows:

815.11 Appropriations for indigent defense — fund created.

1. 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, except as provided in subsection 2. Costs incurred representing an indigent defendant in a contempt action, 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.

2. The costs and fees associated with translators, foreign language interpreters, and sign language interpreters are not payable from this fund. The costs and fees of sign language interpreters shall be paid by the county pursuant to section 622B.7, and the costs and fees of translators and foreign language interpreters shall be paid pursuant to section 622A.3 from moneys appropriated by the general assembly to the judicial branch revolving fund created pursuant to section 602.1302, subsection 3.

Sec. 22. PAYMENT OF INTERPRETERS AND TRANSLATORS. Moneys appropriated to the indigent defense fund created in section 815.11 for payment of interpreters and translators during the fiscal year beginning July 1, 2020, and ending June 30, 2021, shall be used by the state public defender for payment of costs and fees of interpreters and translators for claims the state public defender has received prior to the effective date of this Act.

Approved April 30, 2021

CHAPTER 78

CHILD ENDANGERMENT COMMITTED BY SEX OFFENDERS

H.F. 710

AN ACT relating to child endangerment committed by a sex offender, and providing penalties.

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

Section 1. Section 726.6, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. A person who is required to register as a sex offender under chapter 692A for a sex offense against a minor who knowingly has control of a minor, or who knowingly has unsupervised access to a minor, commits child endangerment. However, this subsection does not apply to any of the following:

a. A person who is required to register as a sex offender under chapter 692A for a sex offense against a minor who knowingly has control of a minor, or who knowingly has unsupervised access to a minor, when the person is the legal parent or guardian of the minor and the control or unsupervised access is not otherwise illegal.

b. A person who is required to register as a sex offender under chapter 692A for a sex offense against a minor who knowingly has control of a minor, or who knowingly has unsupervised access to a minor, when the person is married to and living with the legal parent or guardian of the minor and the control or unsupervised access is not otherwise illegal.

Sec. 2. Section 726.6, subsection 6, Code 2021, is amended to read as follows:

6. A person who commits child endangerment resulting in bodily injury to a child or minor or child endangerment in violation of subsection 1, paragraph "g", that does not result in a

serious injury, or a person who commits child endangerment in violation of subsection 1A, is guilty of a class “D” felony.

Approved April 30, 2021

CHAPTER 79
INSURANCE DATA SECURITY
H.F. 719

AN ACT relating to standards for data security, and investigations and notifications of cybersecurity events, for certain licensees under the jurisdiction of the commissioner of insurance, making penalties applicable, and including effective date provisions.

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

Section 1. NEW SECTION. **507F.1 Title.**

This chapter may be cited as the “*Insurance Data Security Act*”.

Sec. 2. NEW SECTION. **507F.2 Purpose and scope.**

1. Notwithstanding any provision of law to the contrary, this chapter establishes the exclusive state standards for data security, and the investigation and notification of cybersecurity events, applicable to licensees.

2. This chapter shall not be construed to create or imply a private cause of action for a violation of its provisions, and shall not be construed to curtail a private cause of action that otherwise exists in the absence of this chapter.

Sec. 3. NEW SECTION. **507F.3 Definitions.**

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

1. “*Authorized individual*” means an individual known to and screened by a licensee and determined to be necessary and appropriate to have access to nonpublic information held by the licensee and the licensee’s information system.

2. “*Commissioner*” means the commissioner of insurance.

3. “*Consumer*” means an individual, including but not limited to an applicant, policyholder, insured, beneficiary, claimant, or certificate holder, who is a resident of this state and whose nonpublic information is in a licensee’s possession, custody, or control.

4. “*Cybersecurity event*” means an event resulting in unauthorized access to, or the disruption or misuse of, an information system or of nonpublic information stored on an information system. “*Cybersecurity event*” does not include any of the following:

a. The unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization.

b. An event for which a licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released, and the nonpublic information has been returned or destroyed.

5. “*Delivered by electronic means*” means delivery to an electronic mail address at which a consumer has consented to receive notices or documents.

6. “*Encrypted*” means the transformation of data into a form that results in a low probability of assigning meaning to the data without the use of a protective process or key.

7. “*Gramm-Leach-Bliley Act*” means the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. §6801 et seq., including amendments thereto and regulations promulgated thereunder.

8. “*Health Insurance Portability and Accountability Act*” or “*HIPAA*” means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, including amendments thereto and regulations promulgated thereunder.

9. “*Home state*” means the same as defined in section 522B.1.

10. “*Information security program*” means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information.

11. “*Information system*” means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic nonpublic information, and any specialized system such as an industrial or process controls system, a telephone switching and private branch exchange system, or an environmental control system.

12. “*Insurer*” means the same as defined in section 521A.1.

13. “*Licensee*” means a person licensed, authorized to operate, or registered, or a person required to be licensed, authorized to operate, or registered pursuant to the insurance laws of this state. “*Licensee*” does not include a purchasing group or a risk retention group chartered and licensed in a state other than this state, or a person acting as an assuming insurer that is domiciled in another state or jurisdiction.

14. “*Multi-factor authentication*” means authentication through verification of at least two of the following types of authentication factors:

- a. A knowledge factor, such as a password.
- b. A possession factor, such as a token or text message on a mobile phone.
- c. An inherence factor, such as a biometric characteristic.

15. “*Nonpublic information*” means electronic information that is not publicly available information and that is any of the following:

a. Business-related information of a licensee the tampering of which, or unauthorized disclosure, access, or use of which, will cause a material adverse impact to the business, operations, or security of the licensee.

b. Information concerning a consumer which can be used to identify the consumer due to a name, number, personal mark, or other identifier, used in combination with any one or more of the following data elements:

- (1) A social security number.
- (2) A driver’s license number or a nondriver identification card number.
- (3) A financial account number, a credit card number, or a debit card number.
- (4) A security code, an access code, or a password that will permit access to a consumer’s financial accounts.

(5) A biometric record.

c. Information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer, and that relates to any of the following:

(1) The past, present, or future physical, mental or behavioral health or condition of a consumer, or a member of the consumer’s family.

(2) The provision of health care services to a consumer.

(3) Payment for the provision of health care services to a consumer.

16. “*Person*” means an individual or a nongovernmental entity, including but not limited to a nongovernmental partnership, corporation, branch, agency, or association.

17. “*Publicly available information*” means information that a licensee has a reasonable basis to believe is lawfully made available to the general public from federal, state, or local government records, by widely distributed media, or by disclosure to the general public as required by federal, state, or local law. For purposes of this definition, a licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has determined all of the following:

a. That the information is of a type that is available to the general public.

b. That if a consumer may direct that the information not be made available to the general public, that the consumer has not directed that the information not be made available to the general public.

18. “*Risk assessment*” means the assessment that a licensee is required to conduct pursuant to section 507F.4, subsection 3.

19. “*Third-party service provider*” means a person that is not a licensee that contracts with a licensee to maintain, process, store, or is otherwise permitted access to nonpublic information through the person’s provision of services to the licensee.

Sec. 4. NEW SECTION. **507F.4 Information security program.**

1. *a.* Commensurate with the size and complexity of a licensee, the nature and scope of a licensee's activities including the licensee's use of third-party service providers, and the sensitivity of nonpublic information used by the licensee or that is in the licensee's possession, custody, or control, the licensee shall develop, implement, and maintain a comprehensive written information security program based on the licensee's risk assessment conducted pursuant to subsection 3.

b. This section shall not apply to any of the following:

(1) A licensee that meets any of the following criteria:

(a) Has fewer than twenty individuals on its workforce, including employees and independent contractors.

(b) Has less than five million dollars in gross annual revenue.

(c) Has less than ten million dollars in year-end total assets.

(2) An employee, agent, representative, or designee of a licensee, and the employee, agent, representative, or designee is also a licensee, if the employee, agent, representative, or designee is covered by the information security program of the other licensee.

c. A licensee shall have one hundred eighty calendar days from the date the licensee no longer qualifies for exemption under paragraph "b" to comply with this section.

2. A licensee's information security program must be designed to do all of the following:

a. Protect the security and confidentiality of nonpublic information and the security of the licensee's information system.

b. Protect against threats or hazards to the security or integrity of nonpublic information and the licensee's information system.

c. Protect against unauthorized access to or the use of nonpublic information, and minimize the likelihood of harm to any consumer.

d. Define and periodically reevaluate a schedule for retention of nonpublic information and a mechanism for the destruction of nonpublic information if retention is no longer necessary for the licensee's business operations, or is no longer required by applicable law.

3. A licensee shall conduct a risk assessment that accomplishes all of the following:

a. Designates one or more employees, an affiliate, or an outside vendor to act on behalf of the licensee and that has responsibility for the information security program.

b. Identifies reasonably foreseeable internal or external threats that may result in unauthorized access, transmission, disclosure, misuse, alteration, or destruction of nonpublic information, including nonpublic information that is accessible to, or held by, a third-party service provider.

c. Assesses the probability of, and the potential damage caused by, the threats identified in paragraph "b", taking into consideration the sensitivity of nonpublic information.

d. Assesses the sufficiency of policies, procedures, information systems, and other safeguards in place to manage the threats identified in paragraph "b". This assessment must include consideration of threats identified in each relevant area of the licensee's operations, including all of the following:

(1) Employee training and management.

(2) Information systems, including network and software design; and information classification, governance, processing, storage, transmission, and disposal.

(3) Detection, prevention, and response to an attack, intrusion, or other system failure.

e. Implements information safeguards to manage threats identified in the licensee's ongoing risk assessments and, at least annually, assesses the effectiveness of the information safeguards' key controls, systems, and procedures.

4. Based on the risk assessment conducted pursuant to subsection 3, a licensee shall do all of the following:

a. Develop, implement, and maintain an information security program as described in subsections 1 and 2.

b. Determine which of the following security measures are appropriate and implement each appropriate security measure:

(1) Place access controls on information systems, including controls to authenticate and permit access only to authorized individuals to protect against the unauthorized acquisition of nonpublic information.

(2) Identify and manage the data, personnel, devices, systems, and facilities that enable the licensee to achieve its business purposes in accordance with the data, personnel, devices, systems, and facilities relative importance to the licensee's business objectives and risk strategy.

(3) Restrict access of nonpublic information stored in or at physical locations to authorized individuals only.

(4) Protect by encryption or other appropriate means, all nonpublic information while the nonpublic information is transmitted over an external network, and all nonpublic information that is stored on a laptop computer, a portable computing or storage device, or portable computing or storage media.

(5) Adopt secure development practices for in-house developed applications utilized by the licensee, and procedures for evaluating, assessing, and testing the security of externally developed applications utilized by the licensee.

(6) Modify information systems in accordance with the licensee's information security program.

(7) Utilize effective controls, which may include multi-factor authentication procedures for authorized individuals accessing nonpublic information.

(8) Regularly test and monitor systems and procedures to detect actual and attempted attacks on, or intrusions into, information systems.

(9) Include audit trails within the information security program designed to detect and respond to cybersecurity events, and designed to reconstruct material financial transactions sufficient to support the normal business operations and obligations of the licensee.

(10) Implement measures to protect against the destruction, loss, or damage of nonpublic information due to environmental hazards, natural disasters, catastrophes, or technological failures.

(11) Develop, implement, and maintain procedures for the secure disposal of nonpublic information that is contained in any format.

c. Include cybersecurity risks in the licensee's enterprise-wide risk management process.

d. Maintain knowledge and understanding of emerging threats or vulnerabilities and utilize reasonable security measures, relative to the character of the sharing and the type of information being shared, when sharing information.

e. Provide the licensee's personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified by the licensee's risk assessment.

5. a. If a licensee has a board of directors, the board or an appropriate committee of the board shall at a minimum require the licensee's executive management or the executive management's delegates to:

(1) Develop, implement, and maintain the licensee's information security program.

(2) Provide a written report to the board, at least annually, that documents all of the following:

(a) The overall status of the licensee's information security program and the licensee's compliance with this chapter.

(b) Material matters related to the licensee's information security program including issues such as risk assessment; risk management and control decisions; third-party service provider arrangements; results of testing, cybersecurity events, or violations; management's response to cybersecurity events or violations; and recommendations for changes in the licensee's information security program.

b. If a licensee's executive management delegates any of its responsibilities under this section the executive management shall oversee the delegate's development, implementation, and maintenance of the licensee's information security program, and shall require the delegate to submit an annual written report to executive management that contains the information required under paragraph "a", subparagraph (2). If the licensee has a board of directors, the executive management shall provide a copy of the report to the board.

6. A licensee shall monitor, evaluate, and adjust the licensee's information security program consistent with relevant changes in technology, the sensitivity of the licensee's nonpublic information, changes to the licensee's information systems, internal or external threats to the licensee's nonpublic information, and the licensee's changing business

arrangements, including but not limited to mergers and acquisitions, alliances and joint ventures, and outsourcing arrangements.

7. As part of a licensee's information security program, a licensee shall establish a written incident response plan designed to promptly respond to, and recover from, a cybersecurity event that compromises the confidentiality, integrity, or availability of nonpublic information in the licensee's possession, the licensee's information systems, or the continuing functionality of any aspect of the licensee's operations. The written incident response plan must address all of the following:

- a. The licensee's internal process for responding to a cybersecurity event.
- b. The goals of the licensee's incident response plan.
- c. The assignment of clear roles, responsibilities, and levels of decision-making authority for the licensee's personnel that participate in the incident response plan.
- d. External communications, internal communications, and information sharing related to a cybersecurity event.
- e. The identification of remediation requirements for weaknesses identified in information systems and associated controls.
- f. Documentation and reporting regarding cybersecurity events and related incident response activities.
- g. The evaluation and revision of the incident response plan, as appropriate, following a cybersecurity event.

8. An insurer domiciled in this state shall annually submit to the commissioner on or before April 15 a written certification that the insurer is in compliance with this section. Each insurer shall maintain all records, schedules, documentation, and data supporting the insurer's certification for five years. To the extent an insurer has identified an area, system, or process that requires material improvement, updating, or redesign, the insurer shall document the process used to identify the area, system, or process, and the remediation that has been implemented, or will be implemented, to address the area, system, or process. All records, schedules, documentation, and data described in this subsection shall be made available for inspection by the commissioner, or the commissioner's representative, upon request of the commissioner.

9. Licensees shall comply with this section no later than January 1, 2023.

Sec. 5. NEW SECTION. 507F.5 Third-party service provider arrangements.

1. A licensee shall exercise due diligence in the selection of third-party service providers, conduct oversight of all third-party service provider arrangements, and require all third-party service providers to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to, or held by, the licensee's third-party service providers.

2. Licensees shall comply with this section no later than January 1, 2024.

Sec. 6. NEW SECTION. 507F.6 Cybersecurity event — investigation.

1. If a licensee discovers that a cybersecurity event has occurred, or that a cybersecurity event may have occurred, the licensee, or the outside vendor or third-party service provider the licensee has designated to act on behalf of the licensee, shall conduct a prompt investigation of the event.

2. During the investigation, the licensee, outside vendor, or third-party service provider the licensee has designated to act on behalf of the licensee, shall, at a minimum, determine as much of the following as possible:

- a. Confirm that a cybersecurity event has occurred.
- b. Assess the nature and scope of the cybersecurity event.
- c. Identify all nonpublic information that may have been compromised by the cybersecurity event.
- d. Perform or oversee reasonable measures to restore the security of any compromised information systems in order to prevent further unauthorized acquisition, release, or use of nonpublic information that is in the licensee's possession, custody, or control.

3. If a licensee learns that a cybersecurity event has occurred, or may have occurred, in an information system maintained by a third-party service provider of the licensee, the licensee

shall complete an investigation in compliance with this section, or confirm and document that the third-party service provider has completed an investigation in compliance with this section.

4. A licensee shall maintain all records and documentation related to the licensee's investigation of a cybersecurity event for a minimum of five years from the date of the event, and shall produce the records and documentation upon demand of the commissioner.

Sec. 7. NEW SECTION. 507F.7 Cybersecurity event — notification and report to the commissioner.

1. A licensee shall notify the commissioner no later than three business days from the date of the licensee's confirmation of a cybersecurity event if any of the following conditions apply:

a. The licensee is an insurer who is domiciled in this state, or is a producer whose home state is this state, and any of the following apply:

(1) The laws of this state or federal law requires that notice of the cybersecurity event be given by the licensee to a government body, self-regulatory agency, or other supervisory body.

(2) The cybersecurity event has a reasonable likelihood of causing material harm to a material part of the normal business, operations, or security of the licensee.

b. The licensee reasonably believes that nonpublic information compromised by the cybersecurity event involves two hundred fifty or more consumers and either of the following apply:

(1) State or federal law requires that notice of the cybersecurity event be given by the licensee to a government body, self-regulatory agency, or other supervisory body.

(2) The cybersecurity event has a reasonable likelihood of causing material harm to a consumer, or to a material part of the normal business, operations, or security of the licensee.

2. A licensee's notification to the commissioner pursuant to subsection 1 shall provide, in the form and manner prescribed by the commissioner by rule, as much of the following information as is available to the licensee at the time of the notification:

a. The date and time of the cybersecurity event.

b. A description of how nonpublic information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of the licensee's third-party service providers, if any.

c. How the licensee discovered or became aware of the cybersecurity event.

d. If any lost, stolen, or breached nonpublic information has been recovered and if so, how the recovery occurred.

e. The identity of the source of the cybersecurity event.

f. The identity of any regulatory, governmental, or law enforcement agencies the licensee has notified, and the date and time of each notification.

g. A description of the specific types of nonpublic information that were lost, stolen, or breached.

h. The total number of consumers affected by the cybersecurity event. The licensee shall provide the best estimate of affected consumers in the licensee's initial report to the commissioner and shall update the estimate in each subsequent report to the commissioner under subsection 3.

i. The results of any internal review conducted by the licensee that identified a lapse in the licensee's automated controls or internal procedures, or that confirmed the licensee's compliance with all automated controls or internal procedures.

j. A description of the licensee's efforts to remediate the circumstances that allowed the cybersecurity event.

k. A copy of the licensee's privacy policy.

l. A statement outlining the steps the licensee is taking to identify and notify consumers affected by the cybersecurity event.

m. The contact information for the individual authorized to act on behalf of the licensee and who is also knowledgeable regarding the cybersecurity event.

3. A licensee shall have a continuing obligation to update and supplement the licensee's initial notification to the commissioner as material changes to information previously provided to the commissioner occur.

Sec. 8. NEW SECTION. **507F.8 Cybersecurity event — notification to consumers.**

1. In the event of a cybersecurity event involving nonpublic information a licensee shall comply with the notification requirements pursuant to section 715C.2, and all other applicable notification requirements pursuant to federal or state law.

2. If a licensee is required to provide notice of a cybersecurity event to the commissioner pursuant to section 507F.7, subsection 1, the licensee shall submit to the commissioner a copy of the consumer notices provided by the licensee to consumers under this section.

Sec. 9. NEW SECTION. **507F.9 Cybersecurity event — third-party service providers.**

1. If a licensee becomes aware of a cybersecurity event in an information system maintained by a third-party service provider of the licensee, the licensee shall comply with section 507F.7, or the licensee may obtain a written certification from the third-party service provider that the provider is in compliance with section 507F.7. If the third-party provider fails to provide written certification to the licensee, the licensee shall comply with section 507F.7. The computation of the licensee's deadlines pursuant to section 507F.7 shall begin on the business day after the date on which the licensee's third-party service provider notifies the licensee of a cybersecurity event, or the date on which the licensee has actual knowledge of the cybersecurity event, whichever date is earlier.

2. This section shall not be construed to prohibit or abrogate an agreement between a licensee and another licensee, a third-party service provider, or any other party for the other licensee, third-party service provider, or other party to execute the requirements under section 507F.6 or section 507F.7 on behalf of the licensee.

Sec. 10. NEW SECTION. **507F.10 Cybersecurity event reinsurers.**

1. If a cybersecurity event involves nonpublic information used by, or that is in the possession, custody, or control of, a licensee that is acting as an assuming insurer and that does not have a direct contractual relationship with consumers affected by the cybersecurity event, the assuming insurer shall notify each of the assuming insurer's affected ceding insurers and the commissioner of the assuming insurer's state of domicile within three business days of determining that a cybersecurity event has occurred. A ceding insurer that has a direct contractual relationship with a consumer affected by the cybersecurity event shall comply with the applicable provisions of section 715C.2, and all other applicable notification requirements pursuant to federal or state law.

2. If a cybersecurity event involves nonpublic information that is in the possession, custody, or control of a third-party service provider of a licensee that is acting as an assuming insurer, the assuming insurer shall notify each of the assuming insurer's affected ceding insurers and the commissioner of the assuming insurer's state of domicile within three business days of the date the assuming insurer receives notice from the assuming insurer's third-party service provider that a cybersecurity event involving nonpublic information has occurred. A ceding insurer that has a direct contractual relationship with a consumer affected by the cybersecurity event shall comply with the applicable provisions of section 715C.2, and all other applicable notification requirements pursuant to federal or state law.

3. Notwithstanding any law to the contrary, a licensee acting as an assuming insurer shall have no other notice obligations related to a cybersecurity event or other data breach than the notice requirements pursuant to subsections 1 and 2.

Sec. 11. NEW SECTION. **507F.11 Cybersecurity event — producers of record.**

If a cybersecurity event involves nonpublic information that is in the possession, custody, or control of a licensee that is an insurer, or in the possession, custody, or control of the insurer's third-party service provider, and for which a consumer accessed the insurer's services through an independent insurance producer, the insurer shall notify the insurance producer of record of each consumer affected by the cybersecurity event no later than the date on which notice is provided to affected consumers pursuant to section 507F.7. An insurer shall not be required to notify an insurance producer that is not authorized by law or contract to sell, solicit, or negotiate on behalf of the insurer, or in a circumstance in which the insurer does not have current contact information for the producer of record for a specific affected consumer.

Sec. 12. NEW SECTION. **507F.12 Confidentiality.**

1. Documents, materials, and other information in the control or possession of the commissioner that are furnished by a licensee, or by an employee or agent of the licensee acting on behalf of the licensee, or that are obtained by the commissioner in an investigation or examination, shall be confidential by law and privileged, shall not constitute a public record under chapter 22, shall not be subject to subpoena or discovery, and shall not be admissible as evidence in a private civil action. The commissioner, however, shall be authorized to use the documents, materials, and other information in the furtherance of a regulatory or legal action brought as part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, and other information public without the prior written consent of the licensee.

2. The commissioner, or an individual who receives documents, materials, or other information under the authority of the commissioner, shall not be permitted or required to testify in a private civil action concerning any documents, materials, or other information subject to subsection 1.

3. In order to assist in the performance of the commissioner's duties under this chapter, the commissioner may:

a. Share documents, materials, and other information, including documents, materials, and other information subject to subsection 1, with state, federal, and international regulatory agencies; the national association of insurance commissioners, its affiliates and subsidiaries; and with state, federal, and international law enforcement authorities, provided that the recipient certifies in writing that the recipient will maintain the confidentiality or privileged status of any documents, materials, or other information to which confidentiality or privileged status applies.

b. Receive documents, materials, and other information, including confidential and privileged documents, materials, and other information from the national association of insurance commissioners, its affiliates and subsidiaries; and regulatory and law enforcement officials of foreign and domestic jurisdictions. The commissioner shall maintain as confidential or privileged any document, material, or other information received by the commissioner that is confidential or privileged, or that is received with notice or the understanding that it is confidential or privileged, under the laws of the jurisdiction that is the source of the document, material, or other information.

c. Share documents, materials, or other information subject to subsection 1 with a third-party consultant or vendor provided that the third-party consultant or vendor certifies in writing that the consultant or vendor will maintain the confidentiality and privileged status of the document, material, or other information.

d. Enter into an agreement governing the sharing and use of documents, materials, or other information that is consistent with this subsection.

4. No waiver of an applicable privilege or claim of confidentiality in a document, material, or other information shall occur as a result of disclosure of the document, material, or other information to the commissioner under this chapter, or as a result of the sharing of the document, material, or other information as authorized under this section.

5. This chapter shall not prohibit the commissioner from releasing final, adjudicated actions that are open to public inspection pursuant to chapter 22, to a database or other clearinghouse service maintained by the national association of insurance commissioners, or its affiliates and subsidiaries.

6. Documents, materials, and other information received by the commissioner under this chapter and shared pursuant to subsection 3, shall be confidential by law and privileged, shall not constitute a public record under chapter 22, shall not be subject to subpoena or discovery, and shall not be admissible as evidence in a private civil action.

7. Ownership of documents, materials, and other information shared under this chapter with the national association of insurance commissioners, its affiliates and subsidiaries, or a third-party consultant or vendor, remains with the commissioner, and use of the documents, materials, and other information by the national association of insurance commissioners, its affiliates and subsidiaries, or a third-party consultant or vendor is subject to the direction of the commissioner.

Sec. 13. NEW SECTION. **507F.13 Applicability.**

1. This chapter shall not apply to a licensee that is subject to, and in compliance with, the Health Insurance Portability and Accountability Act. The licensee shall annually submit to the commissioner a written certification of the licensee's compliance with HIPAA.

2. This chapter shall not apply to a licensee that is owned or controlled by a federally insured depository institution that is subject to, and in compliance with, the Gramm-Leach-Bliley Act or comparable federal law and corresponding regulations.

3. A licensee shall have one hundred eighty days from the date the licensee no longer qualifies for exemption under subsection 1 or 2 to comply with this chapter.

Sec. 14. NEW SECTION. **507F.14 Penalties.**

A licensee that violates this chapter shall be subject to penalties pursuant to section 505.7A and chapter 507B.

Sec. 15. NEW SECTION. **507F.15 Rules and enforcement.**

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

2. The commissioner may take any enforcement action under the commissioner's authority to enforce compliance with this chapter.

Sec. 16. NEW SECTION. **507F.16 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 17. **EFFECTIVE DATE.** This Act takes effect January 1, 2022.

Approved April 30, 2021

CHAPTER 80

SUBSTANTIVE CODE CORRECTIONS

H.F. 739

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 retroactive applicability provisions.

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

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 7C.12, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

In addition to the powers and duties specified in sections 7C.1 ~~to~~ through 7C.11, the governor's designee:

Sec. 2. Section 9G.6, subsection 1, Code 2021, is amended to read as follows:

1. ~~No patents~~ Patents shall not be issued for any lands belonging to the state, except upon the certificate of the person or officer specially charged with the custody of the ~~same patents~~, setting forth the appraised value per acre, the name of person to whom sold, the date of sale, the price per acre, the amount paid, the name of the person making final payment, and the

~~name of the person who is entitled to the patent, and, if thus. If a person is entitled by to a patent due to an assignment from the original purchaser, setting the certificate shall set forth fully such the assignment, which certificate and~~ shall be filed and preserved in the land office.

Sec. 3. Section 10.1, subsection 17, paragraph b, Code 2021, is amended to read as follows:

b. As used in paragraph “a”, a type of membership interest in a limited liability company includes any of the following:

~~(1) (a) A series as provided in chapter 489, article 12.~~

~~(b) This subparagraph is repealed on July 1, 2021.~~

(2) A a protected series of a series limited liability company as provided in chapter 489, article 14.

Sec. 4. Section 10.10, subsection 1, paragraph c, subparagraph (2), Code 2021, is amended to read as follows:

(2) As used in subparagraph (1), a type of membership interest in a limited liability company includes any of the following:

~~(a) (i) A series as provided in chapter 489, article 12.~~

~~(ii) This subparagraph division is repealed on July 1, 2021.~~

~~(b) A a protected series of a series limited liability company as provided in chapter 489, article 14.~~

Sec. 5. Section 12B.14, Code 2021, is amended to read as follows:

12B.14 False statements or reports.

Any officer or other person making a false statement or report or in any manner violating any of the provisions of sections 12B.10 ~~to~~ through 12B.13 shall be guilty of a fraudulent practice.

Sec. 6. Section 15.108, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. Provide staff assistance to the corporation formed under authority of sections 15E.11 ~~to~~ through 15E.16 to receive and disburse funds to further the overall development and well-being of the state.

Sec. 7. Section 15.335, subsection 4, paragraph a, Code 2021, 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(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 tax year.

Sec. 8. Section 15.335, subsection 8, Code 2021, is amended to read as follows:

8. Any credit in excess of the tax liability for the taxable year shall be refunded with interest in accordance with section 421.60, subsection 2, paragraph “e”. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on its final, completed return credited to the tax liability for the following tax year.

Sec. 9. Section 15.354, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. An applicant that does not receive a tax incentive award during an application period may make additional applications during subsequent application periods. Such applicant shall be required to submit a new application ~~and, which shall be competitively reviewed and scored in the same manner as other applicants applications~~ in that application period.

Sec. 10. Section 20.10, subsection 3, paragraph f, Code 2021, is amended to read as follows:

f. Violate the provisions of sections 732.1 ~~to~~ through 732.3, which are hereby made applicable to public employers, public employees, and employee organizations.

Sec. 11. Section 20.19, subsection 1, Code 2021, is amended to read as follows:

1. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 272, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 ~~to~~ and 20.22 shall apply.

Sec. 12. Section 24.3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~No~~ A municipality shall not certify or levy in any fiscal year any tax on property subject to taxation unless and until the following estimates have been made, filed, and considered, as ~~hereinafter~~ provided in this chapter:

Sec. 13. Section 24.9, subsection 2, Code 2021, is amended to read as follows:

2. Budget estimates adopted and certified in accordance with this chapter may be amended and increased as the need arises to permit appropriation and expenditure during the fiscal year covered by the budget of unexpended cash balances on hand at the close of the preceding fiscal year and which cash balances had not been estimated and appropriated for expenditure during the fiscal year of the budget sought to be amended, and also to permit appropriation and expenditure during the fiscal year covered by the budget of amounts of cash anticipated to be available during the year from sources other than taxation and which had not been estimated and appropriated for expenditure during the fiscal year of the budget sought to be amended. Such amendments to budget estimates may be considered and adopted at any time during the fiscal year covered by the budget sought to be amended, by filing the amendments and upon publishing them and giving notice of the public hearing in the manner required in this section. Within ten days of the decision or order of the certifying or levying board, the proposed amendment of the budget is subject to protest, hearing on the protest, appeal to the state appeal board and review by that body, all in accordance with sections 24.27 ~~to~~ through 24.32, so far as applicable. A local budget shall be amended by May 31 of the current fiscal year to allow time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after May 31 which is properly appealed but without adequate time for hearing and decision before June 30 is void. Amendments to budget estimates accepted or issued under this section are not within section 24.14.

Sec. 14. Section 24.24, Code 2021, is amended to read as follows:

24.24 Violations.

Failure on the part of a public official to perform any of the duties prescribed in chapter 73A, and this chapter, and ~~sections~~ section 8.39, and sections 11.1 ~~to~~, 11.2, 11.4, and 11.5, constitutes a simple misdemeanor, and is sufficient ground for removal from office.

Sec. 15. Section 29B.1, Code 2021, is amended to read as follows:

29B.1 Persons subject to code — definitions — short title.

1. This chapter applies to all members of the state military forces performing national guard duty or state active duty, while not on federal active duty. In addition, this chapter applies to all members of the state military forces who commit an offense during travel to or from the member's duty location or during intervals between consecutive periods of duty on the same day or on consecutive days in which the victim of the offense is another member of the state military forces.

2. As used in this chapter, unless the context otherwise requires, "~~state military forces~~" has the same meaning as in section 29A.6, and "~~code~~";

~~a. "Code" means this chapter, which may be cited as the "Iowa Code of Military Justice".~~

~~b. "State military forces" means the same as defined in section 29A.6.~~

~~3. This chapter may be cited as the "Iowa Code of Military Justice".~~

Sec. 16. Section 34A.2, subsections 8 and 14, Code 2021, are amended to read as follows:

~~8. "Competitive local exchange service provider" means the same as defined in section 476.96 any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the Iowa utilities board as of September 30, 1992.~~

~~14. "Local exchange carrier" means the same as defined in section 476.96 any person that was the incumbent and historical rate-regulated wireline provider of local exchange services or any successor to such person that provides local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the Iowa utilities board as of September 30, 1992.~~

Sec. 17. Section 35C.4, Code 2021, is amended to read as follows:

35C.4 Mandamus — judicial review.

A refusal to allow ~~said~~ the preference granted under this chapter, or a reduction of the salary for ~~said~~ a 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~~ The applicant or incumbent may elect, in the alternative, to 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~~ the preference, or a reduction of the salary for ~~said~~ a position with intent to bring about the resignation or discharge of the incumbent.

Sec. 18. Section 37.26, Code 2021, is amended to read as follows:

37.26 General powers.

For the purpose of carrying out the provisions of sections 37.22 ~~to~~ through 37.25, the commission shall have authority to receive and to convey title to real estate, to take mortgage or other security and to release or transfer the same.

Sec. 19. Section 37.27, Code 2021, is amended to read as follows:

37.27 Nursing homes with memorial hospitals.

If a memorial building has been constructed for the purpose of a hospital pursuant to this chapter, additions for hospital purposes, and nursing homes to be operated in conjunction with the hospital may be erected or acquired by following the procedure outlined in chapter 347 and by issuing general county purpose bonds in accordance with sections 331.441 ~~to~~ through 331.449, with the commissioners acting in the same manner and fashion as the hospital trustees under chapter 347, and with the procedure in all other respects to be identical.

Sec. 20. Section 43.3, Code 2021, is amended to read as follows:

43.3 Offices affected by primary.

Candidates of all political parties for all offices which are filled at a regular biennial election by direct vote of the people shall be nominated at a primary election at the time and in the manner hereinafter directed in this chapter.

Sec. 21. Section 43.13, Code 2021, is amended to read as follows:

43.13 Failure to file nomination papers.

The name of a candidate for any office named in section 43.11 shall not be printed on the official primary ballot of the candidate's party unless nomination papers are filed as ~~therein~~ provided in section 43.11 except as otherwise permitted by section 43.23.

Sec. 22. Section 43.46, Code 2021, is amended to read as follows:

43.46 Delivering returns.

The precinct election officials shall deliver all election supplies, by noon of the day after the close of the polls, to the commissioner who shall carefully preserve them and deliver the returns in the condition in which received except as is otherwise required by sections 50.20 ~~to~~ through 50.22, to the county board of supervisors.

Sec. 23. Section 43.108, Code 2021, is amended to read as follows:

43.108 Organization of state convention — proxies prohibited.

The convention shall be called to order by the chairperson of the state central committee, or that individual's designee, who shall ~~thereupon~~ present a list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county ~~shall~~ is not be fully represented, the delegates present from ~~such that~~ that county shall cast the full vote ~~thereof of the county~~ if the rules of the convention, or party bylaws or constitution so allow, and there shall be no proxies.

Sec. 24. Section 44.10, Code 2021, is amended to read as follows:

44.10 Effect of withdrawal.

~~No~~ The name of a candidate who has withdrawn the candidate's nomination as provided in section 44.9 shall not be printed on the official ballot under such that nomination.

Sec. 25. Section 48A.5, subsection 4, paragraph a, Code 2021, is amended to read as follows:

a. Comply with all applicable requirements of sections 53.37 ~~to~~ through 53.53 relating to absentee ballots for members of the armed forces and other citizens living outside the United States.

Sec. 26. Section 54.8, subsection 2, Code 2021, is amended to read as follows:

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~~ a ballot in violation of the elector's pledge.

Sec. 27. Section 74.2, Code 2021, is amended to read as follows:

74.2 Endorsement and interest.

1. If a warrant other than an anticipatory warrant is presented for payment, and is not paid for want of funds, or is only partially paid, the treasurer shall endorse the fact ~~thereon on the~~ warrant, with the date of presentation, and sign the endorsement, ~~and thereafter the. After the date of presentation, the~~ warrant or the balance due thereon, on the warrant shall bear interest at the rate specified in section 74A.2.

2. An anticipatory warrant issued under the authority of section 74.1, subsection 1, shall bear interest at a rate determined by the issuing governmental body, but not exceeding that permitted by chapter 74A.

Sec. 28. Section 80.4, subsection 3, Code 2021, is amended to read as follows:

3. The aforesaid allocation of duties described in this section shall not be interpreted to prevent flexibility in interdepartmental operations or to forbid other divisional allocations of duties in the discretion of the commissioner.

Sec. 29. Section 80.5, subsection 1, Code 2021, is amended to read as follows:

1. It shall be the duty of the department to prevent crime, to detect and apprehend criminals, and to enforce such other laws as are ~~hereinafter~~ specified.

Sec. 30. Section 80.9A, subsection 6, unnumbered paragraph 1, Code 2021, is amended to read as follows:

A peace officer of the department shall not exercise the general powers of a peace officer within the limits of any city, except as follows:

Sec. 31. Section 80B.13, subsections 3 and 9, Code 2021, are amended to read as follows:

3. Issue certificates to law enforcement officers, reserve peace officers, and jailers who have met the requirements of this chapter and rules adopted under chapter 17A relative to hiring and training standards.

9. In accordance with chapter 17A, conduct investigations, hold hearings, appoint 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 or reserve peace officer's certification.

Sec. 32. Section 84A.2, subsection 5, paragraph c, Code 2021, is amended to read as follows:

c. Sections 1 ~~to~~ through 13 of the federal Wagner-Peyser Act, as codified at 29 U.S.C. §49 et seq., relating to employment services.

Sec. 33. Section 85.31, subsection 3, Code 2021, is amended to read as follows:

3. If the employee leaves dependents only partially dependent upon the employee's earnings for support at the time of the injury, the weekly compensation to be paid as aforesaid, provided in subsections 1 and 2 shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of the injury.

Sec. 34. Section 85.34, subsection 2, paragraph v, Code 2021, is amended to read as follows:

v. In all cases of permanent partial disability other than those ~~hereinabove~~ described or referred to in paragraphs "a" through "u" ~~hereof~~, the compensation shall be paid during the number of weeks in relation to five hundred weeks as the reduction in the employee's earning capacity caused by the disability bears in relation to the earning capacity that the employee possessed when the injury occurred. A determination of the reduction in the employee's earning capacity caused by the disability shall take into account the permanent partial disability of the employee and the number of years in the future it was reasonably anticipated that the employee would work at the time of the injury. If an employee who is eligible for compensation under this paragraph returns to work or is offered work for which the employee receives or would receive the same or greater salary, wages, or earnings than the employee received at the time of the injury, the employee shall be compensated based only upon the employee's functional impairment resulting from the injury, and not in relation to the employee's earning capacity. Notwithstanding section 85.26, subsection 2, if an employee who is eligible for compensation under this paragraph returns to work with the same employer and is compensated based only upon the employee's functional impairment resulting from the injury as provided in this paragraph and is terminated from employment by that employer, the award or agreement for settlement for benefits under this chapter shall be reviewed upon commencement of reopening proceedings by the employee for a determination of any reduction in the employee's earning capacity caused by the employee's permanent partial disability.

Sec. 35. Section 85.37, subsection 1, Code 2021, 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~~ two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section 96.1A, subsection 35, 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. 36. Section 85.61, subsection 1, Code 2021, is amended to read as follows:

1. The word "~~court~~" ~~wherever used in this chapter and chapters 86 and 87, unless the context shows otherwise, shall be taken to mean~~ means the district court.

Sec. 37. Section 85.61, subsection 11, paragraph b, Code 2021, is amended to read as follows:

b. The term "~~worker~~" or "~~employee~~" shall include the singular and plural. Any reference to a worker or employee who has been injured shall, when such worker or employee is dead, include the worker's or employee's dependents as ~~herein defined in this chapter~~ or the worker's or employee's legal representatives; and where the worker or employee is a minor or incompetent, it shall include the minor's or ~~incompetent's~~ incompetent person's guardian, next friend, or trustee. Notwithstanding any law prohibiting the employment of minors, all minor employees shall be entitled to the benefits of this chapter and chapters 86 and 87 regardless of the age of such minor employee.

Sec. 38. Section 85.65A, subsection 2, Code 2021, is amended to read as follows:

2. Prior to July 1 of each fiscal year ~~commencing on or after July 1, 1999~~, the commissioner of insurance shall conduct an examination of the outstanding liabilities of the second injury fund and shall make a determination as to whether sufficient funds will be available in the second injury fund to pay the liabilities of the fund for each of the next two fiscal years. If the commissioner of insurance determines sufficient funds will be available, the commissioner shall not impose a surcharge on employers during the next succeeding fiscal year. If the commissioner determines sufficient funds will not be available, the commissioner shall impose by rule, pursuant to chapter 17A, a surcharge on employers during the next succeeding fiscal year for payment to the treasurer of state for the second injury fund pursuant to the requirements of this section.

Sec. 39. Section 85A.3, Code 2021, is amended to read as follows:

85A.3 Employees covered.

All employees as defined by the workers' compensation law of Iowa employed in any business or industrial process ~~hereinafter~~ designated and described in this chapter and who in the course of their employment are exposed to an occupational disease as ~~herein~~ defined in this chapter are subject to the provisions of this chapter.

Sec. 40. Section 85A.11, subsections 1 and 2, Code 2021, are amended to read as follows:

1. ~~When~~ If any employee is clinically diagnosed as having brucellosis (~~undulant fever~~), it the employee shall not be considered that the employee has to have the disease unless the clinical diagnosis is confirmed by either of the following:

a. A positive blood culture for brucella organisms, ~~or~~

b. A positive agglutination test which must be verified by not less than two successive positive agglutination tests, each of which tests shall be positive in a titer of one to one hundred sixty or higher. ~~Said~~ The subsequent agglutination tests must be made of specimens taken not less than seven nor more than ten days after each preceding test.

2. The specimens for the tests required ~~herein~~ by this section must be taken by a licensed practicing physician or osteopathic physician, and immediately delivered to the state hygienic laboratory of the Iowa department of public health at Iowa City, ~~and each such~~. Each specimen shall be in a container upon which is plainly printed the name and address of the subject, the date when the specimen was taken, the name and address of the subject's employer, and a certificate by the physician or osteopathic physician that the physician took the specimen from the named subject on the date stated over the physician's signature and address.

Sec. 41. Section 85A.13, subsection 3, Code 2021, is amended to read as follows:

3. *Pneumoconiosis complicated with other diseases.* In case of disability or death from pneumoconiosis complicated with tuberculosis of the lungs, compensation shall be payable as for uncomplicated pneumoconiosis, provided, however, that the pneumoconiosis was an essential factor in causing such disability or death. In case of disability or death from pneumoconiosis complicated with any other disease, or from any other disease complicated with pneumoconiosis, the compensation shall be reduced as ~~herein~~ provided in this chapter.

Sec. 42. Section 86.12, subsection 1, Code 2021, is amended to read as follows:

1. The workers' compensation commissioner may require any employer to supply the information required by section 86.10 or to file a report required by section 86.11 or 86.13 or by agency rule, by written demand sent to the employer's last known address. Upon failure to supply such information or file such report within thirty days, the employer may be ordered to appear and show cause why the employer should not be subject to assessment of one thousand dollars for each occurrence. Upon such hearing, the workers' compensation commissioner shall enter a finding of fact and may enter an order requiring such assessment to be paid into the second injury fund created by sections 85.63 ~~to~~ through 85.69. In the event the assessment is not voluntarily paid within thirty days, the workers' compensation commissioner may file a certified copy of such finding and order with the clerk of the court for the district in which the employer maintains a place of business. If the employer maintains no place of business in this state, service shall be made as provided in chapter 85 for nonresident employers. In such case the finding and order may be filed in any court of competent jurisdiction within this state.

Sec. 43. Section 89A.2, subsection 1, paragraph f, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~A conveyance~~ An elevator installed in a building in a federally designated national historic district as long as each of the following conditions is met:

Sec. 44. Section 89A.2, subsection 2, Code 2021, is amended to read as follows:

2. Provisions of this chapter supersede conflicting provisions contained in building codes of this state or any subdivision ~~thereof~~ of this state.

Sec. 45. Section 89A.6, subsections 4 and 6, Code 2021, are amended to read as follows:

4. The inspections required by subsections 1 ~~to~~ through 3 shall be made only by inspectors or special inspectors. An inspection by a special inspector may be accepted by the commissioner in lieu of a required inspection by an inspector.

6. In addition to the inspections required by subsections 1 ~~to~~ through 3, the safety board may provide by rule for additional inspections as the safety board deems necessary to enforce the provisions of this chapter.

Sec. 46. Section 91A.12, subsection 1, Code 2021, is amended to read as follows:

1. Any employer who violates the provisions of this chapter or the rules promulgated under it shall be subject to a civil money penalty of not more than five hundred dollars per pay period for each violation. The commissioner may recover such civil money penalty according

to the provisions of subsections 2 ~~to~~ through 5. Any civil money penalty recovered shall be deposited in the general fund of the state.

Sec. 47. Section 96.9, subsection 4, paragraph b, Code 2021, is amended to read as follows:

b. Money requisitioned as provided ~~herein~~ in this subsection for the payment of expenses of administration shall be deposited in the employment security administration fund, but, until expended, shall remain a part of the unemployment compensation fund. The treasurer of state shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

Sec. 48. Section 96.26, Code 2021, is amended to read as follows:

96.26 Moneys received.

The department is authorized to accept, receive, and receipt for all moneys received from the United States for the payments authorized by ~~sections~~ section 96.25 ~~to~~, this section, section 96.27, and section 96.28 for lands and buildings and to comply with any rules made under the Social Security Act or the Wagner-Peyser Act.

Sec. 49. Section 96.28, Code 2021, is amended to read as follows:

96.28 Deposit of funds.

All moneys received from the United States for the payments authorized by sections 96.25 ~~to~~ through 96.27 for lands and buildings shall be deposited in the employment security administration fund in the state treasury and are appropriated therefrom for the purposes of this chapter.

Sec. 50. Section 97.50, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Any person being paid any benefits under the provisions of sections 97.13 ~~to~~ through 97.18, Code 1950, as amended, as of June 30, 1953, shall continue to receive such benefits as though that chapter had not been repealed.

2. Any person who became entitled to any benefits under the provisions of sections 97.13 ~~to~~ through 97.19, Code 1950, as amended, through the retirement or death of any person prior to June 30, 1953, shall be paid the same benefits upon proper application, subsequent to June 30, 1953, as though that chapter had not been repealed.

Sec. 51. Section 97.53, Code 2021, is amended to read as follows:

97.53 Rule of construction.

As used in sections 97.50 ~~to~~ through 97.52, unless clearly indicated by the context to the contrary, all references to employment or service refer to employment or service in Iowa public employment.

Sec. 52. Section 97B.1A, subsection 1, Code 2021, is amended to read as follows:

1. “*Abolished system*” means the Iowa old-age and survivors’ insurance system repealed by sections 97.50 ~~to~~ through 97.53.

Sec. 53. Section 97B.43, subsection 1, Code 2021, is amended to read as follows:

1. Each member in service on July 4, 1953, who made contributions under the abolished system, and who has not applied for and qualified for benefit payments under the abolished system, shall receive credit for years of prior service in the determination of retirement allowance payments under this chapter, if the member elects to become a member on or before October 1, 1953, the member has not made application for a refund of the part of the member’s contributions under the abolished system which are payable under sections 97.50 ~~to~~ through 97.53, and the member gives written authorization prior to October 1, 1953, to the commission to credit to the retirement fund the amount of the member’s contribution which would be subject to a claim for refund. The amount so credited shall, after transfer, be considered as a contribution to the retirement system made as of July 4, 1953, by the

member and shall be included in the determination of the amount of moneys payable under this chapter. However, an employee who was under a contract of employment as a teacher in the public schools of the state of Iowa at the end of the school year 1952-1953, or any person covered by section 97B.1A, subsection 20, paragraph “c” or “d”, shall be considered as in service as of July 4, 1953, if they were members of the abolished system.

Sec. 54. Section 97B.56, Code 2021, is amended to read as follows:

97B.56 Abolished system — liquidation fund.

The assets of the old-age and survivors’ liquidation fund, established by sections 97.50 to ~~through~~ 97.53 and any future payments or assets payable to the old-age and survivors’ liquidation fund, are hereby transferred to the retirement fund, and all payments hereafter due in accordance with the provisions of said sections shall be paid from the retirement fund.

Sec. 55. Section 99.1A, Code 2021, is amended to read as follows:

99.1A Houses of prostitution or other nuisances.

~~1. Whoever shall erect, establish, continue, maintain, use, own, or lease~~ A person who erects, establishes, continues, maintains, uses, owns, or leases any building, erection, or place used for the purpose of prostitution or gambling, except as authorized under the laws of this state is guilty of a nuisance, ~~and the~~. The building, erection, or place, or the ground itself, in or upon which ~~such~~ prostitution or gambling is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining ~~such~~ the nuisance, are also declared a nuisance and shall be enjoined and abated as ~~hereinafter~~ provided in this chapter.

~~2. The provisions of this section do not apply to social and charitable gambling conducted pursuant to chapter 99B or to devices lawful under section 99B.52 or 99B.53.~~

Sec. 56. Section 99F.7A, subsection 3, Code 2021, is amended to read as follows:

3. A licensee under this section may enter into operating agreements with one or two entities to have up to a total of two individually branded internet sites to conduct advance deposit sports wagering for the licensee, unless one additional operating agreement or individually branded internet site is authorized by the commission. However, a person shall not sell, grant, assign, or turn over to another person the operation of an individually branded internet site to conduct advance deposit sports wagering for the licensee without the approval of the commission. This section does not prohibit an agreement entered into between a licensee under this section and an advanced deposit sports wagering operator as approved by the commission.

Sec. 57. Section 101A.11, subsection 2, Code 2021, is amended to read as follows:

2. Black sporting powder is intended for handloading or reloading ammunition for small arms with bores equivalent to ten gauge or less, loading ~~black~~ blank ammunition, loading cap and ball revolvers, loading muzzle loading arms, or loading muzzle loading cannon.

Sec. 58. Section 123.63, Code 2021, is amended to read as follows:

123.63 Temporary writ.

In ~~such~~ an action to enjoin a nuisance, the court shall, upon the presentation of a petition ~~therefor~~, allow a temporary writ of injunction without bond, if ~~it shall be made to appear the petitioner provides evidence to the satisfaction of the court, by evidence~~ in the form of affidavits, depositions, oral testimony, or otherwise, that the nuisance complained of exists.

Sec. 59. Section 123.65, Code 2021, is amended to read as follows:

123.65 Scope of injunction.

When an injunction has been granted, it shall be binding upon the defendant throughout the state and any violation of the provisions of this chapter anywhere within the state shall be punished as a contempt as ~~herein~~ provided in section 123.68.

Sec. 60. Section 123.66, Code 2021, is amended to read as follows:

123.66 Trial of action.

Any action brought ~~hereunder~~ to enjoin a nuisance or to establish a violation of the injunction shall be accorded priority over other business pending before the district court.

Sec. 61. Section 124.204, subsection 4, paragraph m, Code 2021, is amended to read as follows:

m. Marijuana, except as otherwise provided in subsection 7.

Sec. 62. Section 124.204, subsection 7, Code 2021, is amended to read as follows:

7. Exclusions. This section does not apply to any of the following:

a. Hemp as defined in section 204.2 that is or was produced in this state, or was produced in another state, in accordance with the provisions of chapter 204 with a maximum delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis.

b. A hemp product as provided in chapter 204 with a maximum delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis.

Sec. 63. Section 124E.12, subsection 6, Code 2021, is amended to read as follows:

6. The department, ~~the department of transportation,~~ and any health care practitioner, including any authorized agent or employee thereof, are not subject to any civil or disciplinary penalties by the board of medicine or any business, occupational, or professional licensing board or entity, solely for activities conducted relating to a patient's possession or use of medical cannabidiol as authorized under this chapter. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

Sec. 64. Section 125.3, Code 2021, is amended to read as follows:

125.3 Substance abuse program established.

The Iowa department of public health shall develop, implement, and administer a comprehensive substance abuse program pursuant to sections 125.1 ~~to and 125.2, this section, and sections 125.7, 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.~~

Sec. 65. Section 125.7, subsection 1, Code 2021, is amended to read as follows:

1. Approve the comprehensive substance abuse program, developed by the department pursuant to sections 125.1 ~~to through 125.3, this section, and sections 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.~~

Sec. 66. Section 125.85, subsection 3, Code 2021, is amended to read as follows:

3. Upon the filing of an application for recommitment under subsection 1 or 2, the court shall schedule a recommitment hearing for no later than ten days after the date the application is filed. A copy of the application, the notice of hearing, and any reports shall be served or provided in the manner and to the persons as required by sections 125.77 ~~to through 125.80, 125.83, and 125.84.~~

Sec. 67. Section 135.79, Code 2021, is amended to read as follows:

135.79 Civil penalty.

Any hospital or health care facility which fails to file with the department the financial reports required by sections 135.74 ~~to, 135.75, 135.76, and 135.78~~ is subject to a civil penalty of not to exceed five hundred dollars for each offense.

Sec. 68. Section 135B.34, subsection 7, Code 2021, is amended to read as follows:

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

Sec. 69. Section 135C.46, subsection 1, Code 2021, is amended to read as follows:

1. A facility shall not discriminate or retaliate in any way against a resident or an employee of the facility who has initiated or participated in any proceeding authorized by this chapter. A

facility which violates this section is subject to a penalty of not less than two hundred fifty nor more than five thousand dollars, to be assessed and collected by the director in substantially the manner prescribed by sections 135C.40 ~~to 135C.43~~ through 135C.42 and paid into the state treasury to be credited to the general fund, or to immediate revocation of the facility's license.

Sec. 70. Section 135P.3, subsection 1, unnumbered paragraph 1, Code 2021, 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 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. 71. Section 142.13, Code 2021, is amended to read as follows:

142.13 Burial in private cemetery lot.

In the event ~~such that~~ a deceased person, whose body has been used for scientific purposes as provided ~~herein, shall own in this chapter, owns or have has~~ the right of burial in a private or family cemetery lot in the state of Iowa, that ~~such~~ deceased person's body shall be buried in ~~such that~~ lot.

Sec. 72. Section 144.5, subsection 1, Code 2021, is amended to read as follows:

1. Administer and enforce this chapter and the rules issued ~~hereunder~~ under this chapter, and issue instructions for the efficient administration of the statewide system of vital statistics and the division for records and statistics.

Sec. 73. Section 144.20, Code 2021, is amended to read as follows:

144.20 Information.

Information in the possession of the petitioner necessary to prepare the adoption report shall be furnished with the petition for adoption by each petitioner for adoption or the petitioner's attorney. The ~~social agency, welfare agency, adoption services provider~~ or other person concerned shall supply the court with such additional information in their possession as necessary to complete the certificate. The provision of such information shall be submitted to the court prior to the issuance of a final decree in the matter by the court, unless found by the court to be unavailable after diligent inquiry.

Sec. 74. Section 144.41, Code 2021, is amended to read as follows:

144.41 Amending local records.

When a certificate is amended under sections 144.47 ~~to through~~ 144.40 the state registrar shall report the amendment to the custodian of any permanent local records and such records shall be amended accordingly.

Sec. 75. Section 144.50, Code 2021, is amended to read as follows:

144.50 Length of time records to be kept.

Records maintained under sections 144.47 ~~to through~~ 144.49 shall be retained for a period of not less than ten years and shall be made available for inspection by the state registrar or the state registrar's representative upon demand.

Sec. 76. Section 144.56, subsection 2, Code 2021, is amended to read as follows:

2. This section does not apply to any death investigated under the authority of sections 331.802 ~~to through~~ 331.804.

Sec. 77. Section 144F.2, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. A legal representative who is an agent under a durable power of attorney for health care pursuant to chapter 144B shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver only if, consistent with chapter 144B, in the judgment of the attending physician, the patient is unable to make the health care decision. A legal representative who is a guardian shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver to the extent consistent with the powers and duties granted the guardian pursuant to sections 232D.401 and 232D.402 or section 633.635.

Sec. 78. Section 144F.6, Code 2021, 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, 232D.402, or 633.635.

Sec. 79. Section 145A.7, Code 2021, is amended to read as follows:

145A.7 Special election.

When a protesting petition is received, the officials receiving the petition shall call a special election of all registered voters of that political subdivision upon the question of approving or rejecting the order setting out the proposed merger plan. The election shall be held on a date specified in section 39.2, subsection 4, paragraph "a" or "b", as applicable. The vote will be taken by ballot in the form provided by sections 49.43 ~~to~~ through 49.47, and the election shall be initiated and held as provided in chapter 49. A majority vote of those registered voters voting at the special election shall be sufficient to approve the order and thus include the political subdivision within the merged area.

Sec. 80. Section 148C.4, subsection 1, Code 2021, is amended to read as follows:

1. A physician assistant may 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, "*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 but is not limited to 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.

Sec. 81. Section 148C.5, subsection 3, Code 2021, is amended to read as follows:

3. The board shall not amend or rescind any of the following rules unless, prior to the submission of such an amendment or rescission to the administrative rules coordinator, the board consults with and receives approval from the board of medicine to make such a submission:

a. 645 IAC 326.1 regarding the following terms:

- (1) "Physician".
- (2) "Physician assistant".
- (3) "Supervising physician".
- (4) "Supervision".

b. 645 IAC 326.2(1)(f).

c. 645 IAC 326.4(6).

d. 645 IAC 326.8.

~~e. 645 IAC 326.19(3)(b)(3).~~

~~f. 645 IAC 327.1(1)(s)(1) - (4).~~

~~g. 645 IAC 327.1(1)(u).~~

~~h. e. 645 IAC 327.1(1)(z)(v).~~

~~i. f. 645 IAC 327.4(1)(b)(2) - (4).~~

~~j. g. 645 IAC 327.4(2).~~

~~k. 645 IAC 327.6(1)(d).~~

Sec. 82. Section 152.10, subsection 1, Code 2021, is amended to read as follows:

1. Notwithstanding sections 147.87 to through 147.89, the board may restrict, suspend, or revoke a license to practice nursing or place the licensee on probation. The board may also prescribe by rule conditions of license reinstatement. The board shall ~~prescribe~~ adopt rules of procedure by which to restrict, suspend, or revoke a license. These procedures shall conform to the provisions of chapter 17A.

Sec. 83. Section 153.15, Code 2021, is amended to read as follows:

153.15 Dental hygienists — scope of term.

1. 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. Services may include but are not necessarily limited to ~~complete the following:~~

~~a. Complete oral prophylaxis, application.~~

~~b. Application of preventive agents to oral structures, exposure.~~

~~c. Exposure and processing of radiographs, administration.~~

~~d. Administration of medicaments prescribed by a licensed dentist, obtaining.~~

~~e. Obtaining and preparing nonsurgical, clinical and oral diagnostic tests for interpretation by the dentist, and preparation.~~

~~f. Preparation of preliminary written records of oral conditions for interpretation by the dentist.~~

2. Such services, except educational services, shall be performed under supervision of a licensed dentist but nothing ~~herein in this section~~ shall be construed to authorize a dental hygienist to practice dentistry.

3. Educational services shall be limited to assessing the following:

~~a. Assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups; and conducting.~~

~~b. 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. 84. Section 153.17, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Except as ~~herein~~ otherwise provided in this chapter, it shall be unlawful for any person to practice dentistry or dental surgery or dental hygiene in this state, other than:

Sec. 85. Section 153.33, subsection 3, paragraphs b, d, e, and f, Code 2021, are amended to read as follows:

~~b. If the board shall deem finds the charges sufficient, if true, to warrant suspension or revocation of license or registration, it the board shall make issue an order fixing the a time and place for hearing thereon and requiring the licensee or registrant to appear and answer thereto, such to the charges. The order, together with a copy of the charges so made to, shall be served upon the accused at least twenty days before the date fixed for hearing, either personally or by certified or registered mail, sent to the licensee's or registrant's last known post office address as shown by the records of the board.~~

~~d. In all such investigations and hearings pertaining to the suspension or revocation of licenses or registrations, the board and any person affected thereby may have the benefit of counsel, and upon. Upon the request of the licensee or registrant or the licensee's or registrant's counsel, the board shall issue subpoenas for the attendance of such witnesses in behalf of the licensee or registrant, which. The subpoenas when issued shall be delivered to the licensee or registrant or the licensee's or registrant's counsel. Such subpoenas for the attendance of witnesses shall be effective if served upon the person named therein in the subpoena anywhere within this state, provided that, at the time of such service, the fees now or hereafter provided by law for attendance of witnesses in civil cases in district court shall be are paid or tendered to such the person.~~

e. In case of disobedience of a subpoena lawfully served ~~hereunder~~ under this subsection, the board or any party to such hearing aggrieved thereby may invoke the aid of the district court in the county where ~~such the~~ hearing is being conducted to require the attendance and testimony of such witnesses. ~~Such~~ The district court of the county within which the hearing is being conducted may, in case of contumacy or refusal to obey ~~such the~~ subpoena, issue an order requiring ~~such the~~ person to appear before ~~said the~~ board, and, if so ordered, to give evidence touching the matter involved in the hearing. Any failure to obey such order of the court may be punished by ~~such the~~ court as a contempt thereof.

f. If the licensee or registrant pleads guilty, or after hearing ~~shall be~~ is found guilty by the board of any of the charges made, ~~it the board~~ may suspend for a limited period or revoke the license or registration, and the last renewal ~~thereof of the license or registration~~, and shall enter the order on its records ~~and~~. The board shall notify the accused of the revocation or suspension of the person's license or registration, as the case may be, ~~who~~ and the person shall ~~thereupon forthwith~~ immediately surrender that license or registration to the board. Any ~~such~~ person whose license or registration has been so revoked or suspended shall not ~~thereafter and while such revocation or suspension is in force and effect~~ practice dentistry, dental hygiene, or dental assisting within this state while the revocation or suspension is in force and effect.

Sec. 86. Section 153.33, subsection 5, paragraph d, Code 2021, is amended to read as follows:

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

Sec. 87. Section 154.1, subsection 3, paragraph a, Code 2021, is amended to read as follows:

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, and notwithstanding section 147.107, may without charge supply any ~~of the above pharmaceuticals~~ diagnostic and therapeutic pharmaceutical agents 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.

Sec. 88. Section 154.2, subsection 1, Code 2021, is amended to read as follows:

1. Merchants or dealers who sell glasses as merchandise in an established place of business and who do not profess to be optometrists or practice optometry as ~~herein defined~~ described in this chapter.

Sec. 89. Section 161A.48, subsection 3, Code 2021, is amended to read as follows:

3. Upon receiving evidence of the submission of an application, the commissioners shall forward to the officer or agency to which the application was made a written request to receive notification of the disposition of the application. When notified of the approval of the application, the commissioners shall issue to the same parties who received the original administrative order, or their successors in interest, a supplementary order, to be delivered in the same manner as provided by sections 161A.43 ~~to 161A.53~~ through 161A.47, this section, and sections 161A.49 through 161A.51 for delivery of original administrative orders. The supplementary order shall state a time, not more than six months after approval of the application for public cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time thereafter when the work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order, but the owner of land on which a soil and water conservation practice is being established under this section is not required to incur a cost

for the practice in any one calendar year which exceeds ten dollars per acre for each acre of land belonging to that owner and located in the county containing the land on which the required practice is being established or in counties contiguous to that county.

Sec. 90. Section 177A.19, subsection 4, Code 2021, is amended to read as follows:

4. The procedures provided in section 177A.17 and all other applicable provisions of sections 177A.5 ~~to~~ through 177A.18 shall govern and apply to the enforcement of this section.

Sec. 91. Section 189.17, Code 2021, is amended to read as follows:

189.17 Confiscation or condemnation.

Unless a procedure or method of seizure and confiscation or condemnation is otherwise provided, the secretary is hereby authorized to prohibit the entrance into channels of commerce or possession of any article found to be adulterated or improperly labeled according to the provisions of this subchapter or rules ~~established hereunder~~ adopted pursuant to this subchapter. Any articles found in channels of commerce or in possession by an inspector which are not in compliance with the adulteration or labeling provisions of this subchapter shall be subject to immediate seizure by the department. Seized articles shall be condemned unless ~~of such character~~ that the articles can be made to conform with the provisions of this subchapter by methods approved by the secretary. Condemned articles shall be effectively destroyed for the purpose for which they were intended by the owner of the article, or the owner's agent, under the supervision of an inspector in such manner as the secretary may prescribe.

Sec. 92. Section 190B.101, Code 2021, is amended to read as follows:

190B.101 Definitions.

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

1. "Department" means the department of revenue.
2. "Tax credit" means the from farm to food donation tax credit as established in this ~~chapter~~ subchapter.

Sec. 93. Section 190B.102, Code 2021, is amended to read as follows:

190B.102 Department of revenue — cooperation with other departments.

1. This ~~chapter~~ subchapter shall be administered by the department of revenue.
2. The department shall adopt all rules necessary to administer this ~~chapter~~ subchapter.
3. The department of agriculture and land stewardship, the department of public health, the department of human services, and the department of inspections and appeals shall cooperate with the department of revenue to administer this ~~chapter~~ subchapter.

Sec. 94. Section 190B.103, Code 2021, is amended to read as follows:

190B.103 From farm to food donation tax credit.

A from farm to food donation tax credit is allowed against the taxes imposed in chapter 422, subchapters II and III, as provided in this ~~chapter~~ subchapter.

Sec. 95. Section 196.10, Code 2021, is amended to read as follows:

196.10 Labeling.

Sections 189.9 ~~to~~ through 189.12 shall apply to the labeling of packaged eggs which have been candled and graded if not inconsistent with the provisions of this chapter. All cases of loose packed eggs sold in this state shall identify the egg handler's name or license number or United States department of agriculture plant number, and the grade of the eggs contained in the case. Each carton containing eggs for retail sale in Iowa which have been candled and graded shall be marked with the grade and size of the eggs contained, the date they were packed, and the name and address of the distributor or packer.

Sec. 96. Section 200.8, subsection 2, paragraph a, Code 2021, is amended to read as follows:

- a. File not later than the last day of January and July of each year, on forms furnished by the secretary, a semiannual statement setting forth the number of net tons of commercial fertilizer or soil conditioners distributed in this state by grade for each county during the preceding six

~~months' six-month period; and upon filing such statement shall pay the inspection fee at the rate stated in subsection 1 of this section. However, in lieu of the semiannual statement by grade for each county, as hereinabove provided for, the registrant, on individual packages of specialty fertilizer containing twenty-five pounds or less, the registrant shall file not later than the last day of July of each year, on forms furnished by the secretary, an annual statement setting forth the number of net tons of specialty fertilizer distributed in this state by grade during the preceding twelve-month period.~~

Sec. 97. Section 200.16, Code 2021, is amended to read as follows:

200.16 "Stop sale" orders.

The secretary may issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of commercial fertilizer or soil conditioner, ~~and to hold at a designated place when~~ if the secretary finds ~~said the~~ commercial fertilizer or soil conditioner is being offered or exposed for sale in violation of any of the provisions of this chapter or any of the rules and regulations promulgated ~~hereunder~~ under this chapter. ~~The secretary may hold the commercial fertilizer or soil conditioner at a designated place until the law has been complied with and said the commercial fertilizer or soil conditioner is released in writing by the secretary, or said the violation has been otherwise legally disposed of by written authority, and all costs and expenses incurred in connection with the withdrawal have been paid.~~

Sec. 98. Section 200.18, subsections 1 and 6, Code 2021, are amended to read as follows:

1. If it shall appear from the examination of any commercial fertilizer or soil conditioner or any anhydrous ammonia installation, equipment, or operation that any of the provisions of this chapter or the rules and regulations issued ~~thereunder~~ under this chapter have been violated, the secretary shall cause notice of the violations to be given to the registrant, distributor, or possessor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the secretary. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this chapter or rules and regulations issued ~~thereunder~~ under this chapter have been violated, the secretary may certify the facts to the proper prosecuting attorney.

6. The secretary is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under ~~the~~ this chapter notwithstanding the existence of other remedies at law, said injunction to be issued without bond.

Sec. 99. Section 204.8, subsection 1, paragraph c, Code 2021, is amended to read as follows:

c. The department shall provide the department of public safety any official test results that indicate a sample ~~exceeds the~~ has a maximum concentration of delta-9 tetrahydrocannabinol in excess of two percent on a dry weight basis.

Sec. 100. Section 205.8, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Nothing in sections 205.5 ~~to~~ through 205.7 shall apply:

Sec. 101. Section 208A.4, Code 2021, is amended to read as follows:

208A.4 Inspection by department.

1. Before any antifreeze ~~shall be~~ is sold, exposed for sale, or held with intent to sell within this state, a sample ~~thereof~~ of the product must be inspected by the department of agriculture and land stewardship. Upon application of the manufacturer, packer, seller, or distributor and the payment of a fee of twenty dollars for each brand of antifreeze submitted, the department shall inspect the antifreeze submitted. If the antifreeze is not adulterated or misbranded, if it meets the standards of the department, and is not in violation of this chapter, the department shall give the applicant a written permit authorizing the sale of such antifreeze in this state until the formula or labeling of the antifreeze is changed in any manner.

2. If the department ~~shall find~~ finds at a later date ~~find~~ that the product to be sold, exposed for sale, or held with intent to sell has been materially altered or adulterated, a change has been made in the name, brand, or trademark under which the antifreeze is sold, or it violates the provisions of this chapter, the department shall notify the applicant and the permit shall be canceled forthwith.

Sec. 102. Section 210.8, Code 2021, is amended to read as follows:

210.8 Sales of dry commodities.

All dry commodities unless bought or sold in package or wrapped form shall be bought or sold only by the standard weight or measure ~~herein established in this chapter~~, or by numerical count, unless the parties otherwise agree in writing, except as provided in sections 210.9 ~~to~~ through 210.12.

Sec. 103. Section 210.18, Code 2021, is amended to read as follows:

210.18 Sales to be by standard weight or measure — labeling.

1. All commodities bought or sold by weight or measure shall be bought or sold only by the standards established by this chapter, unless the vendor and vendee otherwise agree. Sales by weight shall be by avoirdupois weight unless troy weight is agreed upon by the vendor and vendee.

2. All commodities bought or sold in package form shall be labeled in compliance with the general provisions for labeling provided for in ~~sections~~ section 189.9 ~~to~~ and sections 189.11 through 189.16, unless otherwise provided for in this chapter.

Sec. 104. Section 210.21, Code 2021, is amended to read as follows:

210.21 Violations.

It shall be unlawful for any person to manufacture, procure, or keep for the purpose of sale, offer or expose for sale, or sell bread in the form of loaves which are not of one of the weights specified in section 210.19 or violate the rules of the secretary of agriculture pertaining thereto. Any person who, in person or by a servant, or agent, or as the servant or agent of another, shall violate any of the provisions of sections 210.19 ~~to~~, 210.20, this section, and sections 210.22 through 210.25, shall be guilty of a simple misdemeanor.

Sec. 105. Section 210.23, Code 2021, is amended to read as follows:

210.23 Exception.

Any person engaged in home baking is exempt from the provisions of sections 210.19 ~~to~~ through 210.22.

Sec. 106. Section 210.24, Code 2021, is amended to read as follows:

210.24 Enforcement — rules and regulations.

The secretary of agriculture shall enforce the provisions of sections 210.19 ~~to~~ through 210.23, this section, and section 210.25. The secretary shall make rules for the enforcement of the provisions of said sections not inconsistent therewith, and such rules and regulations shall include reasonable variations and tolerances.

Sec. 107. Section 217.3, subsection 5, Code 2021, is amended to read as follows:

5. Insure that all programs administered or services rendered by the department directly to any citizen or through a local ~~board of welfare~~ agency to any citizen are coordinated and integrated so that any citizen does not receive a duplication of services from various departments or local agencies that could be rendered by one department or local agency. If the council finds that such is not the case, it shall hear and determine which department or local agency shall provide the needed service or services and enter an order of their determination by resolution of the council which must be concurred in by at least a majority of the members. Thereafter such order or resolution of the council shall be obeyed by all state departments and local agencies to which it is directed.

Sec. 108. Section 218.31, Code 2021, is amended to read as follows:

218.31 Witnesses.

In aid of any investigation the administrator shall have the power to summon and compel the attendance of witnesses; to examine the ~~same witnesses~~ under oath, which the administrator shall have power to administer; to have access to all books, papers, and property material to such investigation, and to order the production of any other books or papers material ~~thereto to the investigation~~. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

Sec. 109. Section 218.43, Code 2021, is amended to read as follows:

218.43 Deduction to pay court costs.

If ~~such wage be wages~~ are paid to a resident pursuant to section 218.42, the administrator in control of ~~such an~~ institution listed in section 218.1 may deduct ~~therefrom from the wages~~ an amount sufficient to pay all or a part of the costs taxed to ~~such the~~ resident by reason of the resident's commitment to said the institution. In such case the amount so deducted shall be forwarded to the clerk of the district court or proper official.

Sec. 110. Section 218.44, Code 2021, is amended to read as follows:

218.44 Wages paid to dependent — deposits.

If ~~such wage be wages~~ are paid to a resident pursuant to section 218.42, the administrator in control of ~~such an~~ institution listed in section 218.1 may pay all or any part of the ~~same wages~~ directly to any dependent of ~~such the~~ resident, ~~or~~. The administrator may also deposit ~~such wage the wages~~ to the account of such resident, or may so deposit part ~~thereof of the wages~~ and allow the resident a portion for the resident's own personal use, or may pay to the county of commitment all or any part of the resident's care, treatment, or subsistence while at said institution from any credit balance accruing to the account of ~~said the~~ resident.

Sec. 111. Section 218.92, Code 2021, is amended to read as follows:

218.92 Patients with dangerous mental disturbances.

When a patient in a state resource center for persons with an intellectual disability, a state mental health institute, or another institution under the administration of the department of human services has become so mentally disturbed as to constitute a danger to self, to other patients or staff of the institution, or to the public, and the institution cannot provide adequate security, the administrator in charge of the institution, with the consent of the director of the Iowa department of corrections, may order the patient to be transferred to the Iowa medical and classification center, if the superintendent of the institution from which the patient is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the patient, other patients, or the public. If the patient transferred was hospitalized pursuant to sections 229.6 ~~to~~ through 229.15, the transfer shall be promptly reported to the court that ordered the hospitalization of the patient, as required by section 229.15, subsection 5. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized in the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 112. Section 218.100, Code 2021, is amended to read as follows:

218.100 Central warehouse and supply depot.

The department of human services shall establish a fund for maintaining and operating a central warehouse as a supply depot and distribution facility for surplus government products, carload canned goods, paper products, other staples, and such other items as determined by the department. The fund shall be permanent and shall be composed of the receipts from the sales of merchandise, recovery of handling, operating and delivery charges of such merchandise, and from the funds contributed by the institutions now in a contingent fund being used for this purpose. All claims for purchases of merchandise, operating, and salary expenses shall be subject to the provisions of sections 218.86 ~~to~~, 218.87, and 218.88.

Sec. 113. Section 222.1, subsection 3, Code 2021, is amended to read as follows:

3. A special intellectual disability unit may be maintained at one of the state mental health institutes for the purposes set forth in sections 222.88 ~~to~~ through 222.91.

Sec. 114. Section 222.2, subsection 7, Code 2021, is amended to read as follows:

7. “*Special unit*” means a special intellectual disability unit established at a state mental health institute pursuant to sections 222.88 ~~to~~ through 222.91.

Sec. 115. Section 225.15, subsection 1, Code 2021, is amended to read as follows:

1. When a respondent arrives at the state psychiatric hospital, the admitting physician shall examine the respondent and determine whether or not, in the physician’s judgment, the respondent is a fit subject for observation, treatment, and hospital care. If, upon examination, the physician decides that the respondent should be admitted to the hospital, the respondent shall be provided a proper bed in the hospital. The physician who has charge of the respondent shall proceed with observation, medical treatment, and hospital care as in the physician’s judgment are proper and necessary, in compliance with sections 229.13 ~~to~~, 229.14, this section, and section 229.16. After the respondent’s admission, the observation, medical treatment, and hospital care of the respondent may be provided by a mental health professional, as defined in section 228.1, who is licensed as a physician, advanced registered nurse practitioner, or physician assistant.

Sec. 116. Section 225.17, subsection 2, Code 2021, is amended to read as follows:

2. When the respondent arrives at the hospital, the respondent shall receive the same treatment as is provided for committed public patients in section 225.15, in compliance with sections 229.13 ~~to~~ through 229.16. However, observation, treatment, and hospital care under this section of a respondent whose expenses are payable in whole or in part by a county shall only be provided as determined through the regional administrator for the respondent’s county of residence.

Sec. 117. Section 227.2, subsection 1, paragraph g, Code 2021, is amended to read as follows:

g. Any failure to comply with standards adopted under section 227.4 for care of persons with mental illness and persons with an intellectual disability in county care facilities, which is not covered in information submitted pursuant to paragraphs “a” ~~to~~ through “f”, and any other matters which the director of public health, in consultation with the administrator of the division, may require.

Sec. 118. Section 227.10, Code 2021, is amended to read as follows:

227.10 Transfers from county or private institutions.

Patients who have been admitted at public expense to any institution to which this chapter is applicable may be involuntarily transferred to the proper state hospital for persons with mental illness in the manner prescribed by sections 229.6 ~~to~~ through 229.13. The application required by section 229.6 may be filed by the administrator of the division or the administrator’s designee, or by the administrator of the institution where the patient is then being maintained or treated. If the patient was admitted to that institution involuntarily, the administrator of the division may arrange and complete the transfer, and shall report it as required of a chief medical officer under section 229.15, subsection 5. The transfer shall be made at the mental health and disability services region’s expense, and the expense recovered, as provided in section 227.7. However, transfer under this section of a patient whose expenses are payable in whole or in part by the mental health and disability services region is subject to an authorization for the transfer through the regional administrator for the patient’s county of residence.

Sec. 119. Section 227.15, Code 2021, is amended to read as follows:

227.15 Authority to confine in hospital.

No person shall be involuntarily confined and restrained in any private institution or hospital or county hospital or other general hospital with a psychiatric ward for the care or treatment of persons with mental illness, except by the procedure prescribed in sections 229.6 ~~to~~ through 229.15.

Sec. 120. Section 229.17, Code 2021, is amended to read as follows:

229.17 Status of respondent during appeal.

If a respondent appeals to the supreme court from a finding that the contention the respondent is seriously mentally impaired has been sustained, and the respondent was previously ordered taken into immediate custody under section 229.11 or has been hospitalized for psychiatric evaluation and appropriate treatment under section 229.13 before the court is informed of intent to appeal its finding, the respondent shall remain in custody as previously ordered by the court, the time limit stated in section 229.11 notwithstanding, or shall remain in the hospital subject to compliance by the hospital with sections 229.13 ~~to~~ through 229.16, as the case may be, unless the supreme court orders otherwise. If a respondent appeals to the supreme court regarding a placement order, the respondent shall remain in placement unless the supreme court orders otherwise.

Sec. 121. Section 229.19, subsection 1, paragraph c, Code 2021, is amended to read as follows:

c. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 ~~to~~ through 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case, the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate.

Sec. 122. Section 229.21, subsection 2, Code 2021, is amended to read as follows:

2. When an application for involuntary hospitalization under section 229.6 or for involuntary commitment or treatment of persons with substance-related disorders under section 125.75 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge, district associate judge, or magistrate who is admitted to the practice of law in this state is accessible, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon the court by sections 229.7 ~~to~~ through 229.19, this section, and section 229.22 or sections 125.75 ~~to~~ through 125.94 in the proceeding so initiated. Subject to the provisions of subsection 4, orders issued by a referee, in discharge of duties imposed under this section, shall have the same force and effect as if ordered by a district judge. However, any commitment to a facility regulated and operated under chapter 135C shall be in accordance with section 135C.23.

Sec. 123. Section 229.22, subsection 4, Code 2021, is amended to read as follows:

4. The cost of hospitalization at a public hospital of a person detained temporarily by the procedure prescribed in this section shall be paid in the same way as if the person had been admitted to the hospital by the procedure prescribed in sections 229.6 ~~to~~ through 229.13.

Sec. 124. Section 229.24, subsection 2, Code 2021, is amended to read as follows:

2. If authorized in writing by a person who has been the subject of any proceeding or report under sections 229.6 ~~to~~ through 229.13 or section 229.22, or by the parent or guardian of that person, information regarding that person which is confidential under subsection 1 may be released to any designated person.

Sec. 125. Section 232.9, Code 2021, is amended to read as follows:

232.9 Motion for change of judge.

Prior to a hearing pursuant to sections 232.44 ~~to~~ through 232.47, 232.50, or 232.54, the child may file a motion with the district court for the appointment of a new judge. The chief judge of the district court for cause shown shall appoint a new judge.

Sec. 126. Section 232.11, subsection 2, Code 2021, is amended to read as follows:

2. The child's right to be represented by counsel under subsection 1, paragraphs "b" ~~to through "f", of this section~~ shall not be waived by a child of any age. The child's right to be represented by counsel under subsection 1, paragraph "a", shall not be waived by a child less than sixteen years of age without the written consent of the child's parent, guardian, or custodian. The waiver by a child who is at least sixteen years of age is valid only if a good faith effort has been made to notify the child's parent, guardian, or custodian that the child has been taken into custody and of the alleged delinquent act for which the child has been taken into custody, the location of the child, and the right of the parent, guardian, or custodian to visit and confer with the child.

Sec. 127. Section 232.72, subsection 3, Code 2021, is amended to read as follows:

3. If the child's home is located in a county not served by the office receiving the report, the department shall promptly transfer the matter by transmitting a copy of the report of injury and any other pertinent information to the office and the county attorney serving the other county. ~~They~~ The office and the county attorney shall promptly proceed as provided in section 232.71B.

Sec. 128. Section 232.127, subsection 9, Code 2021, is amended to read as follows:

9. A child found in contempt of court because of violation of conditions imposed under this section shall not be considered delinquent. Such a contempt may be punished by imposition of a work assignment or assignments to benefit the state or a governmental subdivision of the state. In addition to or in lieu of such an assignment or assignments, the court may impose one of the dispositions set out in sections 232.100 ~~to through~~ 232.102.

Sec. 129. Section 232.142, subsection 2, Code 2021, is amended to read as follows:

2. For the purpose of providing and maintaining a county or multicounty home, the board of supervisors of any county may issue general county purpose bonds in accordance with sections 331.441 ~~to through~~ 331.449. Expenses for providing and maintaining a multicounty home shall be paid by the counties participating in a manner to be determined by the boards of supervisors.

Sec. 130. Section 233A.11, Code 2021, is amended to read as follows:

233A.11 County attorney to appear for child.

In case legal proceedings are necessary to enforce any right conferred on any child by sections 233A.7 ~~to through~~ 233A.10, ~~inclusive~~, the county attorney of the county in which such proceedings should be instituted shall, on request of the superintendent, approved by the administrator, institute and carry on, in the name of the superintendent, the proceedings in behalf of the superintendent.

Sec. 131. Section 233A.15, Code 2021, is amended to read as follows:

233A.15 Transfers to work in parks.

1. The administrator may detail children, classed as trustworthy, from the state training school, to perform services for the department of natural resources within the state parks, state game and forest areas, and other lands under the jurisdiction of the department of natural resources. The department of natural resources shall provide permanent housing and work guidance supervision, but the care and custody of the children so detailed shall remain under employees of the division of child and family services of the department of human services. All such programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills, and habit patterns which will be conducive to the habilitation of the youths involved.

2. The administrator is hereby authorized to use state-owned mobile housing equipment and facilities in performing such services at temporary locations in the ~~above~~ areas described in subsection 1.

Sec. 132. Section 249.1, subsection 5, paragraph b, Code 2021, is amended to read as follows:

b. By the state of Iowa directly pursuant to sections 249.3 ~~to through~~ 249.5.

Sec. 133. Section 252B.1, subsection 2, Code 2021, is amended to read as follows:

2. “Child” includes but shall not be limited to a stepchild, foster child, or legally adopted child and means a child actually or apparently under eighteen years of age, ~~and or~~ a dependent person eighteen years of age or over who is unable to maintain the person’s self and is likely to become a public charge. “Child” includes “child” as defined in section 239B.1.

Sec. 134. Section 256.43, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The director, ~~pursuant to section 256.9, subsection 55~~, shall establish an online learning program model that provides for the following:

Sec. 135. Section 256.43, subsection 1, paragraph i, Code 2021, is amended to read as follows:

i. Criteria for school districts or schools to use when choosing providers of online learning to meet the online learning program requirements specified in rules adopted pursuant to section 256.7, subsection 32.

Sec. 136. Section 256B.6, subsection 1, Code 2021, is amended to read as follows:

1. When the school district or area education agency has provided special education services and programs as provided ~~herein~~ in this chapter for any child requiring special education, either by admission to a special class or by supportive services, it shall be the duty of the parent or guardian to enroll the child for instruction in such special classes or supportive services as may be established, except in the event a doctor’s certificate is filed with the secretary of the school district showing that it is inadvisable for medical reasons for the child requiring special education to receive the special education provided; all the provisions and conditions of chapter 299 shall be applicable to this section, and any violations shall be punishable as provided in chapter 299.

Sec. 137. Section 256B.9, subsection 6, Code 2021, is amended to read as follows:

6. The division may conduct an evaluation of the special education instructional program or special education support services being provided by an area education agency, school district, or private agency, pursuant to sections 273.1 ~~to~~ through 273.9 and this chapter, to determine if the program or service is adequate and proper to meet the needs of the child; if the child is benefiting from the program or service; if the costs are in proportion to the educational benefits being received; and if there are any improvements that can be made in the program or service. A written report of the evaluation shall be sent to the area education agency, school district, or private agency evaluated and to the president of the senate and speaker of the house of representatives of the general assembly.

Sec. 138. Section 257.22, Code 2021, is amended to read as follows:

257.22 Statutes applicable.

The director of revenue shall administer the instructional support income surtax imposed under this chapter, and sections 422.4, 422.20, sections 422.22 ~~to~~ through 422.31, sections 422.68, 422.70, and sections 422.72 ~~to~~ through 422.75 shall apply with respect to administration of the instructional support income surtax.

Sec. 139. Section 257B.28, Code 2021, is amended to read as follows:

257B.28 Statute of limitation.

Lapse of time is not a bar to action to recover a part of the permanent school fund, and it does not prevent the introduction of evidence in an action, except as provided in sections 614.29 ~~to~~ through 614.38.

Sec. 140. Section 260C.39, subsections 1 and 3, Code 2021, are amended to read as follows:

1. Any merged area may combine with any adjacent merged area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at an election held on a date specified in section 39.2, subsection 4, paragraph

“c”, and held on the same day in each area. Prior to the election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area’s taxable base is located, who shall publish notice of the election according to section 49.53. The two respective county commissioners of elections shall conduct the election pursuant to the provisions of chapters 39 ~~to~~ through 53. The votes cast in the election shall be canvassed by the county board of supervisors, and the county commissioner of elections of each county in the merged areas shall certify the results to the board of directors of each merged area.

3. The terms of employment of personnel, for the academic year following the effective date of the agreement to combine the merged areas shall not be affected by the combination of the merged areas, except in accordance with the procedures under sections 279.15 ~~to~~, 279.16, 279.18 and ~~section~~ 279.24, to the extent those procedures are applicable, or under the terms of the base bargaining agreement. The authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to any applicable procedures under chapter 279, shall be transferred to the acting, and then to the new, board of the combined merged area upon certification of a favorable vote to each of the merged areas affected by the agreement. The collective bargaining agreement of the merged area receiving the greatest amount of general state aid shall serve as the base agreement for the combined merged area and the employees of the merged areas which combined to form the new combined merged area shall automatically be accreted to the bargaining unit from that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the merged areas which are combining under this section, then that agreement shall serve as the base agreement, and the employees of the merged areas which are combining to form the new combined merged area shall automatically be accreted to the bargaining unit of that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. The board of the combined merged area, using the base agreement as its existing contract, shall bargain with the combined employees of the merged areas that have agreed to combine for the academic year beginning with the effective date of the agreement to combine merged areas. The bargaining shall be completed by March 15 prior to the academic year in which the agreement to combine merged areas becomes effective or within one hundred eighty days after the organization of the acting board of the new combined merged area, whichever is later. If a bargaining agreement was already concluded in the former merged area which has the collective bargaining agreement that is serving as the base agreement for the new combined merged area, between the former merged area board and the employees of the former merged area, that agreement is void, unless the agreement contained multiyear provisions affecting academic years subsequent to the effective date of the agreement to form a combined merged area. If the base collective bargaining agreement contains multiyear provisions, the duration and effect of the agreement shall be controlled by the terms of the agreement. The provisions of the base agreement shall apply to the offering of new contracts, or the continuation, modification, or termination of existing contracts between the acting or new board of the combined merged area and the combined employees of the new combined merged area.

Sec. 141. Section 260C.48, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The state board shall develop standards and rules for the accreditation of community college programs. Except as provided in this subsection and subsection 4, standards developed shall be general in nature so as to apply to more than one specific program of instruction. With regard to community college-employed instructors, the standards adopted shall at a minimum require that community college instructors ~~who are under contract for at least half-time or more, and by July 1, 2011, all instructors,~~ meet the following requirements:

Sec. 142. Section 261A.24, Code 2021, is amended to read as follows:

261A.24 Chapter as alternative method — powers not subject to supervision or regulation.

Sections 261A.1 through 261A.23 provide a complete, additional, and alternative method for the doing of the things authorized by ~~the~~ this 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. 143. Section 261E.11, subsection 2, Code 2021, is amended to read as follows:

2. The programming in this chapter may be delivered via internet-based technologies ~~including but not limited to the Iowa learning online program~~. An internet-based course may qualify for additional supplemental weighting if it meets the requirements of section 261E.8 or section 261E.10.

Sec. 144. Section 272.2, subsection 14, paragraph a, Code 2021, 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 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~~ offense in relation to the position sought, the time elapsed since the ~~crime~~ offense was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the ~~crime~~ offense, the likelihood that the person will commit the same abuse or ~~crime~~ offense again, and the number of founded abuses committed by or criminal convictions of the person involved.

Sec. 145. Section 275.11, Code 2021, is amended to read as follows:

275.11 Proposals involving two or more districts.

Subject to the approval of the area education agency board, contiguous or marginally adjacent territory located in two or more school districts may be united into a single district in the manner provided in sections 275.12 ~~to~~ through 275.18, 275.20, and 275.22.

Sec. 146. Section 275.23, Code 2021, is amended to read as follows:

275.23 Frequency of change.

A school district which is enlarged, reorganized, or changes its boundaries under sections 275.12 ~~to~~ through 275.18, 275.20, and 275.22, shall not file a petition under section 275.12 for the purpose of reducing the area served or changing the boundaries to exclude areas encompassed by the enlargement, reorganization, or boundary changes for a period of five years following the effective date of the enlargement, reorganization, or boundary change unless the action is approved by the director of the department of education.

Sec. 147. Section 275.24, Code 2021, is amended to read as follows:

275.24 Effective date of change.

When a school district is enlarged, reorganized, or changes its boundary pursuant to sections 275.12 ~~to~~ through 275.18, 275.20, and 275.22, the change shall take effect on July 1 following the date of the reorganization election held pursuant to section 275.18.

Sec. 148. Section 276.1, Code 2021, is amended to read as follows:

276.1 Title.

~~Sections 276.1 to~~ This section, sections 276.2 through 276.5, and sections 276.8 through 276.11 of this chapter shall be known and may be cited as the "Iowa Community Education Act".

Sec. 149. Section 276.3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

As used in sections 276.1 ~~to~~, 276.2, this section, sections 276.4, 276.5, and sections 276.8 through 276.11 unless the context otherwise requires:

Sec. 150. Section 279.9, Code 2021, is amended to read as follows:

279.9 Use of tobacco, alcoholic beverages, or controlled substances.

The rules adopted under section 279.8 shall ~~prohibit~~ include rules prohibiting the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance as defined in section 124.101, subsection 5, by any student of the schools ~~and the~~. The board may suspend or expel a student for a violation of a rule described under this section.

Sec. 151. Section 280.3, subsection 2, Code 2021, is amended to read as follows:

2. The minimum educational program shall be the curriculum set forth in ~~subsection 3 of this section and~~ section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status, or place of national origin.

Sec. 152. Section 280.19A, subsections 1 and 2, Code 2021, are amended to read as follows:

1. ~~By January 15, 1995, each~~ Each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

2. ~~If a district has not adopted a plan as required in this section and implemented the plan by January 15, 1996, the area education agency serving the district shall assist the district with developing a plan and an alternative options education program for the pupil.~~ When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

Sec. 153. Section 285.1, subsection 16, paragraph c, Code 2021, is amended to read as follows:

c. If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence and the district of residence meets the requirements of subsections 14 ~~to 16 of this section~~, 15, and this subsection by using subsection 17, paragraph "c", ~~of this section~~ and the district in which the nonpublic school is located is contiguous to the district of the pupil's residence and is willing to provide transportation under subsection 17, paragraph "a" or "b", ~~of this section~~, the district in which the nonpublic school is located may provide transportation services, subject to section 285.9, subsection 3, and may make the claim for reimbursement under section 285.2. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shall be relieved of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located.

Sec. 154. Section 285.1, subsection 17, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The public school district may meet the requirements of subsections 14 ~~to~~ through 16 by any of the following:

Sec. 155. Section 294.11, Code 2021, is amended to read as follows:

294.11 Termination resolution adopted.

~~Any~~ The board of directors of any school district which has in operation the pension and annuity retirement system created pursuant to sections 294.8 to through 294.10 may terminate such the system by the adoption by the board of directors of such district, of adopting a resolution declaring such the system terminated as of a date specified therein in the resolution.

Sec. 156. Section 296.4, Code 2021, is amended to read as follows:

296.4 Notice — ballots.

Notice of the election shall be given by the county commissioner of elections by publication in accordance with section 49.53. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to through 53 and certify the results to the board of directors.

Sec. 157. Section 306.19, subsection 4, Code 2021, is amended to read as follows:

4. Proceedings for the condemnation of land for any highway shall be under the provisions of chapter 6A and chapter 6B. Provided that, in the condemnation of right-of-way for secondary roads that is contiguous to existing road right-of-way for the maintenance, safety improvement, or upgrade of the existing secondary road, the board of supervisors may proceed as provided in sections 306.28 to through 306.37.

Sec. 158. Section 306.22, subsection 2, paragraph g, Code 2021, is amended to read as follows:

g. Any tract of land sold on contract shall be listed on the tax rolls by and taxed to the contract purchaser, as provided in chapters 428 and 443; assessed and valued as provided in chapter 441; taxes levied as provided in chapter 444; collected as provided in chapter 445; and subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446 to through 449. The contract purchaser shall discharge and pay all taxes.

Sec. 159. Section 306.27, Code 2021, is amended to read as follows:

306.27 Changes for safety, economy, and utility.

The state department of transportation as to primary roads and the boards of supervisors as to secondary roads on their own motion may change the course of any part of any road or stream, watercourse, or dry run and may pond water in order to avoid the construction and maintenance of bridges, or to avoid grades, or railroad crossings, or to straighten a road, or to cut off dangerous corners, turns, or intersections on the highway, or to widen a road above statutory width, or for the purpose of preventing the encroachment of a stream, watercourse, or dry run upon the highway. The department and the board of supervisors shall conduct their proceedings in the manner and form prescribed in chapter 6B, except that the board of supervisors may use the form prescribed in sections 306.28 to through 306.37 for the condemnation of right-of-way that is contiguous to existing road right-of-way and necessary for the maintenance, safety improvement, or upgrade of the existing secondary road. Changes are subject to chapter 455B and chapter 459, subchapters II and III.

Sec. 160. Section 309.25, Code 2021, is amended to read as follows:

309.25 Material considerations for farm-to-market roads.

In planning and in adopting ~~said the secondary road program or project~~ by the board of supervisors, ~~said the~~ board and the county engineer shall give due and careful consideration, to the location of primary roads, and of roads ~~heretofore~~ previously improved as county roads, to the market centers and main roads leading thereto, and to rural mail and school bus routes, ~~it being~~. It is the intent of this chapter that ~~said the secondary road program or project~~ will, when finally executed, afford the highest possible systematic, intracounty and intercounty connections of all roads of the county.

Sec. 161. Section 309.26, Code 2021, is amended to read as follows:

309.26 Provisional selection of roads.

The board after due consultation with the county engineer, shall first select in a provisional way the roads which they then consider advisable to embrace in said the secondary road program, ~~and~~. The board shall direct said the county engineer to make a reconnaissance survey and estimate of all said of the roads selected, or of such part ~~thereof~~ of the roads as, in view of the public necessity and convenience, present the most urgent need and necessity for early construction.

Sec. 162. Section 311.9, Code 2021, is amended to read as follows:

311.9 Publicly owned real estate.

In making said the apportionment under section 311.8, real estate owned by the state, county, or any city, shall be treated as other real estate, but no other publicly owned real estate shall be included. In apportioning benefits to real estate owned by a city, the county, or the state, ~~no~~ consideration shall not be given to the buildings ~~thereon~~ located on that real estate.

Sec. 163. Section 311.15, Code 2021, is amended to read as follows:

311.15 Hearing — adjournment — order.

1. Hearings on the proposed establishment of said a secondary road assessment district may be adjourned from time to time without loss of jurisdiction by the board. On final hearing the board shall proceed to a determination of said the matters raised in the proposal. ~~If~~ The board may reject, approve, or modify and approve said proposal. The board may exclude lands from the district or may add lands ~~thereto~~ or otherwise modify the proposal.

2. ~~Should~~ If the proposal ~~be~~ is approved in whole or in part, the board shall establish such the district. The order of the board establishing such the district shall state the road or roads to be improved, the type of improvement, and the lands included in said the district. Said The order shall be final. ~~No~~ and lands shall ~~thereafter~~ not be added to or excluded from said the district after the order is entered by the board.

Sec. 164. Section 311.17, subsection 1, Code 2021, is amended to read as follows:

1. If an owner, other than the state or a county or city, of any tracts of land on which the assessment is more than five hundred dollars, ~~shall~~, files a written agreement in the office of the county auditor within twenty days from the date of the assessment, ~~agree in writing filed in the office of the county auditor~~, that, in consideration of the owner having the right to pay the assessment in installments, the owner will not make any objection of illegality or irregularity as to the assessment upon the real estate, and will pay the assessment plus interest, the assessment shall be payable in ten equal installments. The first installment shall be payable on the date of the agreement. The other installments shall be paid annually at the same time and in the same manner as the September semiannual payment of ordinary taxes with interest accruing as provided in section 384.65, subsection 3. The rate of interest shall be as established by the board, but not exceeding that permitted by chapter 74A.

Sec. 165. Section 320.6, Code 2021, is amended to read as follows:

320.6 Conditions — damages.

1. ~~Such mains~~ Mains, pipes, and cattleways ~~shall be so erected and maintained as under this chapter shall not to~~ interfere with public travel or with the future improvement of the highway. The owner of such the mains, pipes, and cattleways shall be responsible for all damages arising from the laying, ~~maintenance~~ maintaining, or erection of erecting the same mains, pipes, or cattleways or from the ~~same~~ mains, pipes, or cattleways not being kept in a proper state of repair.

2. The location of such mains or pipes ~~shall~~ may be changed, on reasonable notice, when such change shall be is necessary in due to the improvement or maintenance of the highway.

Sec. 166. Section 321.57, subsection 4, Code 2021, is amended to read as follows:

4. The provisions of this section and sections 321.58 ~~to through~~ 321.62 shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or dealer.

Sec. 167. Section 321.236, subsection 1, paragraphs c and d, Code 2021, are amended to read as follows:

c. (1) If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the renewal of registration of a vehicle shall be refused for unpaid restitution under section 321.40, the simple notice of fine under paragraph “b” shall contain the following statement:

Failure to pay restitution owed by you can be grounds for refusing to renew your motor vehicle’s registration.

~~(2) This paragraph “c” does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.~~

d. (1) If the local authority regulating the standing or parking of vehicles under this subsection is a county or is a city which has an agreement with a county treasurer by which the renewal of registration of a vehicle shall be refused for uncontested and unpaid parking fines under section 321.40, the simple notice of a fine under paragraph “b” shall contain the following statement:

Failure to pay parking fines owed by you can be grounds for refusing to renew your motor vehicle’s registration.

~~(2) This paragraph “d” does not invalidate forms for notice of parking violations in existence prior to July 1, 2007. Existing forms may be used until supplies are exhausted.~~

Sec. 168. Section 321.236, subsection 8, Code 2021, is amended to read as follows:

8. Restricting the use of highways as authorized in sections 321.471 to through 321.473.

Sec. 169. Section 321.266, subsection 3, Code 2021, is amended to read as follows:

3. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in subsections 1 ~~to 3 of this section~~ and 2, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four hours after completing such investigation, forward a written report of such accident to the department.

Sec. 170. Section 321.291, Code 2021, is amended to read as follows:

321.291 Information or notice.

In every charge of violation of section 321.285 the ~~information citation or complaint~~, and also the notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed limit applicable within the district or at the location.

Sec. 171. Section 321.314, Code 2021, is amended to read as follows:

321.314 When signal required.

No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner ~~hereinafter~~ provided in sections 321.315 through 321.318 in the event any other vehicle may be affected by such movement.

Sec. 172. Section 321.316, Code 2021, is amended to read as follows:

321.316 Stopping.

~~No~~ A person shall ~~not~~ stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided ~~herein~~ in sections 321.314, 321.315, 321.317, and 321.318 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Sec. 173. Section 321.318, unnumbered paragraph 1, Code 2021, is amended to read as follows:

All signals ~~herein~~ required under this chapter which may be given by hand and arm shall when so given be given from the left side of the vehicle and the following manner and interpretation thereof is suggested:

Sec. 174. Section 321.359, Code 2021, is amended to read as follows:

321.359 Moving other vehicle.

No ~~A~~ person shall not move a vehicle not owned by ~~such~~ that person into any ~~such~~ prohibited area described in section 321.358 or away to a place that is an unlawful distance from a curb such distance as is unlawful.

Sec. 175. Section 321.398, Code 2021, is amended to read as follows:

321.398 Lamps on other vehicles and equipment.

All vehicles, including animal-drawn vehicles and including those referred to in section 321.383 ~~not hereinbefore~~ specifically required to be equipped with lamps, shall at the times specified in section 321.384 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and, except for animal-drawn vehicles, with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear. Animal-drawn vehicles shall be equipped with a flashing amber light visible from a distance of five hundred feet to the rear of the vehicle during the time specified in section 321.384.

Sec. 176. Section 321.409, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Except as ~~hereinafter~~ otherwise provided in this chapter, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and the lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations:

Sec. 177. Section 321.420, Code 2021, is amended to read as follows:

321.420 Number of lamps lighted.

Whenever a motor vehicle equipped with headlamps as ~~herein~~ required in this chapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Sec. 178. Section 321.501, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~Plaintiff~~ The plaintiff in any ~~such~~ action against a nonresident shall cause the original notice of suit to be served as follows:

Sec. 179. Section 321.507, Code 2021, is amended to read as follows:

321.507 Venue of actions.

Actions against nonresidents as contemplated by ~~this law~~ sections 321.498, 321.500 through 321.502, 321.504 through 321.506, and 321.508 through 321.512 may be brought in the county of which plaintiff is a resident, or in the county in which the injury was received, or damage done.

Sec. 180. Section 321A.2, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. The department shall administer and enforce the provisions of this chapter and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of sections 321A.4 ~~to~~ through 321A.11.

Sec. 181. Section 321A.10, Code 2021, is amended to read as follows:

321A.10 Custody, disposition, and return of security.

1. Security deposited in compliance with the requirements of sections 321A.4 through 321A.9, this section, and section 321A.11 shall be placed by the department in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages

arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3, ~~and such.~~

2. The deposit or any balance ~~thereof~~ of the deposit shall be returned to the depositor or the depositor's personal representative when evidence satisfactory to the department has been filed with the department that ~~there~~ one of the following has occurred:

a. ~~There~~ has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with section 321A.6, subsection 4, or whenever,

b. ~~Whenever,~~ after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3, the department shall be is given reasonable evidence that there is no such action for damages arising out of the accident pending and no judgment rendered in any such action has been left unpaid.

Sec. 182. Section 321A.23, subsection 1, Code 2021, is amended to read as follows:

1. This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may ~~now or hereafter~~ be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

Sec. 183. Section 321A.30, Code 2021, is amended to read as follows:

321A.30 Rights not affected.

This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended ~~hereunder~~ under this chapter, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of such motor vehicle by such transferee. This chapter shall not in any way affect the rights of any secured party or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

Sec. 184. Section 321J.10, subsection 8, Code 2021, is amended to read as follows:

8. Subsections 1 ~~to~~ through 7 of this section do not apply where a test may be administered under section 321J.7.

Sec. 185. Section 321J.12, subsection 2, Code 2021, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 186. Section 321J.20, subsection 5, Code 2021, is amended to read as follows:

5. A person holding a temporary restricted license issued by the department under this chapter shall be prohibited from operating a school bus.

Sec. 187. Section 323A.2, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The orderly flow of an adequate supply of motor fuel is declared to be essential to the economy and to the welfare of the people of this state. Therefore, in the public interest and notwithstanding the terms, provisions, or conditions of any franchise, a franchisee unable to obtain motor fuel from the franchisor may purchase the fuel from another available source, subject to subsections 2 ~~to~~ through 5 and provided the franchisee has done all of the following:

Sec. 188. Section 327C.21, Code 2021, is amended to read as follows:

327C.21 Costs — attorney's fees.

When a decree ~~shall be is~~ entered against a railroad corporation or person under sections 327C.16 ~~to~~ through 327C.20, the court shall render judgment for costs, and attorney's fees for counsel representing the state.

Sec. 189. Section 327D.40, Code 2021, is amended to read as follows:

327D.40 Authorization.

Sections 327D.1 ~~to~~ through 327D.29 ~~of this chapter~~ shall not be construed to prohibit the making of rates by two or more railway companies for the transportation of property over two or more of their respective lines within the state; and a ~~less~~ lower charge by each of said companies for its portion of such joint shipment than it charges for a shipment for the same distance wholly over its own line within the state shall not be considered a violation of ~~said this chapter~~, and shall not render such company liable subject to any of the penalties ~~thereof~~ of this chapter.

Sec. 190. Section 327D.131, Code 2021, is amended to read as follows:

327D.131 Prima facie evidence.

Certificates mentioned in sections 327D.127 ~~to~~ through 327D.130, this section, and section 327D.132 shall be prima facie evidence of the facts ~~therein~~ recited in the certificates in any action arising between consignors and consignees and common carriers.

Sec. 191. Section 327D.132, Code 2021, is amended to read as follows:

327D.132 Violation — penalty.

Any common carrier operating in this state violating any of the provisions of sections 327D.127 ~~to~~ through 327D.131 by neglecting or refusing to weigh cars or to furnish certificates of weights as ~~therein~~ provided in those sections shall, upon conviction, be subject to a schedule “one” penalty.

Sec. 192. Section 327D.190, Code 2021, is amended to read as follows:

327D.190 Damages by fire.

Any corporation operating a railway shall be liable for all damages sustained by any person on account of loss of or injury to the person’s property occasioned by fire set out or caused by the operation of such railway. Such damages may be recovered by the party injured in the manner set out in sections 327G.6 ~~to~~ through 327G.8 and to the same extent, save as to double damages.

Sec. 193. Section 327G.68, Code 2021, is amended to read as follows:

327G.68 Failure of company to act.

In case of failure, neglect, or refusal of any railroad company to comply with any of the provisions of sections 327G.65 ~~to~~ through 327G.67, the person, firm, corporation, or association primarily to be served thereby may file a complaint with the department setting forth the facts upon which such grievance is based. The ~~said~~ department after reasonable notice to the railroad company shall investigate and determine all matters in controversy and make such order as the facts in relation thereto will warrant. Any such order shall have the same force and effect as other orders made by ~~said the~~ the department in other proceedings within its jurisdiction and shall be enforced in the same manner.

Sec. 194. Section 329.6, Code 2021, is amended to read as follows:

329.6 Zoning powers.

1. If any municipality owning or controlling an airport adjacent to which there is an airport hazard area shall fail or refuse, within sixty days after demand made upon it by the department, to adopt reasonably adequate airport zoning regulations under section 329.3, or to proceed as provided in section 329.4, the department may petition the district court of the county in which such airport hazard area, or any part thereof, is located, in the name of the state, praying that zoning regulations be established for the airport hazard area in question, and the provisions of section 329.4, subsections 3 ~~to~~ through 9, shall apply to such actions provided, however, that such municipality shall be joined as a party defendant in any such action.

2. The department may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards appertaining to any airport within the state, in violation of any zoning regulations adopted or established pursuant to the provisions of this chapter.

Sec. 195. Section 331.303, subsection 6, Code 2021, is amended to read as follows:

6. Adopt rules relating to the labor of prisoners in the county jail in accordance with sections 356.16 ~~to~~ through 356.19, and may establish the cost of board and provide for the transportation of certain prisoners in accordance with section 356.30.

Sec. 196. Section 331.321, subsection 1, paragraphs i and r, Code 2021, are amended to read as follows:

i. One or more county engineers in accordance with sections 309.17 ~~to~~ through 309.19.

r. A county zoning commission, an administrative officer, and a board of adjustment in accordance with sections 335.8 ~~to~~ through 335.11, if the board adopts county zoning under chapter 335.

Sec. 197. Section 331.323, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. Require additional security on an officer's bond, in accordance with sections 65.2 and 65.3, or hear a petition of the surety for release and require a new bond, in accordance with sections 65.4 ~~to~~ through 65.8.

Sec. 198. Section 331.324, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. Grant claims for mileage and expenses of officers and employees in accordance with sections 70A.9 ~~to~~ through 70A.13 and section 331.215, subsection 2.

Sec. 199. Section 331.341, subsection 3, Code 2021, is amended to read as follows:

3. Contracts for improvements which may be paid for from the secondary road fund shall be awarded in accordance with sections 309.40 ~~to~~ through 309.41, 309.43, 310.14, 314.1, 314.2, and other applicable state law.

Sec. 200. Section 331.362, subsections 8 and 9, Code 2021, are amended to read as follows:

8. The board shall proceed upon a petition to construct a sidewalk in accordance with sections 320.1 ~~to~~ through 320.3. The board may grant permission to lay gas and water mains, construct and maintain cattleways, or construct sidewalks in connection with the secondary roads, in accordance with sections 320.4 ~~to~~ through 320.8.

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 ~~to~~ through 321.239, 321.241, 321.247 ~~through~~ 321.250, 321.254, 321.255, 321.285, subsection 4, sections 321.352, 321.471 ~~to~~ through 321.473, and other applicable provisions of chapter 321, chapter 321E, and sections 321G.9, 321I.10, and 327G.15.

Sec. 201. Section 331.381, subsections 4 and 14, Code 2021, are amended to read as follows:

4. Comply with chapter 222, including but not limited to sections 222.13, 222.14, ~~and~~ 222.59 ~~to~~ through 222.70, 222.73 ~~through~~ 222.75, and 222.77 ~~through~~ 222.82, in regard to the care of persons with an intellectual disability.

14. Proceed in response to a petition to establish a county library district in accordance with sections 336.2 ~~to~~ through 336.5, or a petition to provide library service by contract or to terminate the service under section 336.18.

Sec. 202. Section 331.382, subsection 1, paragraphs b and i, Code 2021, are amended to read as follows:

b. Establishment of a water recreational area as provided in sections 461A.59 ~~to~~ through 461A.78.

i. Establishment of an airport commission as provided in sections 330.17 ~~to~~ through 330.20.

Sec. 203. Section 331.401, subsection 1, paragraphs b, k, and m, Code 2021, are amended to read as follows:

b. Establish budgets for the farm-to-market road fund and the secondary road fund in accordance with sections 309.10 and 309.93 ~~to~~ through 309.97.

k. Levy taxes as certified to it by tax-certifying bodies in the county, in accordance with the statutes authorizing the levies and in accordance with chapter 24, and sections 444.1 ~~to through~~ 444.4, and sections 444.6 through 444.8, and levy taxes as required in chapters 433, 434, 437, and 438.

m. Apportion taxes upon receipt of a petition, in accordance with sections 449.1A ~~to through~~ 449.3.

Sec. 204. Section 331.402, subsection 1, Code 2021, is amended to read as follows:

1. The payment of county obligations by anticipatory warrants is subject to chapters 74 and 74A and other applicable state law. Anticipatory warrants drawn on the secondary road fund are also subject to sections 309.46 ~~to through~~ 309.55.

Sec. 205. Section 331.502, subsections 10, 19, and 28, Code 2021, are amended to read as follows:

10. Carry out duties relating to the determination of residency, collection of funds due the county, and support of persons with an intellectual disability as provided in sections 222.13, 222.50, 222.61 ~~to through~~ 222.66, 222.69, and 222.74.

19. Carry out duties relating to the establishment, alteration, and vacation of public highways as provided in sections 306.21, 306.25, 306.29 ~~to 306.31~~, 306.30, 306.37, and 306.40.

28. Carry out duties relating to the establishment and management of levee and drainage districts as provided in chapter 468, subchapter I, parts 1 ~~to through~~ 5, chapter 468, subchapter II, parts 1, 3, and 6, and chapter 468, subchapters III and V.

Sec. 206. Section 331.512, subsections 2, 6, 7, and 10, Code 2021, are amended to read as follows:

2. Carry out duties relating to tax sales of property within special charter cities as provided in sections 420.220 ~~to through~~ 420.229.

6. Carry out duties relating to the preparation of the tax list as provided in sections 428.4, 441.17, 441.21, 443.2 ~~to through~~ 443.4, 443.6 through 443.9, and 443.21.

7. Carry out duties relating to the valuation and taxation of telegraph and telephone companies as provided in sections 433.8 ~~to through~~ 433.10 including mapping requirements as provided in sections 433.14 and 433.15.

10. Carry out duties relating to the valuation and taxation of pipeline companies as provided in sections 438.14 ~~to through~~ 438.16.

Sec. 207. Section 331.552, subsections 5, 13, 19, and 25, Code 2021, are amended to read as follows:

5. Account for, report, and pay into the state treasury any money, property, or securities received on behalf of the state as provided in sections 8A.506 ~~to through~~ 8A.508.

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, ~~and 269.2, and 270.7.~~

19. Carry out duties relating to the sale and redemption of anticipatory certificates for secondary road construction as provided in sections 309.50 ~~to through~~ 309.55.

25. Carry out duties relating to the funding of drainage districts as provided in chapter 468, subchapter I, parts 1 ~~to through~~ 5, chapter 468, subchapter II, parts 1, 5, and 6, chapter 468, subchapter III, and chapter 468, subchapter IV, parts 1 and 2.

Sec. 208. Section 331.554, subsection 5, paragraph b, Code 2021, is amended to read as follows:

b. In lieu of the requirements and procedures specified in sections 74.1, 74.2, and 74.3, when warrants other than anticipatory warrants are presented for payment and not paid for want of funds or are only partially paid, the treasurer may issue a warrant order for an amount equal to the unpaid warrants drawn on a fund. The warrant order shall be dated and include the fund name, amount, and the rate of interest established under section 74A.6. The warrant order shall be endorsed by the treasurer, "not paid for want of funds", and include the treasurer's signature. The treasurer shall keep a list of all warrants comprising a warrant

order and shall submit a duplicate copy of the warrant order to the auditor. The procedures of sections 74.4 ~~to~~ through 74.7 apply to warrant orders.

Sec. 209. Section 331.557, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Issue, renew, and replace lost or damaged vehicle registration cards or plates and issue and transfer certificates of title for vehicles as provided in sections 321.17 ~~to~~ through 321.20B, 321.22 through 321.26, 321.28 through 321.32, 321.34, 321.35, and 321.37 through 321.52.

2. Collect, pay to the state, or refund registration fees as provided in sections 321.105 ~~to~~ through 321.106, 321.109 through 321.113, 321.115 through 321.117, 321.119 through 321.135, 321.145, and 321.148 through 321.156.

Sec. 210. Section 331.559, subsection 1, Code 2021, is amended to read as follows:

1. Determine and collect taxes on mobile homes and manufactured homes as provided in sections 435.22 ~~to~~ through 435.26.

Sec. 211. Section 331.602, subsection 29, Code 2021, is amended to read as follows:

29. Record the name and description of a farm as provided in sections 557.22 ~~to~~ through 557.26.

Sec. 212. Section 331.653, subsections 30 and 32, Code 2021, are amended to read as follows:

30. Collect unpaid motor vehicle fees and penalties as provided in sections 321.133 ~~to~~ through 321.135.

32. Enforce sections 321.372 ~~to~~ through 321.379 relating to school buses.

Sec. 213. Section 335.12, Code 2021, is amended to read as follows:

335.12 Rules.

The board of adjustment shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to this chapter. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board may determine. ~~Such~~ The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Sec. 214. Section 335.16, Code 2021, is amended to read as follows:

335.16 Decision.

In exercising the ~~above mentioned~~ powers ~~such in section 335.15,~~ 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 335.17, Code 2021, is amended to read as follows:

335.17 Vote required.

The concurring vote of three members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of ~~any such~~ an administrative official, or to decide in favor of the applicant on any matter upon which ~~it~~ the board is required to pass under ~~any such~~ an ordinance or to effect any variation in ~~such~~ an ordinance.

Sec. 216. Section 335.19, Code 2021, is amended to read as follows:

335.19 Review by court.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review ~~such~~ the decision of the board of adjustment and shall prescribe ~~therein~~ within the writ the time within which a return ~~thereto~~ must be made and

served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Sec. 217. Section 335.20, Code 2021, is amended to read as follows:

335.20 Record advanced.

The board of adjustment shall not be required to return the original papers acted upon by it the board, but it shall be sufficient to return certified or sworn copies ~~thereof of the originals~~ or of such portions ~~hereof of the originals~~ as may be called for by ~~such the writ under section 335.19~~. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Sec. 218. Section 335.21, subsection 2, Code 2021, is amended to read as follows:

2. Costs shall not be allowed against the board of adjustment unless it ~~shall appear~~ appears to the court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 219. Section 335.27, Code 2021, is amended to read as follows:

335.27 Agricultural land preservation ordinance.

If a county adopts an agricultural land preservation ordinance under this chapter which subjects farmland to the same use restrictions provided in section 352.6 for agricultural areas, then section 6B.3, subsection 1, paragraph "f", and sections 352.10 ~~to~~ through 352.12 shall apply to farms and farm operations which are subject to the agricultural land preservation ordinance.

Sec. 220. Section 335.30, subsection 1, Code 2021, is amended to read as follows:

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.

Sec. 221. Section 349.10, Code 2021, is amended to read as follows:

349.10 New date fixed if all rejected.

If all certified statements are rejected under the provisions of section 349.9, the board shall fix a new date for the selection of official newspapers and nothing ~~herein in this chapter~~ shall be construed to prevent the applicants so rejected from filing new certified statements.

Sec. 222. Section 356.15, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, with the exception of charges and expenses for the following prisoners:

Sec. 223. Section 356.28, Code 2021, is amended to read as follows:

356.28 Employment.

The sheriff or any suitable person or agency designated by the court may endeavor to secure employment for unemployed prisoners granted privileges under sections 356.26 ~~to~~ through 356.35.

Sec. 224. Section 356.30, Code 2021, is amended to read as follows:

356.30 Prisoner to pay for board — limitations.

Every prisoner of a county jail under a sentence to accommodate the person's work schedule in accordance with section 356.26 is liable for the cost of the prisoner's board in the jail as fixed by the county board of supervisors. The sheriff shall charge the prisoner's account for the board and any meals provided in section 356.31. If the prisoner is gainfully self-employed the prisoner shall pay the sheriff for the board, in default of which the prisoner's privilege under this chapter is automatically forfeited. If necessarily absent from jail at a meal time, the prisoner shall at the prisoner's request be furnished with a lunch to carry to work. If the jail food is furnished directly, by the county, the sheriff shall account for and pay over the meal payments to the county treasurer. The county board of supervisors may by resolution provide that the county furnish or pay for the transportation of prisoners employed under sections 356.26 ~~to~~ through 356.35 to and from the place of employment. However, the charges for board and meals under this section shall not exceed fifty percent of the wages or salaries of the prisoner, after deductions required by law, including deductions to satisfy any court-ordered child support obligations, earned during the period of time for which the charges are made.

Sec. 225. Section 356.33, subsection 1, Code 2021, is amended to read as follows:

1. District judges, district associate judges, and judicial magistrates, within their respective jurisdictional authority, may make all determinations and orders under sections 356.26 ~~to~~ through 356.35.

Sec. 226. Section 356A.4, Code 2021, is amended to read as follows:

356A.4 Work release.

A person detained, committed, or transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2, may further be released from such facility during necessary and reasonable hours, by court order, for the purposes stated in section 356.26. Such release and any wages earned shall be governed by the provisions of sections 356.27 ~~to~~ through 356.35 except that during such time the released person shall not be in the legal custody of the sheriff; any wages earned shall be collected, managed, and dispensed by the person in charge of the facility and not the sheriff; and any wages earned shall first be applied to the reasonable cost of housing such person in the facility.

Sec. 227. Section 357.5, Code 2021, is amended to read as follows:

357.5 Decision at hearing.

On the day fixed for such hearing under section 357.4, the board of supervisors shall by resolution establish the benefited water district or disallow the petition. For adequate reasons, the board of supervisors may defer action on ~~such~~ the petition for not to exceed ten days after the day first set for a hearing.

Sec. 228. Section 357.8, Code 2021, is amended to read as follows:

357.8 Plat.

The ~~said~~ engineer appointed under section 357.6 shall prepare a preliminary plat showing the proper design in general outline, the size and location of the water mains, the general location of hydrants, if ~~such~~ hydrants are included in ~~said~~ the petition, valves, and other

appurtenances, and shall show the lots and parcels of land within the proposed district as they appear on the county auditor's plat books, together with the names of the owners and the amount which it is estimated that ~~such~~ each lot or parcel will be assessed.

Sec. 229. Section 357.14, subsection 1, Code 2021, is amended to read as follows:

1. If the ~~result of said majority of votes cast at the election be~~ are in favor of ~~said the~~ the improvement, the board of supervisors shall instruct the engineer to complete the plans and specifications, ready for receiving bids for construction of the project, ~~which the~~. The engineer shall ~~do~~ complete the plans and specifications within thirty days of receiving notice to do so, unless for adequate reason the board ~~shall extend~~ extends the time.

Sec. 230. Section 357.24, Code 2021, is amended to read as follows:

357.24 Fee of engineer.

The fee for engineering services shall be fixed by the board of supervisors and the engineer may be paid either a percentage or a per diem, from proceeds of the bond sale or by cash from the contractor, if the contractor takes bonds in settlement for the contractor's work under the contract.

Sec. 231. Section 357.26, Code 2021, is amended to read as follows:

357.26 Duties of trustees.

It is anticipated that this 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 in the district~~. 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~~ the utility.

Sec. 232. Section 359.31, Code 2021, is amended to read as follows:

359.31 Power and control.

Township trustees shall control any such cemeteries, or appoint trustees for the ~~same~~ cemeteries, or sell the ~~same~~ property to any private corporation for cemetery purposes.

Sec. 233. Section 359.45, Code 2021, is amended to read as follows:

359.45 Anticipatory bonds.

Townships may anticipate the collection of taxes authorized by section 359.43 and for such purposes may direct the county board of supervisors to issue bonds under sections 331.441 ~~to~~ through 331.449 relating to essential county purpose bonds except that the bonds are payable only from tax levies on property subject to the levy under section 359.43.

Sec. 234. Section 360.1, subsection 1, Code 2021, is amended to read as follows:

1. The trustees, on a petition of a majority of the resident freeholders of any civil township, shall request the county commissioner of elections to submit the question of building or acquiring by purchase, or acquiring by a lease with purchase option, a public hall to the electors thereof. The county commissioner shall conduct the election pursuant to the applicable provisions of chapters 39 ~~to~~ through 53 and certify the result to the trustees.

Sec. 235. Section 364.17, subsection 3, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) Authority for the issuance of citations pursuant to sections 805.1 ~~to~~ through 805.5 upon a failure to satisfactorily remedy a violation.

Sec. 236. Section 372.2, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. The council shall notify the county commissioner of elections to publish notice of the election and conduct the election pursuant to chapters 39 ~~to~~ through 53. The county commissioner of elections shall certify the results of the election to the council.

Sec. 237. Section 384.54, subsection 13, Code 2021, is amended to read as follows:

13. Corrections of assessments or valuations made by order of the district court are conclusive and not subject to review on appeal, or otherwise, except as provided in subsections 10 ~~to~~ through 12 of this section. When court confirmation is obtained there is no right of appeal under the provisions of section 384.66.

Sec. 238. Section 384.75, subsection 1, Code 2021, is amended to read as follows:

1. Any provision of law, resolution, or ordinance specifying a time when or the order in which acts must be done in a proceeding which may result in a special assessment, is subject to the qualifications of sections 384.72 ~~to~~ through 384.74.

Sec. 239. Section 384.76, Code 2021, is amended to read as follows:

384.76 Application to joint undertakings.

The provisions of this subchapter apply to any public improvement undertaken jointly by the city and another city or by the city and the state or any other political subdivision of the state, and a city may enter into an agreement for such purpose under the provisions of chapter 28E and may assess and pay its portion of the cost of a public improvement as provided in this subchapter, but any requirement of this subchapter in respect to approval of detailed plans and specifications, calling for construction bids, awarding construction contracts and acceptance of the completed improvement may be carried out by each city with other cities, the state or any other political subdivision of the state, as provided in an agreement entered into as permitted by chapter 28E. However, an agreement between the city and the state department of transportation is also governed by the provisions of sections 313.21 ~~to~~ through 313.23.

Sec. 240. Section 386.7, subsection 1, Code 2021, is amended to read as follows:

1. Section 386.6, subsections 1 ~~to~~ through 5, are applicable to a self-liquidating improvement to the same extent as they are applicable to an improvement and the proceedings initiating a self-liquidating improvement shall be governed thereby.

Sec. 241. Section 390.3, subsection 2, Code 2021, is amended to read as follows:

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. 242. Section 403.15, subsection 1, Code 2021, is amended to read as follows:

1. There is hereby created in each municipality a public body corporate and politic to be known as the “urban renewal agency” of the municipality. An urban renewal agency shall not transact any business or exercise its powers ~~hereunder~~ under this chapter until or unless the local governing body has made the finding prescribed in section 403.4, and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 403.14.

Sec. 243. Section 403.16, Code 2021, is amended to read as follows:

403.16 Personal interest prohibited.

1. For purposes of this section:

a. “Action” does not include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function under this chapter.

b. "Action affecting such property" includes only that action directly and specifically affecting such property as a separate property but shall not include any action, any benefits of which accrue to the public generally, or which affects all or a substantial portion of the properties included or planned to be included in such a project.

c. "Participation" does not include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

2. No A public official or employee of a municipality, or board or commission thereof of a municipality, and no a 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 not voluntarily acquire any personal interest, as 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 an 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 described proscribed 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. Any such official, commissioner, or employee with an interest proscribed in this section shall not participate in any action by the municipality, or board or commission thereof of the municipality, or urban renewal agency affecting such property, which is proscribed in this section. For the purposes of this section the following definitions and standards of construction shall apply:

1. "Action affecting such property" shall include only that action directly and specifically affecting such property as a separate property but shall not include any action, any benefits of which accrue to the public generally, or which affects all or a substantial portion of the properties included or planned to be included in such a project.

2. 3. Employment by a public body, its agencies, or institutions or by any other person having such an interest proscribed in this section shall not be deemed an interest by such the employee or of any ownership or control by such the employee of interests of the employee's employer. Such an employee may participate in an urban renewal project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

3. The word "participation" shall be deemed not to include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

4. The designation of a bank or trust company as depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest proscribed by this section.

5. Stock ownership in a corporation having such an interest shall not be deemed an indicia of an interest, or of ownership or control by the person owning such stocks, proscribed by this section when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such person.

6. The word "action" shall not be deemed to include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function under this chapter.

7. 6. The limitations of this section shall be construed to permit action by a public official, commissioner, or employee where any benefits of such an action accrue to the public generally, such the action affects all or a substantial portion of the properties included or planned to be included in such a project, or such the action promotes the public purposes of such project, and. The limitations of this section shall be construed to limit only that

action by a public official, commissioner, or employee which directly or specifically affects property in which such official, commissioner, or employee has an interest or in which an employer of such official, commissioner, or employee has an interest. Any disclosure required to be made by this section to the local governing body shall concurrently be made to an urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of section 403.14. ~~No~~ A commissioner or other officer of any urban renewal agency, board, or commission exercising powers pursuant to this chapter shall not hold any other public office under the municipality, other than the commissionership or office with respect to such urban renewal agency, board, or commission. Any violation of the provisions of this section shall constitute misconduct in office, but ~~no~~ ordinance or resolution of a municipality or agency shall not be invalid by reason of a vote or votes cast in violation of the standards of this section unless ~~such~~ the vote or votes were decisive in the passage of ~~such~~ the ordinance or resolution.

Sec. 244. Section 414.2, Code 2021, is amended to read as follows:

414.2 Districts.

For any or all of said the purposes of this chapter, the local legislative body, hereinafter referred to as the council, may divide the city into districts, including historical preservation districts but only as provided in section 303.34, 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~~ the council 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. 245. Section 414.7, subsection 1, Code 2021, is amended to read as follows:

1. The council shall provide for the appointment of a board of adjustment. In the regulations and restrictions adopted pursuant to the authority of this chapter, the council shall provide that the board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with ~~its~~ the general purpose and intent of the ordinances and in accordance with general or specific rules contained in the ~~ordinance~~ ordinances and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may directly petition the board of adjustment ~~direct~~ to modify regulations and restrictions as applied to such property owners.

Sec. 246. Section 419.13, Code 2021, is amended to read as follows:

419.13 Exception to budget law and certain bond provisions.

The provisions of sections 73A.12 ~~to~~ through 73A.16 shall not apply to bonds issued under the provisions of this chapter.

Sec. 247. Section 419.17, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Cities may also issue revenue bonds for projects located within a qualified urban renewal area or an area designated a revitalization area pursuant to sections 404.1 ~~to~~ through 404.7. The revenue bonds shall be issued pursuant to the provisions of this chapter and all provisions of this chapter shall apply, except that:

Sec. 248. Section 420.41, subsection 1, paragraph g, Code 2021, is amended to read as follows:

g. In respect of the power to enact, make, adopt, amend and repeal ordinances necessary or proper in connection with any provisions referred to in paragraphs “a” ~~to~~ through “f” ~~inclusive~~, of this subsection.

Sec. 249. Section 420.229, Code 2021, is amended to read as follows:

420.229 Delinquent city taxes — exclusive collection procedure.

All general city taxes and special assessments which, under the provisions of sections 420.220 ~~to~~ 420.229 shall through 420.228, are not be collectible by sale or ~~shall be~~ are

collectible by sale only in events or in a manner hereby prescribed in this chapter shall respectively be deemed barred or barred as to collection thereof in any other event or any other manner than so prescribed.

Sec. 250. Section 420.240, Code 2021, is amended to read as follows:

420.240 Redemption statutes applicable.

The provisions of sections 447.7 to through 447.13 shall, so far as the same those sections shall be applicable, and are not herein changed or modified in this chapter, apply to sales of real estate for delinquent taxes herein contemplated in this chapter; but where the words “auditor of the county” or “treasurer” are used in said those sections the words “city clerk”, “recorder”, “auditor”, or “person authorized to make out the tax list” and “city collector” or “city treasurer or officer authorized to receive same” shall be substituted.

Sec. 251. Section 420.244, Code 2021, is amended to read as follows:

420.244 Force and effect.

All deeds and conveyances hereafter made and executed on account of any general or special tax sale shall be of the same force and effect as deeds made by the county treasurer as provided in sections 448.3 to through 448.5 for delinquent county taxes.

Sec. 252. Section 420.245, Code 2021, is amended to read as follows:

420.245 Rights and remedies.

The purchaser as well as the owner of any real property sold on account of such general or special delinquent taxes or assessments shall be entitled to all the rights and remedies which are granted and prescribed by sections 446.35, 446.36, and 448.6 to through 448.14, but wherever the words “county and county treasurer and auditor” are used, the words “city, city treasurer, city clerk, recorder, auditor, or collector or officer authorized to act as collector,” shall be substituted.

Sec. 253. Section 420.246, Code 2021, is amended to read as follows:

420.246 Tax and deed statutes applicable.

Sections 446.16, 446.32, and 448.10 to through 448.12 are applicable to cities acting under special charters, except that, where the word “treasurer” is used, there shall be substituted the words “city collector or treasurer or deputy treasurer or deputy or officer authorized to collect city taxes”; and where the word “auditor” is used, there shall be substituted the words “city clerk or recorder”.

Sec. 254. Section 420.247, Code 2021, is amended to read as follows:

420.247 Failure to obtain deed — cancellation of sale.

After July 4, 1942, section 446.37 shall apply to cities acting under special charter which collect their own taxes, except that the terms “county auditor” and “county treasurer” in said section to section 446.37 shall be taken, for the purposes of this section, to refer to the persons performing their respective functions in relation to tax sales by such cities.

Sec. 255. Section 421.17, subsection 19, paragraph b, Code 2021, is amended to read as follows:

b. (1) The provisions of sections 17A.10 to through 17A.18A relating to contested cases shall not apply to any matters involving the equalization of valuations of classes of property as authorized by this chapter and chapter 441.

(2) This exemption from the provisions of sections 17A.10 to through 17A.18A shall not apply to a hearing before the director as provided in section 441.49, subsection 5.

Sec. 256. Section 421.27, subsection 9, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(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.

Sec. 257. Section 422.5, subsection 1, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to paragraph “a” by the amounts of nonrefundable credits under this subchapter and by multiplying this resulting amount by a fraction of which the nonresident’s net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph “a”, is the numerator and the nonresident’s total net income computed under section 422.7 is the denominator. This provision subparagraph also applies to individuals who are residents of Iowa for less than the entire tax year.

Sec. 258. Section 422.5, subsection 4, Code 2021, is amended to read as follows:

4. The tax ~~herein~~ levied under this section shall be computed and collected as ~~hereinafter~~ provided in this subchapter.

Sec. 259. Section 422.7, subsection 12, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.~~

Sec. 260. Section 422.7, subsection 12A, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.~~

Sec. 261. Section 422.7, subsection 32, paragraph c, subparagraph (2), subparagraph division (b), Code 2021, is amended to read as follows:

(b) ~~(i) Except as provided in subparagraph subdivision (ii), “elementary “Elementary or secondary school” means an all of the following:~~

(i) 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 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. 262. Section 422.12, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

There shall be deducted from but not to exceed the tax, after the ~~same shall have been tax~~ is computed as provided in this subchapter, the following:

Sec. 263. Section 422.35, subsection 6, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.~~

Sec. 264. Section 422.35, subsection 6A, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.~~

Sec. 265. Section 422.89, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The penalty for underpayment of any installment of estimated tax imposed under section 422.88 shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax ~~amount~~ amounts at least to one of the following:

Sec. 266. Section 426A.15, Code 2021, is amended to read as follows:

426A.15 Penalty.

Any person making a false affidavit for the purpose of obtaining the exemption provided for in sections 426A.11 ~~to through~~ 426A.14 or who knowingly receives such exemption without being legally entitled thereto, or who makes claim for exemption in more than one county in the state shall be guilty of a fraudulent practice.

Sec. 267. Section 427.1, subsection 8, paragraph b, Code 2021, is amended to read as follows:

b. All deeds or leases by which such property is held shall be filed for record before the property ~~herein~~ described in this subsection shall be omitted from the assessment. All such property shall be listed upon the tax rolls of the district or districts in which it is located and shall have ascribed to it an actual fair market value and an assessed or taxable value, as contemplated by section 441.21, whether such property ~~be~~ is subject to a levy or ~~be~~ is exempted as ~~herein~~ provided in this subsection and such information shall be open to public inspection.

Sec. 268. Section 427A.1, subsection 1, paragraph h, Code 2021, is amended to read as follows:

h. Property assessed by the department of revenue pursuant to sections 428.24 ~~to through~~ 428.26, 428.28, and 428.29, or chapters 433, 434, 437, 437A, 437B, and 438.

Sec. 269. Section 427B.26, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

In lieu of the valuation and assessment provisions in section 441.21, subsection 8, paragraphs “b”, “c”, and “d”, and sections 428.24 ~~to through~~ 428.26, 428.28, and 428.29, wind energy conversion property which is first assessed for property taxation on or after January 1, 1994, and on or after the effective date of the ordinance enacted pursuant to subsection 1, shall be valued by the local assessor for property tax purposes as follows:

Sec. 270. Section 427B.26, subsection 3, Code 2021, is amended to read as follows:

3. The taxpayer shall file with the local assessor by February 1 of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under this section in lieu of the valuation and assessment provisions in section 441.21, subsection 8, paragraphs “b”, “c”, and “d”, and sections 428.24 ~~to through~~ 428.26, 428.28, and 428.29.

Sec. 271. Section 428A.1, subsections 2 and 3, Code 2021, are amended to read as follows:

2. When each deed, instrument, or writing by which any real property in this state is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. However, if the deed, instrument, or writing contains multiple parcels some of which are located in more than one county, separate declarations of value shall be submitted on the parcels located in each county and submitted to the county recorder of that county when paying the tax as provided in section 428A.5. A declaration of value is not required for those instruments described in section 428A.2, subsections 2 ~~to through~~ 5, 7 to through 13, and 16 ~~to through~~ 21, or described in section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, or if a transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain.

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 the 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 provide the information the director of revenue requires for the production of the sales/assessment ratio study at times as directed by the director of revenue. The assessor shall retain 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. 272. Section 437.11, Code 2021, is amended to read as follows:

437.11 Rate — purposes.

Such portions of the transmission line or lines within the state referred to in section 437.2, as are located outside cities, shall be taxable upon said assessment provided for by sections 437.6 ~~to~~ through 437.9 at the same rate, by the same officers and for the same purposes as property of individuals within such counties, townships, or lesser taxing districts, outside cities, and the county treasurer shall collect said taxes at the same time and in the same manner as other taxes, and the same penalties shall be due and collectible as for the nonpayment of individual taxes.

Sec. 273. Section 437.12, Code 2021, is amended to read as follows:

437.12 Assessment exclusive.

Every transmission line or part of a transmission line, of which the department of revenue is required by this chapter to find the value, shall be exempt from other assessment or taxation either under sections 428.24 ~~to~~ through 428.26, or under any other law of this state except as provided in this chapter.

Sec. 274. Section 437B.2, subsection 1, Code 2021, is amended to read as follows:

1. “*Centrally assessed property tax*” means property tax imposed with respect to the value of property determined by the director pursuant to sections 428.24 ~~to~~ through 428.26, 428.28, and 428.29, Code 2013, and allocated to water service.

Sec. 275. Section 438.7, Code 2021, is amended to read as follows:

438.7 Consolidated list of real estate.

The department of revenue shall, by some convenient method of binding, arrange the statements required to be made by sections 438.4 ~~to~~ through 438.6 so as to form a consolidated list of all real estate reported to the department as being owned or used for pipeline purposes within the state of Iowa.

Sec. 276. Section 441.22, Code 2021, is amended to read as follows:

441.22 Forest and fruit-tree reservations.

Forest and fruit-tree reservations fulfilling the conditions of ~~sections 427C.1 to 427C.13~~ chapter 427C shall be exempt from taxation. In all other cases where trees are planted upon any tract of land, without regard to area, for forest, fruit, shade, or ornamental purposes, or for windbreaks, the assessor shall not increase the valuation of the property because of such improvements.

Sec. 277. Section 441.47, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The department of revenue on or about August 15, 1977, and every two years thereafter shall order the equalization of the levels of assessment of each class of property in the several assessing jurisdictions by adding to or deducting from the valuation of each class of property such percentage in each case as may be necessary to bring the same to its taxable value as fixed in this chapter, ~~and chapters 427 to~~ through 440, and chapter 443. The department shall adjust to actual value the valuation of any class of property as set out in the abstract of assessment when the valuation is at least five percent above or below actual value as determined by the department. For purposes of such value adjustments and before such equalization the director shall adopt, in the manner prescribed by chapter 17A, such rules as may be necessary to determine the level of assessment for each class of property in each county. The rules shall cover:

Sec. 278. Section 441.56, Code 2021, is amended to read as follows:

441.56 Assessor's duties — combined appointment.

When the duties of the county assessor are combined with the duties of another officer or employee as provided in section 331.323, subsection 1, the person named to perform the combined duties shall be appointed as provided in sections 441.5 ~~to~~ through 441.8.

Sec. 279. Section 443.2, Code 2021, is amended to read as follows:

443.2 Tax list.

1. Before the first day of July in each year, the county auditor shall transcribe the assessments of the townships and cities into a book or record, to be known as the tax list, properly ruled and headed, with separate columns, in which shall be entered the names of the taxpayers, descriptions of lands, number of acres and value, numbers of city lots and value, and each description of tax, with a column for polls and one for payments, and shall complete it by entering the amount due on each installment, separately, and carrying out the total of both installments. The total of all columns of each page of each book or other record shall balance with the tax totals. After computing the amount of tax due and payable on each property, the county auditor shall round the total amount of tax due and payable on the property to the nearest even whole dollar.

2. The county auditor shall list the aggregate actual value and the aggregate taxable value of all taxable property within the county and each political subdivision including property subject to the statewide property tax imposed under section 437A.18 or 437B.14 on the tax list in order that the actual value of the taxable property within the county or a political subdivision may be ascertained and shown by the tax list for the purpose of computing the debt-incurring capacity of the county or political subdivision. As used in this section, "actual value" is the value determined under section 441.21, subsections 1 ~~to~~ through 3, prior to the reduction to a percentage of actual value as otherwise provided in section 441.21. "Actual value" of property subject to statewide property tax is the assessed value under section 437A.18 or 437B.14.

Sec. 280. Section 444.8, Code 2021, is amended to read as follows:

444.8 Mandatory provisions.

The provisions of sections 444.1 ~~to~~ through 444.4, 444.6, and 444.7, and the methods of computation, certification, and levy ~~therein~~ provided in those sections shall be obligatory on all officers within the several counties of the state upon whom devolves the duty of determining, certifying, and levying taxes.

Sec. 281. Section 455B.137, Code 2021, 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 this division II or chapter 459, subchapter II, or of any rules promulgated thereunder under this division II

or chapter 459, subchapter II, or as otherwise authorized or ordered by appropriate court action or proceedings. Nothing 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. 282. Section 455B.183, subsection 4, Code 2021, is amended to read as follows:

4. Plans and specifications for all other waste disposal systems and public water supply systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. Plans and specifications for public water supply systems and water supply distribution system extensions must be certified by a licensed engineer as provided in subsection 1, paragraph "a". The construction of any such waste disposal system or public water supply system shall be in accordance with standards formulated and adopted by the ~~department~~ commission pursuant to section 455B.173, subsections 5 ~~to~~ through 8. If it is necessary or desirable to make material changes in the plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit. The revised plans and specifications for a public water supply system must be certified by a licensed engineer as provided in subsection 1, paragraph "a".

Sec. 283. Section 455B.223, Code 2021, is amended to read as follows:

455B.223 Competent operator required.

It shall be unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency, operating a water treatment plant, water distribution system, or wastewater treatment plant to operate same unless the competency of the operator to operate such plant or system is duly certified to by the director under the provisions of this part 2 of division III. It shall also be unlawful for any person to perform the duties of an operator, as defined ~~herein~~ in this part, without being duly certified under the provisions of ~~said~~ this part.

Sec. 284. Section 455B.224, Code 2021, is amended to read as follows:

455B.224 Simple misdemeanor.

Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, violating any provisions of this part 2 of division III or the rules adopted ~~thereunder~~ under this part after written notice ~~thereof~~ of the violation by the executive director is guilty of a simple misdemeanor. Each day of operation in such violation of ~~said~~ this part or any rules adopted ~~thereunder~~ under this part shall constitute a separate offense. It shall be the duty of the appropriate county attorney to secure injunctions of continuing violations of any provisions of ~~said~~ this part or the rules adopted ~~thereunder~~ under this part.

Sec. 285. Section 455B.307, subsection 2, Code 2021, is amended to read as follows:

2. The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this part 1 of division IV or the rules adopted pursuant to ~~the~~ this part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of ~~the~~ this part or rules issued pursuant to ~~the~~ this part.

Sec. 286. Section 455B.473, subsection 6, Code 2021, is amended to read as follows:

6. Subsections 1 ~~to~~ through 3 do not apply to an underground storage tank for which notice was given pursuant to section 103, subsection c, of the Comprehensive Environmental Response, Compensation, and Liabilities Act of 1980.

Sec. 287. Section 455B.803, subsection 2, paragraph e, Code 2021, is amended to read as follows:

e. On July 1, 2020, the commission shall cease enforcement of the removal, collection, and recovery plans under this section. ~~On or before July 1, 2020, the commission shall review~~

~~the mercury-added switch removal, collection, and recovery portion of this division and submit a recommendation to the general assembly regarding the necessity of continuing the enforcement of the removal, collection, and recovery plans under this section.~~

Sec. 288. Section 456A.24, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Acquire by purchase, condemnation, lease, agreement, gift, and devise lands or waters suitable for the purposes ~~hereinafter~~ enumerated in this subsection, and rights-of-way ~~thereto to those lands and waters~~, and to maintain the same lands and waters for the following purposes, to wit:

Sec. 289. Section 456A.24, subsections 3 and 7, Code 2021, are amended to read as follows:

3. Extend and consolidate lands or waters suitable for the ~~above~~ purposes enumerated in subsection 2 by exchange for other lands or waters and to purchase, erect, and maintain buildings necessary to the work of the department.

7. Pay the salaries, wages, compensation, traveling, and other necessary expenses of the commissioners, director, officers, and other employees of the department, ~~and to~~ expend money for necessary supplies and equipment; ~~and to~~ make such other expenditures as may be necessary for the carrying into effect the purposes of this chapter.

Sec. 290. Section 458A.2, subsections 7 and 19, Code 2021, are amended to read as follows:

7. "Gas" means and includes all natural gas and all other fluid hydrocarbons which are produced at the wellhead and not ~~hereinafter~~ defined in this section as oil.

19. "Waste" means and includes all of the following:

- a. Physical waste, as that term is generally understood in the oil and gas industry.
- b. The inefficient, excessive, or improper use of, or the unnecessary dissipation of reservoir energy;
- c. The location, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner which causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;
- d. The inefficient storing of oil, ~~and~~.
- e. The production of oil or gas in excess of transportation or marketing facilities or in excess of reasonable market demand.

Sec. 291. Section 458A.16, subsection 2, Code 2021, is amended to read as follows:

2. ~~If any A person is guilty of a fraudulent practice if the person, for the purpose of evading this chapter, or any rule or order of the department, makes does any of the following:~~

- a. Makes or causes to be made any false entry or statement in a report required by this chapter or by any rule or order, or makes.
- b. Makes or causes to be made any false entry in any record, account, or memorandum required by this chapter, or by any rule or order, or omits.
- c. Omits, or causes to be omitted, from any record, account, or memorandum, full, true, and correct entries as required by this chapter, or by any rule or order, or removes.
- d. Removes from this state or destroys, mutilates, alters, or falsifies any such record, account, or memorandum, the person is guilty of a fraudulent practice required by this chapter, or by any rule or order.

Sec. 292. Section 459.501, subsection 3, paragraph a, subparagraph (3), subparagraph division (a), subparagraph subdivision (i), Code 2021, is amended to read as follows:

- (i) Providing for seizure of animals pursuant to sections ~~169.3D~~ 163.3D and ~~169.3E~~ 163.3E.

Sec. 293. Section 460.302, subsection 3, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

- (1) On July 1, 1987, initiate a pilot demonstration and research project concerning elimination of groundwater contamination attributed to the use of agricultural chemicals and

agricultural drainage wells. The project shall be established in a location in north central Iowa determined by the department to be the most appropriate. A demonstration project shall also be established in northeast Iowa to study techniques for the cleanup of sinkholes.

Sec. 294. Section 461A.34, Code 2021, is amended to read as follows:

461A.34 Powers in municipalities.

Municipalities, or individuals, or corporations organized only for ~~that~~ the purpose only of establishing a park, acting separately or in conjunction with each other, may establish ~~like~~ parks outside the limits of cities, ~~and when~~. If a park is established without the support of the public state parks fund, the municipalities, corporations, or persons establishing the same park, as the case may be, shall have control ~~thereof~~ of the park independently of the executive council; ~~but~~. However, none of the ~~said~~ municipalities, individuals, or corporations, acting under the provisions of this section shall establish, maintain, or operate any such park as ~~herein~~ contemplated in this section for pecuniary profit.

Sec. 295. Section 461A.44, Code 2021, is amended to read as follows:

461A.44 Prohibited areas.

No person shall enter upon portions of any state park or preserve in disregard of official signs forbidding same entrance upon park or preserve property, except by permission of the director or the director's representative.

Sec. 296. Section 461A.59, Code 2021, is amended to read as follows:

461A.59 Powers in municipalities.

Municipalities or corporations organized only for ~~that~~ the purpose only of establishing a water recreational area, acting separately or in conjunction with each other in counties not having a county conservation board, may establish water recreational areas ~~and when~~. If a water recreational area is established without the support of public funds of the state of Iowa, the municipalities or corporations establishing the same water recreational area, as the case may be, shall have control ~~thereof~~ of the water recreational area independently of the executive council.

Sec. 297. Section 461A.61, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Said A petition filed under section 461A.60 shall state:

Sec. 298. Section 462A.14D, subsection 8, Code 2021, is amended to read as follows:

8. Subsections 3 ~~to~~ through 7 of this section do not apply where a test may be administered under section 462A.14A, subsection 4, paragraph "f".

Sec. 299. Section 462A.29, Code 2021, is amended to read as follows:

462A.29 Official duty exempted.

Peace officers, members of the commission, ~~its~~ and the commission's deputies, agents, and employees are not violating the provisions of this chapter while acting within the scope of their employment in search and rescue operations, law enforcement duty, emergency duty, and other resource management activities as determined by rules of the commission.

Sec. 300. Section 468.37, Code 2021, is amended to read as follows:

468.37 Contracts.

All agreements and contracts for work or materials in constructing the improvements of ~~such a~~ district shall be in writing, ~~and be signed by the chairperson of the board of supervisors for and on behalf of the district and the parties who are to perform the work or furnish the materials specified in such the contract~~. ~~Such The~~ contract shall specify the particular work to be done or materials to be furnished, the time when it shall begin and when it shall be completed, the amount to be paid and the times of payment, ~~with and contain~~ such other terms and conditions as to details as are necessary to a clear understanding of the terms ~~thereof~~ of the contract.

Sec. 301. Section 468.71, Code 2021, is amended to read as follows:

468.71 Form, negotiability, and effect.

Each of ~~such certificates~~ improvement certificate shall state the amount of one or more drainage assessments or part thereof made against the property, designating ~~it the property~~ and the owner thereof liable for the payment of ~~such the~~ assessments. ~~Said~~ The certificates shall be negotiable and transfer to the bearer all right and interest in and to the tax in every such assessment or part thereof described in ~~such the~~ the certificates, and shall authorize such bearer to collect and receive every assessment embraced in ~~said certificate~~ the certificates by or through any of the methods provided by law for ~~their~~ the collection of the assessments as the ~~same certificates~~ certificates mature.

Sec. 302. Section 468.72, Code 2021, is amended to read as follows:

468.72 Interest — place of payment.

~~Such~~ Improvement certificates issued under section 468.70 shall bear interest at a rate determined by the board, payable annually, and shall be paid by the taxpayer to the county treasurer, who shall receipt for the ~~same interest payment~~ and cause the amount to be credited on the certificates issued ~~therefor~~ for the drainage assessments.

Sec. 303. Section 468.214, Code 2021, is amended to read as follows:

468.214 Applicable statutes.

Except as otherwise provided ~~herein~~ in this part, all provisions of this chapter relative to assessment of damages, appointment of an engineer, employment of counsel, payment for work, levy and collection of drainage and levee assessments and taxes, the issue of improvement certificates and drainage or levee bonds, the taking of appeals and the manner of trial thereof and all other proceedings relating thereto shall apply.

Sec. 304. Section 468.259, unnumbered paragraph 1, Code 2021, is amended to read as follows:

In lieu of the hearings provided for in section 468.258, the board of either district may call an election for the purpose of determining the dissolution of the contained district or the acceptance of that district's improvements and rights-of-way by the overlying district. The questions may be submitted at a regular election of the district or at a special election called for that purpose. It is not mandatory for the county commissioner of elections to conduct the elections, however the provisions of sections 49.43 ~~to through~~ 49.47, and of subchapter III of this chapter, as they are applicable, shall govern the elections, and the question to be submitted shall be set forth in the notice of election.

Sec. 305. Section 468.274, Code 2021, is amended to read as follows:

468.274 Notice.

Immediately upon the filing of the report of the commissioners and the engineer, if the ~~same report~~ report recommends the establishment of such district, notice shall be given by the auditor of each county to the owners of all the lots and tracts of land in the auditor's own county respectively embraced within such district as recommended by the commissioners as shown by the transfer books in the office of the auditor of each of said counties, and also to the persons in actual occupancy of all the lots or tracts of land in such district, and also to each lienholder or encumbrancer of any of such lots or tracts as shown by the records of the respective counties.

Sec. 306. Section 468.371, Code 2021, is amended to read as follows:

468.371 Registration.

When bonds have been executed as ~~aforsaid~~ provided in this part they shall be delivered to the county treasurer and the treasurer's receipt taken ~~therefor~~ for each bond. The county treasurer shall register ~~the same~~ each bond in a book provided for that purpose, which shall show the number of each bond, its date, date of sale, amount, date of maturity, and the name and address of the purchaser, and if exchanged what evidences of debt were received ~~therefor,~~ which for each bond. The record shall at all times be open to the inspection of the owners of property within the district. The treasurer shall ~~thereupon~~ certify on the back of each bond as follows:

This bond duly and properly registered in my office this
 day of (month), (year).

 Treasurer of the County of

Sec. 307. Section 468.553, Code 2021, is amended to read as follows:

468.553 Record of bonds.

When the bonds have been executed as ~~aforsaid~~ provided in this part they shall be delivered to the county treasurer and the treasurer's receipt taken ~~therefor~~ for each of the bonds. The treasurer shall register ~~said~~ each of the bonds in a book provided for that purpose which shall show the number of each bond, its date, date of sale, amount, date of maturity, and the name and address of the purchaser, and if exchanged what evidences of indebtedness were received ~~therefor, which~~ for each bond. The record shall at all times be open to the inspection of the owners of property within said the drainage district. The treasurer shall ~~thereupon~~ certify on the back of each bond as follows:

This bond duly and properly registered in my office this
 day of (month), (year).

 Treasurer of the County of

Sec. 308. Section 476.4, subsection 3, Code 2021, 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 provided in this chapter. If any such filing is made prior to the time the commission prescribes rules ~~as aforsaid~~, 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. 309. Section 476.22, Code 2021, is amended to read as follows:

476.22 Definition.

As used in ~~sections 476.23 to 476.26 this subchapter~~, unless the context otherwise requires, "electric utility" includes a public utility furnishing electricity as defined in section 476.1 and a city utility as defined in section 390.1.

Sec. 310. Section 476.49, subsection 1, paragraph c, Code 2021, is amended to read as follows:

c. "Distributed generation facility" means ~~the same as defined in section 476.58, subsection 1, paragraph "b", subparagraph (2) or (3)~~ an alternative energy production facility or a small hydro facility as defined in section 476.42.

Sec. 311. Section 478.10, Code 2021, is amended to read as follows:

478.10 Franchise transferable — notice.

When any ~~such~~ electric transmission line or lines are sold and transferred either by voluntary or judicial sale, ~~such~~ the transfer shall carry with it the franchise under which the ~~said~~ improvement is owned, maintained, or operated. If a transfer of such franchise is made before the improvement for which it was issued is constructed, in whole or in part, ~~such~~ the transfer shall not be effective ~~till~~ until the person, company, or corporation to whom it was issued ~~shall file~~ files in the office of the utilities board granting the franchise a notice in writing stating the date of ~~such~~ the transfer and the name and address of the transferee.

Sec. 312. Section 481A.33, Code 2021, is amended to read as follows:

481A.33 Violations relating to dams.

1. ~~Whoever shall erect~~ A person who erects any dam or other obstruction prohibited by this chapter or at a place or in a manner prohibited shall be guilty of a simple misdemeanor, ~~or shall injure or destroy.~~

2. A person who injures or destroys any dam lawfully erected, shall be guilty of an aggravated misdemeanor.

Sec. 313. Section 491.10, Code 2021, is amended to read as follows:

491.10 Interpretative clause.

Nothing in sections 491.5 ~~to~~ through 491.9 shall be construed as repealing or modifying any statute now in force in respect to the approval of articles of incorporation relating to insurance companies or investment companies.

Sec. 314. Section 491.107, subsection 2, Code 2021, is amended to read as follows:

2. The procedure set forth in sections 491.6 ~~to~~ through 491.9 ~~of this chapter~~ shall be applicable to the filing of articles of consolidation or merger.

Sec. 315. Section 492.4, Code 2021, is amended to read as follows:

492.4 Certain corporations excepted.

Sections 492.1 ~~to~~ through 492.3 shall not apply to railway or quasi-public corporations organized before October 1, 1897.

Sec. 316. Section 492.10, Code 2021, is amended to read as follows:

492.10 Cancellation of stock — reimbursement.

The capital stock of any corporation issued in violation of the terms and provisions of sections 492.5 ~~to~~ through 492.8 shall be void, and in a suit brought by the attorney general on behalf of the state in any court having jurisdiction, a decree of cancellation shall be entered; and if the corporation has received any money or thing of value for the said stock, such money or thing of value shall be returned to the individual, firm, company, or corporation from whom it was received, and if represented by labor or other service of intangible nature, the value thereof shall constitute a claim against the corporation issuing stock in exchange therefor.

Sec. 317. Section 492.11, Code 2021, is amended to read as follows:

492.11 Dissolution — distribution of assets.

Any corporation violating the provisions of sections 492.5 ~~to~~ through 492.8 shall, upon the application of the attorney general, in behalf of the state, made to any court of competent jurisdiction, be dissolved, its affairs wound up, and its assets distributed among the stockholders other than those who have received the stock so unlawfully issued.

Sec. 318. Section 492.12, Code 2021, is amended to read as follows:

492.12 Violation.

Any officer, agent, or representative of a corporation who violates any of the provisions of sections 492.5 ~~to~~ through 492.8 shall be guilty of a simple misdemeanor.

Sec. 319. Section 495.1, Code 2021, is amended to read as follows:

495.1 Capital stock and permit.

Sections 492.5 ~~to~~ through 492.9 are applicable to any foreign corporation which directly or indirectly owns, uses, operates, controls, or is concerned in the operation of any public gasworks, electric light plant, heating plant, waterworks, interurban or street railway located within the state, or the carrying on of any gas, electric light, electric power, heating business, waterworks, interurban or street railway business within the state, or that owns or controls, directly or indirectly, any of the capital stock of any corporation which owns, uses, operates or is concerned in the operation of any public gasworks, electric light plant, electric power plant, heating plant, waterworks, interurban or street railway located within the state, or any foreign corporation that exercises any control in any way or in any manner over any of such works, plants, interurban or street railways or the business carried on by such works, plants, interurban or street railways by or through the ownership of the capital stock of any corporation or corporations or in any other manner whatsoever, ~~and the~~. The ownership, operation, or control of any such works, plants, interurban or street railways or the business carried on by any of such works or plants or the ownership or control of the capital stock in any corporation owning or operating any of such works, plants, interurban or street railways by any foreign corporation in violation of this chapter is unlawful.

Sec. 320. Section 508.32, Code 2021, is amended to read as follows:

508.32 Proceeds of policy held in trust.

1. As used in this section:

a. "Annuity contracts" and "life insurance policies" include accident and health insurance policies and contracts, and include undertakings, duties, and obligations incidental to or in furtherance of any such policies or contracts.

b. "Proceeds" includes additions and contributions.

c. "Trust" includes but is not 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.

~~1. 2. 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 contemplated in this section shall in no manner subject 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.~~

~~2. 3. As used in this section, life insurance policies and annuity contracts include accident and health insurance policies and contracts, and include undertakings, duties, and obligations incidental to or in furtherance of any such policies or contracts. As used in this section, proceeds include additions and contributions. Funds held by an insurance company as authorized by this section may be held in a separate account established pursuant to section 508A.1, except that section 508A.1, subsection 5, shall not be applicable to such account. However, funds held by an insurance company as authorized in this section shall not be chargeable with liabilities arising out of any other business the company may conduct.~~

~~3. 4. An instrument or agreement issued or used by an insurance company as authorized by this section does not constitute a security as defined in section 502.102.~~

Sec. 321. Section 511.12, Code 2021, is amended to read as follows:

511.12 Officers not to profit by investments.

~~No such An~~ An officer or director of a life insurance company or association shall gain through not profit from the investment of funds of ~~any such the~~ company.

Sec. 322. Section 514D.3, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The commissioner shall issue rules to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of policies of individual accident and sickness insurance and individual subscriber contracts which shall be in addition to and in accordance with applicable laws of this state, including but not limited to sections 514A.1 ~~to~~ through 514A.8 and sections 514A.10 through 514A.12. These rules may include, but shall not be limited to, any of the following subjects:

Sec. 323. Section 514D.4, subsection 2, Code 2021, is amended to read as follows:

2. This section does not prohibit the issuance of a policy which combines two or more of the categories of coverage enumerated in paragraphs "a" ~~to~~ through "f" of subsection 1. A category of coverage referred to in paragraph "g", "h", or "i" of subsection 1 shall not be combined in a policy or contract either with another category of coverage referred to in paragraph "g", "h", or "i" of subsection 1 or with a category of coverage referred to in any

of paragraphs “a” to ~~through~~ “f” of subsection 1 unless a rule issued by the commissioner specifically authorizes that combination of coverages.

Sec. 324. Section 514D.7, subsection 2, Code 2021, is amended to read as follows:

2. A policy of accident and sickness insurance which is exempt from the provisions of sections 514A.1 to ~~through~~ 514A.8 and sections 514A.10 through 514A.12 by virtue of an exemption set forth in section 514A.1 or 514A.8.

Sec. 325. Section 515.41, Code 2021, is amended to read as follows:

515.41 Certificate of authority.

The certificate and statements ~~above~~ contemplated in sections 515.38 through 515.40 shall be filed in the division and the commissioner of insurance shall deliver to the company a copy of the report of the examination, in the event one is made, together with the commissioner’s written permission for ~~it~~ the company to commence the business proposed in its articles of incorporation, which permission shall be ~~its~~ the company’s authority to commence business and issue policies.

Sec. 326. Section 515.48, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. Loss by depreciation as ~~herein~~ referred to in this subsection may include the cost of repair and replacement.

Sec. 327. Section 515.48, subsection 10, Code 2021, is amended to read as follows:

10. Insure any additional risk not specifically included within any of the ~~foregoing~~ classes enumerated in this section, which is a proper subject for insurance, is not prohibited by law or contrary to sound public policy, and which, after public notice and hearing, is specifically approved by the commissioner of insurance, except title insurance or insurance against loss or damage by reason of defective title, encumbrances or otherwise. When such additional kind of insurance is approved by the commissioner, the commissioner shall designate within which classification of risks provided for in section 515.49 it shall fall.

Sec. 328. Section 515.109, subsection 2, paragraph c, Code 2021, is amended to read as follows:

c. The standard policy provided for ~~herein~~ in this section need not be used for effecting reinsurance between insurers.

Sec. 329. Section 515.111, Code 2021, 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 to~~ or include ~~therein within a policy~~ 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 the policy. However, ~~that~~ nothing 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. 330. Section 515A.11, subsection 1, Code 2021, is amended to read as follows:

1. Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this chapter and, with respect to joint reinsurance, to sections 515A.12 and 515A.16 to through 515A.19.

Sec. 331. Section 518B.2, Code 2021, is amended to read as follows:

518B.2 Reimbursement fund created.

There is hereby created the federal riot reinsurance reimbursement fund in the office of the treasurer of state which shall be operated under the joint control of the director of the department of administrative services and the commissioner. The fund shall consist of all

payments made by insurers in accordance with the provisions of this chapter. The director of the department of administrative services shall have the same power to enforce the collection of the assessments provided ~~hereunder~~ under this chapter as any other obligation due the state.

Sec. 332. Section 520.2, Code 2021, is amended to read as follows:

520.2 Execution of contract.

~~Such~~ Reciprocal or interinsurance contracts may be executed by an attorney, agent, or other representative ~~herein~~ designated as the attorney in fact, duly authorized and acting for such subscribers under powers of attorney, ~~and such~~. The attorney may be a corporation. ~~Such~~ The attorney shall have the power and authority to execute any and all instruments, papers, and documents incident to and a part of the business of the reciprocal or interinsurance exchange, including deeds for the conveyance of real estate, and acquisition and sale of securities. ~~Such~~ The attorney shall have the power and authority to do all things necessary and incident to the management and operation of such business. The certificate of the commissioner of insurance certifying the name of the attorney for any reciprocal or interinsurance exchange shall be sufficient proof of the authority of any such attorney.

Sec. 333. Section 520.11, Code 2021, is amended to read as follows:

520.11 Implied powers of corporations.

Any corporation ~~now or hereafter~~ organized under the laws of this state shall, in addition to the rights, powers, and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character ~~herein~~ mentioned in this chapter. The right to exchange such contracts is hereby declared to be incidental to the purposes for which such corporations are organized and as fully granted as the rights and powers expressly conferred.

Sec. 334. Section 523.11, Code 2021, is amended to read as follows:

523.11 Arbitrage transactions excepted.

The provisions of sections 523.7, 523.8, and 523.9 shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the commissioner may adopt in order to carry out the purposes of sections 523.7 ~~to~~ through 523.10, this section, and sections 523.12 through 523.14.

Sec. 335. Section 523.12, Code 2021, is amended to read as follows:

523.12 Equity security defined.

The term “*equity security*” when used in sections 523.7 ~~to~~ through 523.11, this section, and sections 523.13 and 523.14 means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the commissioner shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as the commissioner may prescribe in the public interest or for the protection of investors, to treat as an equity security.

Sec. 336. Section 523.14, Code 2021, is amended to read as follows:

523.14 Rules.

The commissioner shall have the power to make such rules and regulations as may be necessary for the execution of the functions vested in the commissioner by sections 523.7 ~~to~~ through 523.13, and may for such purpose classify domestic stock insurance companies, securities, and other persons or matters, within the commissioner’s jurisdiction. No provisions of sections 523.7, 523.8, and 523.9 imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

Sec. 337. Section 524.1305, subsection 6, Code 2021, is amended to read as follows:

6. Safe-deposit boxes, the contents of which have not been removed by the owners after the date specified in the notice given under paragraph “b” of subsection 3 of this section, shall

be opened under the supervision of the superintendent and the contents placed in sealed packages which, together with unclaimed property held by the state bank in safekeeping, shall be transmitted to the treasurer of state. 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, together with a statement giving the name of the person, if known, entitled to the amount, the person's last known address, the amount due the person, and other information about the person as the treasurer of state may reasonably require. All property transmitted to the treasurer of state pursuant to this subsection shall be treated as abandoned, retained by the treasurer of state, and subject to claim, in the manner provided for in sections 556.14 ~~to through~~ 556.21. All amounts due creditors 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 are subject to claim in the manner provided for in section 490.1440.

Sec. 338. Section 524.1602, subsection 3, Code 2021, 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 ~~through~~, 524.905, and 524.907.

Sec. 339. Section 524.1807, Code 2021, is amended to read as follows:

524.1807 Penalties.

Any bank holding company which willfully violates any provision of sections ~~524.1801~~ 524.1802 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~~ 524.1802 through 524.1806 shall be guilty of a serious misdemeanor.

Sec. 340. Section 535.11, subsection 3, Code 2021, is amended to read as follows:

3. With respect to an account other than an open account, the creditor may impose a finance charge not exceeding that permitted by section 537.2201, subsections 2 ~~to~~ through 5.

Sec. 341. Section 536.21, Code 2021, is amended to read as follows:

536.21 Rules.

The superintendent is hereby authorized and empowered to ~~make~~ adopt such reasonable and relevant rules pursuant to chapter 17A as may be necessary for the execution and the enforcement of the provisions of this chapter, in addition hereto and not inconsistent herewith. ~~All rules shall be filed and entered by the superintendent in the banking division of the department of commerce in an indexed, permanent book or record, with the effective date thereof suitably indicated, and such book or record shall be a public document.~~

Sec. 342. Section 537.5110, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. A creditor who believes in good faith that a consumer is in default may give the consumer written notice of the alleged default, and, if the consumer has a right to cure the default, shall give the consumer the notice of right to cure provided in section 537.5111 before commencing any legal action in any court on an obligation of the consumer and before repossessing collateral. However, this subsection and subsection 4 do not require a creditor to give notice of right to cure prior to the filing of a petition by a creditor seeking to enforce the consumer's obligation in which attachment under chapter 639 is sought upon any of the grounds specified in section 639.3, subsections 3 ~~to~~ through 12.

Sec. 343. Section 543C.2, subsection 2, paragraph a, Code 2021, is amended to read as follows:

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

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

Sec. 344. Section 543D.23, subsection 1, paragraphs d and e, Code 2021, are amended to read as follows:

- d. Rulemaking under chapter 17A, including orders on petitions for rulemaking.
- e. Orders on petitions for declaratory orders or waivers ~~or variances~~.

Sec. 345. Section 557A.3, Code 2021, is amended to read as follows:

557A.3 Applicability to time-share programs located out-of-state.

1. Sections 557A.4 ~~to~~ through 557A.10 apply only to time-share programs located in Iowa.
2. Sections 557A.1, 557A.2, and 557A.11 ~~to~~ through 557A.20 apply to any time-share program, wherever located, which is marketed in Iowa.

Sec. 346. Section 561.7, Code 2021, is amended to read as follows:

561.7 Changes — nonconsenting spouse.

1. The owner may, from time to time, change the limits of the homestead by changing the metes and bounds, as well as the record of the plat and description, or vacate it.
2. Such The changes described in subsection 1 shall not prejudice conveyances or liens made or created ~~previously thereto~~ prior to the changes.
3. No such change of the entire homestead, made without the concurrence of the other spouse, shall affect that spouse's rights, or those of the children.

Sec. 347. Section 573.14, subsection 1, Code 2021, is amended to read as follows:

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.

Sec. 348. Section 573.23, Code 2021, is amended to read as follows:

573.23 Abandonment of public work — effect.

When a contractor abandons the work on a public improvement or is legally excluded ~~therefrom~~ from work on a public improvement, the improvement shall be deemed completed for the purpose of filing claims as ~~herein provided in this chapter~~, from the date of the official cancellation of the contract. The only fund available for the payment of the claims of persons for labor performed or material furnished shall be the amount then due the contractor, if any, and if ~~said~~ that amount ~~be~~ is insufficient to satisfy ~~said~~ the claims, the claimants shall have a right of action on the bond given for the performance of the contract.

Sec. 349. Section 591.12, Code 2021, is amended to read as follows:

591.12 Effect of foregoing statutes.

Sections 591.1 ~~to~~ through 591.11 ~~hereof~~ shall not affect pending litigation and shall not operate to revive rights or claims previously barred, and shall not permit an action to be brought or maintained upon any claim or cause of action which was barred by any statute which was in force prior to July 4, 1955.

Sec. 350. Section 600.5, subsection 11, Code 2021, is amended to read as follows:

11. A description of the facilities and resources, including those provided under a subsidy agreement pursuant to sections 600.17 ~~to~~ through 600.22, that the petitioner is willing and able to supply for the nurture and care of any minor person to be adopted.

Sec. 351. Section 600.18, subsection 1, Code 2021, is amended to read as follows:

1. Any prospective adoptive parent desiring financial assistance shall state this fact in the petition for adoption. The department of human services shall investigate the person petitioning for adoption and the child and shall file with the juvenile court or court a statement of whether the department will provide assistance as provided in ~~sections~~ section

600.17 ~~to~~, this section, and sections 600.19 through 600.22, the estimated amount, extent, and duration of assistance, and any other information the juvenile court or court may order.

Sec. 352. Section 600.22, Code 2021, is amended to read as follows:

600.22 Rules.

The department of human services shall adopt rules in accordance with the provisions of chapter 17A, which are necessary for the administration of sections 600.17 ~~to~~ through 600.21 and 600.23.

Sec. 353. Section 600A.7, subsection 1, Code 2021, is amended to read as follows:

1. The hearing on termination of parental rights shall be conducted in accordance with the provisions of sections 232.91 to through 232.96 and otherwise in accordance with the rules of civil procedure. Such hearing shall be held no earlier than one week after the child is born.

Sec. 354. Section 602.10122, subsection 5, Code 2021, is amended to read as follows:

5. Soliciting legal business for the attorney or office, either by the attorney or representative. Nothing ~~herein~~ contained in this section shall be construed to prevent or prohibit listing in legal or other directories, law lists and other similar publications, or the publication of professional cards in any such lists, directories, newspapers or other publication.

Sec. 355. Section 614.17, subsection 2, Code 2021, is amended to read as follows:

2. For the purposes of this section, section 614.17A, and sections 614.18 ~~to through~~ 614.20, a person who holds title to real estate by will or descent from a person who held the title of record to the real estate at the date of that person's death or who holds title by decree or order of a court, or under a tax deed, trustee's, referee's, guardian's, executor's, administrator's, receiver's, assignee's, master's in chancery, or sheriff's deed, holds chain of title the same as though holding by direct conveyance.

Sec. 356. Section 624.28, Code 2021, is amended to read as follows:

624.28 Priority.

Said The lien under section 624.27 shall be prior and superior to the lien of any mortgage or trust deed executed since July 4, 1862, by any railway corporation or partnership, and prior and superior to the lien of any mortgage or trust deed executed after August 9, 1897, by any interurban railway or street railway corporation or partnership.

Sec. 357. Section 626.83, Code 2021, is amended to read as follows:

626.83 Deficiency — additional execution.

If the property levied on sells for less than sufficient to satisfy the execution, the judgment holder may order out another, which shall be credited with the amount of the previous sale. The proceedings under the second execution shall conform to those ~~hereinbefore~~ prescribed in this chapter for the first execution.

Sec. 358. Section 626.98, Code 2021, is amended to read as follows:

626.98 Deed.

If the debtor or the debtor's assignee fails to redeem, the sheriff then in office must, at the end of the period for redemption provided by law for the particular action, execute a deed to the person who is entitled to the certificate as ~~hereinbefore~~ provided in section 626.95, or to that person's assignee. If the person entitled is dead, the deed shall be made to the person's heirs.

Sec. 359. Section 631.3, subsection 4, Code 2021, is amended to read as follows:

4. Upon the request of a party to the action, the clerk or a judicial officer shall issue subpoenas for the attendance of witnesses at a hearing. Sections 622.63 to through 622.67, 622.69, 622.76, and 622.77 apply to subpoenas issued pursuant to this chapter.

Sec. 360. Section 633.126, subsection 2, Code 2021, is amended to read as follows:

2. “*Fiduciary*”, for the purposes of this section and sections 633.127 ~~to~~ through 633.129, means acting in any of the following capacities, namely: testamentary trustee appointed by any court, trustee under any written agreement, declaration or instrument of trust, executor, administrator, guardian, or conservator, custodian under chapter 565B, or other capacity permitted under any state or federal law or regulation governing collective investment funds maintained by a bank or trust company.

Sec. 361. Section 633.198, Code 2021, is amended to read as follows:

633.198 Attorney fee.

There shall also be allowed and taxed as part of the costs of administration of estates as an attorney fee for the personal representative’s attorney, such reasonable fee as may be determined by the court, for services rendered, but not in excess of the schedule of fees ~~herein~~ provided in this part for personal representatives.

Sec. 362. Section 633.210, Code 2021, is amended to read as follows:

633.210 Rules of descent.

The estate of a person dying intestate shall descend as provided in sections 633.211 ~~to~~ through 633.226.

Sec. 363. Section 633.523, Code 2021, is amended to read as follows:

633.523 No sufficient evidence of survivorship.

Where the title to property or the devolution thereof depends upon priority of death, and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if the person had survived, except as provided otherwise in sections 633.524 ~~to~~ through 633.527.

Sec. 364. Section 636.3, Code 2021, is amended to read as follows:

636.3 Defects rectified.

No ~~A~~ defective bond or other security or affidavit in any case shall not prejudice the party giving or making it the bond, security, or affidavit, provided ~~it be so~~ that the defect is rectified, within a reasonable time after the defect is discovered, so as not to cause essential injury to the other party.

Sec. 365. Section 636.6, Code 2021, is amended to read as follows:

636.6 New bond required.

Whenever the board of supervisors of any county shall have knowledge that any attorney at law is surety upon any official bond, ~~above referred to as prohibited under section 636.5,~~ it shall require ~~said~~ the officer to forthwith file a new bond.

Sec. 366. Section 636.9, Code 2021, is amended to read as follows:

636.9 Effect of affidavit.

The taking of ~~such~~ an affidavit under section 636.8 shall not exempt the officer from any liability to which the officer might otherwise be subject for taking insufficient security.

Sec. 367. Section 636.12, Code 2021, is amended to read as follows:

636.12 Certificate revoked — notice.

Should ~~said~~ the certificate of authority for a corporate surety be withdrawn at any time, the commissioner of insurance shall at once notify the clerk of each district court to that effect.

Sec. 368. Section 636.32, Code 2021, is amended to read as follows:

636.32 Receipt taken.

If ~~said~~ a fiduciary not governed by the probate code shall otherwise discharge all the duties imposed upon that fiduciary by such appointment, the fiduciary may take the receipt of the clerk of the district court for such funds, moneys, or securities so deposited, which receipt shall specifically set forth from whom said funds, moneys, or securities, were derived, the amount thereof, and the name of the person to whom due or to become due, if known.

Sec. 369. Section 636.33, Code 2021, is amended to read as follows:

636.33 Final discharge.

Said A fiduciary not governed by the probate code may file the receipt described in section 636.32 with the fiduciary's final report, and if it shall be made to appear to the satisfaction of the court that the fiduciary has in all other respects complied with the law governing the fiduciary's appointment and duties, the court may approve such final report and enter the fiduciary's discharge.

Sec. 370. Section 641.5, Code 2021, is amended to read as follows:

641.5 Sheriff indemnified.

~~In case~~ If any sheriff shall be is held liable to pay any damages by reason of the wrongful execution of any writ of attachment issued under sections 641.2 ~~to~~ through 641.4 and if a judgment is rendered ~~therefor~~ for those damages, the amount ~~thereof~~ of the judgment, when paid by such sheriff, shall become a claim against the state in the sheriff's favor, and a warrant ~~therefor~~ for that amount shall be drawn by the director of the department of administrative services upon proper proof.

Sec. 371. Section 657.2, subsection 8, Code 2021, is amended to read as follows:

8. Any object or structure ~~hereafter~~ erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

Sec. 372. Section 657.3, Code 2021, is amended to read as follows:

657.3 Penalty — abatement.

~~Whoever~~ A person who is convicted of erecting, causing, or continuing a public or common nuisance as provided in this chapter, or at common law when the ~~same~~ common law has not been modified or repealed by statute, ~~where~~ if no other punishment ~~therefor~~ for the offense is specially provided, shall be guilty of an aggravated misdemeanor ~~and the~~. The court may order such the nuisance abated; and issue a warrant as provided in this chapter.

Sec. 373. Section 679A.9, Code 2021, is amended to read as follows:

679A.9 Change of award by arbitrators.

On application of a party or, if an application to the district court is pending under sections 679A.11 ~~to~~ through 679A.13, on submission to the arbitrators by the district court under the conditions the district court orders, the arbitrators may modify or correct the award upon the grounds stated in section 679A.13, subsection 1, paragraphs "a" and "c", or for the purpose of clarifying the award. The application shall be made within twenty days after delivery of the award to the applicant. Written notice of the application shall be given to the opposing party, stating that the opposing party must serve any objections to the application within ten days from the notice. The modified or corrected award is subject to sections 679A.11 ~~to~~ through 679A.13.

Sec. 374. Section 709.13, Code 2021, is amended to read as follows:

709.13 Child in need of assistance complaints.

During or following an investigation into allegations of violations of this chapter or of chapter 726 or 728 involving an alleged victim under the age of eighteen and an alleged offender who is not a person responsible for the care of the ~~child~~ alleged victim, anyone with knowledge of the alleged offense may file a complaint pursuant to section 232.83 alleging the ~~child~~ alleged victim to be a child in need of assistance as defined under section 232.2. In all cases, the complaint shall be filed by any peace officer with knowledge of the investigation when the peace officer has reason to believe that the alleged victim may require treatment as a result of the alleged offense and that the ~~child's~~ alleged victim's parent, guardian, or custodian will be unwilling or unable to provide the treatment.

Sec. 375. Section 901.1, Code 2021, is amended to read as follows:

901.1 Short title.

Chapters 901 ~~to~~ through 909 shall be known and may be cited as the “*Iowa Corrections Code*”.

Sec. 376. Section 903.3, Code 2021, is amended to read as follows:

903.3 Work release.

The court may direct that a prisoner sentenced to confinement in a county jail, alternate jail facility, or community correctional residential treatment facility, be released from custody during specified hours, as provided by sections 356.26 ~~to~~ through 356.35.

Sec. 377. Section 910.3, subsections 7 and 8, Code 2021, are amended to read as follows:

7. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a ~~public community~~ 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.

8. The court shall enter a permanent restitution order setting out the amount of restitution including the amount of ~~public community~~ 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.

Sec. 378. Section 915.36, subsections 1 and 5, Code 2021, 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 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 having jurisdiction.

5. This section also applies to ~~a child~~ an alleged victim of a violation of chapter 709, section 726.2, or section 728.12, ~~after attaining~~ who has attained the age of eighteen but who was a child, as defined in section 232.2, at the time the violation occurred.

Sec. 379. 2019 Iowa Acts, chapter 89, section 22, subsection 1, is amended to read as follows:

1. The section of this division of this Act amending section ~~29C.20~~ 29C.20C.

Sec. 380. 2019 Iowa Acts, chapter 89, section 24, is amended to read as follows:

SEC. 24. RETROACTIVE APPLICABILITY. The following applies retroactively to the effective date of 2019 Iowa Acts, Senate File 570, if enacted:

The section of this division of this Act amending section ~~29C.20~~ 29C.20C.

Sec. 381. Section 910.2B, subsection 1, unnumbered paragraph 1, as enacted by 2020 Iowa Acts, chapter 1074, section 73, is amended to read as follows:

All of the following, if entered by a district court prior to the effective date of this division of this Act, shall be converted to permanent restitution orders:

Sec. 382. 2020 Iowa Acts, chapter 1118, section 80, is amended to read as follows:

SEC. 80. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 383. REPEAL. Sections 100B.8, 100B.9, and 256.85, Code 2021, are repealed.

DIVISION II
APPLICABILITY PROVISIONS

Sec. 384. RETROACTIVE APPLICABILITY. The following apply retroactively to May 10, 2019:

1. The section of this Act amending 2019 Iowa Acts, chapter 89, section 22.
2. The section of this Act amending 2019 Iowa Acts, chapter 89, section 24.

Sec. 385. RETROACTIVE APPLICABILITY. The following applies retroactively to June 25, 2020:

The section of this Act amending section 910.2B, as enacted by 2020 Iowa Acts, chapter 1074, section 73.

Sec. 386. RETROACTIVE APPLICABILITY. The following applies retroactively to June 29, 2020:

The section of this Act amending 2020 Iowa Acts, chapter 1118, section 80.

Approved April 30, 2021

CHAPTER 81

LIMITATIONS OF CIVIL ACTIONS — RECOVERY AGAINST VETERINARIANS FOR PROPERTY DAMAGES

H.F. 746

AN ACT relating to the statute of limitations for recovery from injuries to property from a licensed veterinarian.

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

Section 1. NEW SECTION. **169.21 Limitations of actions.**

Any action for professional negligence against an individual licensed under this chapter resulting in damage to property shall not be brought more than two years after the date on which the claimant knew, or through the use of reasonable diligence should have known, or received notice in writing of the existence of, the injury for which damages were sought in the action, whichever of the dates occurs first. For purposes of this section, “property” includes an animal.

Approved April 30, 2021

CHAPTER 82

GAME BIRD HUNTING PRESERVES — ESTABLISHED SEASON VARIANCES

H.F. 747

AN ACT relating to the established season for hunting game birds on a preserve, and making penalties applicable.

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

Section 1. Section 484B.1, subsection 5, Code 2021, is amended to read as follows:

5. “Game birds” means pen-reared birds of the ~~family gallinae~~ order galliformes and pen-reared mallard ducks.

Sec. 2. Section 484B.10, subsection 1, Code 2021, is amended to read as follows:

1. a. A person shall not take a game bird or ungulate upon a hunting preserve, by shooting in any manner, except during the established season or as authorized by section 481A.56. The established season shall be September 1 through March 31 of the succeeding year, both dates

inclusive. The owner of a hunting preserve shall establish the hunting season for nonnative, pen-reared ungulates on the hunting preserve.

b. A game bird hunting preserve operator may apply for a variance to extend the season date beyond March 31 for that preserve if the monthly precipitation is above average for the county in which the preserve is located for at least two months out of the months of January, February, and March of that season. The state climatologist established¹ pursuant to section 159.5 shall provide official national weather service and community collaborative rain, hail and snow network data to the department to determine whether a variance to the established season shall be granted. The department shall not grant a variance to a game bird preserve that extends the season beyond April 15 of the year for which the variance is requested. A person hunting on a game bird hunting preserve on a date after March 31 pursuant to an extension granted under this paragraph shall only hunt for and take chukars, quail, or rooster pheasants.

Approved April 30, 2021

CHAPTER 83

TRESPASS AND UNAUTHORIZED SAMPLING OR SURVEILLANCE

H.F. 775

AN ACT concerning unauthorized entry or access, including placement or use of a camera or electronic surveillance device while trespassing, unauthorized gathering of samples of certain materials relating to animals and animal feeding operations, and providing penalties.

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

Section 1. **NEW SECTION. 716.14 Unauthorized sampling.**

1. As used in this section, unless the context otherwise requires:

a. “*Agricultural animal*” means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer as defined in section 170.1; ostriches, rheas, and emus; turkeys, chickens, domestic geese or ducks, or other domestic fowl; fish or other aquatic organisms confined in private waters for human consumption; or honey bees.

b. “*Agricultural crop*” means a plant produced for food, animal feed, fiber, oil, or fuel if the plant is classified as a forage or cereal plant, including but not limited to alfalfa, barley, buckwheat, corn, flax, forage, hemp as defined in section 204.2, millet, oats, popcorn, rye, sorghum, soybeans, sunflowers, wheat, and grasses used for forage or silage. A plant which is a noxious weed pursuant to section 317.1A shall not be considered an agricultural crop unless the plant is produced as a research crop.

c. (1) “*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.

(2) “*Convicted*” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

2. A person commits unauthorized sampling, if the person knowingly enters private property, without consent of the owner or any other person having real or apparent authority to grant consent, and obtains samples of any of the following:

a. Bodily fluids or substances from an agricultural animal.

b. Any product from an agricultural animal.

¹ See chapter 174, §25 herein

c. Soil, air, surface water, or ground water from land or structures used for the production of an agricultural animal or the production of an agricultural crop.

3. A person who commits unauthorized sampling as provided in subsection 2 is guilty of an aggravated misdemeanor.

4. Notwithstanding subsection 3, a person who commits unauthorized sampling as provided in subsection 2 is guilty of a class “D” felony if the person has previously been convicted of committing unauthorized sampling under subsection 2.

Sec. 2. **NEW SECTION. 727.8A Cameras or electronic surveillance devices — trespass.**

A person committing a trespass as defined in section 716.7 who knowingly places or uses a camera or electronic surveillance device that transmits or records images or data while the device is on the trespassed property commits an aggravated misdemeanor for a first offense and a class D felony for a second or subsequent offense.

Approved April 30, 2021

CHAPTER 84

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION — SERVICES

H.F. 805

AN ACT relating to the services provided by the Iowa telecommunications and technology commission.

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

Section 1. Section 8D.11, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 5. Pursuant to an agreement between the commission and an authorized user, the commission may provide billing services on behalf of the authorized user and charge another entity that receives services from the authorized user pursuant to the network if all of the following conditions are satisfied:

a. The services provided by the authorized user to the other entity must be consistent with the mission of the authorized user.

b. The services provided by the authorized user to the other entity must be consistent with the requirements and limitations in subsection 2.

Approved April 30, 2021

CHAPTER 85

BLOOD, BONE MARROW, AND LIVING ORGAN DONATION INCENTIVE PROGRAM

S.F. 336

AN ACT relating to the blood, bone marrow, and living organ donation incentive program.

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

Section 1. Section 70A.39, Code 2021, is amended to read as follows:

70A.39 Bone Blood, bone marrow, and living organ donation incentive program.

1. For the purposes of this section:

a. “Blood” means whole blood, power red, platelets, or plasma.
 b. “Bone marrow” means the soft tissue that fills human bone cavities.
 b. c. “Vascular organ” “Living organ” means a heart, lung, liver, pancreas, kidney, intestine, or other organ that requires the continuous circulation of blood to remain useful for purposes of transplantation one of two kidneys, one of two lobes of a liver, a lung or part of a lung, part of the pancreas, or part of the intestines.

2. ~~Beginning July 1, 2003, state~~ State employees, excluding employees covered under a collective bargaining agreement which provides otherwise, shall be granted leaves of absence in accordance with the following:

a. A leave of absence of up to five workdays for an employee who requests a leave of absence to serve as a bone marrow donor if the employee provides written verification from the employee’s physician or the hospital involved with the bone marrow donation that the employee will serve as a bone marrow donor.

b. A leave of absence of up to thirty workdays for an employee who requests a leave of absence to serve as a ~~vascular~~ living organ donor if the employee provides written verification from the employee’s physician or the hospital involved with the ~~vascular~~ living organ donation that the employee will serve as a ~~vascular~~ living organ donor.

c. A leave of absence of up to two consecutive hours in a workday for an employee who requests a leave of absence to serve as a voluntary blood donor if the employee provides written verification from the employee’s physician or the facility involved with the blood donation that the employee will serve as a voluntary blood donor. An employee may submit a request for a leave of absence under this subsection no more than four times in a year.

3. An employee who is granted a leave of absence under this section shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The employee shall be compensated at the employee’s regular rate of pay for those regular work hours during which the employee is absent from work.

4. An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for purposes of workers’ compensation or for purposes of the Iowa tort claims Act, chapter 669.

Approved May 10, 2021

CHAPTER 86

ADMINISTRATION, IMPOSITION, AND COLLECTION OF TAXES AND VEHICLE REGISTRATION FEES

S.F. 366

AN ACT relating to state taxation and related laws of the state including the collection of tax, tax credits, the assessment and classification of property, taxes on electricity providers, fees for registration of vehicles, sales and use tax, and the authority of the director of revenue, 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

TAX CREDITS FOR CERTAIN SALES TAXES PAID BY THIRD-PARTY DEVELOPERS

Section 1. Section 15.331C, Code 2021, is amended to read as follows:

15.331C Corporate tax credit for certain sales taxes paid by third-party developer
Third-party developer tax credit.

1. An eligible business may claim a ~~corporate~~ tax credit in an amount equal to the sales and use taxes paid by a third-party developer under chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility of the eligible business. Taxes attributable to intangible property and furniture and furnishings shall not be included, but taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center shall be included. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. An eligible business may elect to receive a refund of all or a portion of an unused tax credit.

2. A third-party developer shall state under oath, on forms provided by the department of revenue, the amount of taxes paid as described in subsection 1 and shall submit such forms to the department of revenue. The taxes paid shall be itemized to allow identification of the taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. After receiving the form from the third-party developer, the department of revenue shall issue a tax credit certificate to the eligible business equal to the sales and use taxes paid by a third-party developer under chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility. The department of revenue shall also issue a tax credit certificate to the eligible business equal to the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. The aggregate combined total amount of tax refunds under section 15.331A for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center and of tax credit certificates issued by the department of revenue for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center shall not exceed five hundred thousand dollars in a fiscal year. If an applicant for a tax credit certificate does not receive a certificate for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center, the application shall be considered in succeeding fiscal years. The eligible business shall not claim a tax credit under this section unless a tax credit certificate issued by the department of revenue is included with the taxpayer's tax return for the tax year for which the tax credit is claimed. A tax credit certificate shall contain the eligible business's name, address, tax identification number, the amount of the tax credit, and other information deemed necessary by the department of revenue.

3. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have 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 from the partnership, limited liability company, S corporation, estate, or trust.

Sec. 2. Section 15.335A, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. "~~Sales tax refund~~" means the sales and use tax refund as provided under section 15.331A or the ~~corporate tax credit for certain sales taxes paid by third-party developers~~ developer tax credit as provided under section 15.331C.

Sec. 3. NEW SECTION. 422.11T Third-party developer tax credit.

The taxes imposed under this subchapter, less the credits allowed under section 422.12, shall be reduced by the third-party developer tax credit authorized pursuant to section 15.331C for certain sales taxes paid by a third-party developer.

Sec. 4. Section 422.33, subsection 19, Code 2021, is amended to read as follows:

19. The taxes imposed under this subchapter shall be reduced by a ~~corporate~~ third-party developer tax credit authorized pursuant to section 15.331C for certain sales taxes paid by a third-party developer.

Sec. 5. Section 422.60, subsection 8, Code 2021, is amended to read as follows:

8. The taxes imposed under this subchapter shall be reduced by a ~~corporate~~ third-party developer tax credit authorized pursuant to section 15.331C for certain sales taxes paid by a third-party developer.

Sec. 6. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2020, for tax years beginning on or after that date.

DIVISION II GEOTHERMAL HEAT PUMP INSTALLATION TAX CREDIT

Sec. 8. Section 422.12N, subsection 3, Code 2021, is amended to read as follows:

3. a. A taxpayer must submit an application with the department for each geothermal heat pump installation. The application must be approved by the department prior to claiming the credit, and the application must be filed by May 1 following the year of installation of the geothermal heat pump.

b. The department shall accept and approve applications on a first-come, first-served basis until the maximum amount of tax credits that may be claimed pursuant to subsection 4 is reached. If for a tax year the aggregate amount of tax credits applied for exceeds the amount specified in subsection 4, the department shall establish a wait list for tax credits. Valid applications filed by the taxpayer by May 1 following the year of the installation but not approved by the department shall be placed on a wait list in the order the applications were received and those applicants shall be given priority for having their applications approved in succeeding years. Placement on a wait list pursuant to this subsection shall not constitute a promise binding the state. The availability of a tax credit and approval of a tax credit application pursuant to this section in a future year is contingent upon the availability of tax credits in that particular year.

Sec. 9. LEGISLATIVE INTENT. It is the intent of the general assembly that the section of this division amending section 422.12N is a conforming amendment consistent with current state law, and the amendment does not change the application of the current law but instead reflects current law both before and after enactment of this division of this Act.

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

Sec. 11. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2019, for tax years beginning on or after that date.

DIVISION III TAXES ON ELECTRICITY PROVIDERS

Sec. 12. Section 437A.3, subsection 18, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) (a) An electric power generating plant, except a solar energy conversion facility, where the acquisition cost of all interests acquired exceeds ten million dollars.

(b) A solar energy conversion facility where the acquisition cost of all interests exceeds one million dollars.

(c) For purposes of this subparagraph, “~~electric power generating plant~~”:

(i) “Electric power generating plant” means each nameplate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under the provisions of chapter 28F or 476A in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

(ii) “Solar energy conversion facility” means the same as defined in section 476C.1.

DIVISION IV
FEE FOR NEW REGISTRATION — VEHICLES

Sec. 13. Section 321.105A, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. For purposes of this subsection, “*purchase price*” applies to the measure subject to the fee for new registration. “*Purchase price*” shall be determined in the same manner as “*sales price*” is determined for purposes of computing the tax imposed upon the sales price of tangible personal property under chapter 423, pursuant to the definition of sales price in section 423.1, ~~subject to the following exemptions. The following are exempt from the fee for new registration imposed by this subsection:~~

(1) ~~Exempted from the purchase price of any vehicle subject to registration is the~~ The amount of any cash rebate which is provided by a motor vehicle manufacturer to the purchaser of the vehicle subject to registration so long as the rebate is applied to the purchase price of the vehicle.

(2) (a) In transactions, except those subject to subparagraph division (b), in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, ~~the purchase price is only that portion of the purchase price which is not~~ valued in money, whether received in money or not, if the following conditions are met:

(i) The vehicle traded to the retailer is the type of vehicle normally sold in the regular course of the retailer’s business.

(ii) The vehicle traded to the retailer is intended by the retailer to be ultimately sold at retail or is intended to be used by the retailer or another in the remanufacturing of a like vehicle.

(b) In a transaction between persons, neither of which is a retailer of vehicles subject to registration, in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, the amount of the trade-in value allowed on the vehicle subject to registration traded is exempted from the purchase price.

(c) ~~In order for the trade-in value to be excluded from the purchase price, the name or names~~ The person listed on the title and registration of the newly acquired vehicle being purchased must be the same name or names person listed on the title and registration of the traded vehicle being traded in order to exclude the trade-in value from the purchase price. ~~The~~ Additionally, the following trades qualify under this subparagraph division (c):

(i) A trade involving between spouses, if the traded vehicle and the acquired vehicle are titled in the name of one or both of the spouses, with no outside party named on the title.

(ii) A trade involving a grandparent, parent, or child between lineal family members, including adopted and step relationships, if the name of one of the family members from the title of the traded vehicle is also on the title of the newly acquired vehicle.

(iii) A trade involving a business an entity, if one of the owners listed on the title of the traded vehicle is a business, and an entity. If multiple names are on the names on the title are must be separated by “or”. For purposes of trades under this subparagraph subdivision, a sole proprietorship shall not be distinguished from an individual owner.

(iv) A trade in which the vehicle being purchased is titled in the name of an individual other than the owner of the traded vehicle due to the cosigning requirements of a financial institution.

(3) ~~Exempted from the purchase price~~ The fair market value of a replacement motor vehicle owned by a motor vehicle dealer licensed under chapter 322 which is being registered by that dealer and is not otherwise exempt from the fee for new registration, ~~is the fair market value of a replaced motor vehicle~~ if all of the following conditions are met:

(a) The motor vehicle being registered is being placed in service as a replacement motor vehicle for a motor vehicle registered by the motor vehicle dealer.

(b) The motor vehicle being registered is taken from the motor vehicle dealer’s inventory.

(c) Use tax or the fee for new registration on the motor vehicle being replaced was paid by the motor vehicle dealer when that motor vehicle was registered.

(d) The replaced motor vehicle is returned to the motor vehicle dealer’s inventory for sale.

(e) The application for registration and title of the motor vehicle being registered is filed with the county treasurer within two weeks of the date the replaced motor vehicle is returned to the motor vehicle dealer’s inventory.

(f) The motor vehicle being registered is placed in the same or substantially similar service as the replaced motor vehicle.

Sec. 14. Section 321.105A, subsection 2, paragraph c, subparagraph (1), Code 2021, is amended to read as follows:

(1) Entities listed in section 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that those entities are exempt from the tax imposed on the sale of tangible personal property, ~~consisting of goods, wares, or merchandise,~~ sold at retail in the state to consumers or users.

Sec. 15. Section 321.105A, subsection 2, paragraph c, subparagraph (3), subparagraph divisions (a) and (c), Code 2021, are amended to read as follows:

(a) ~~Vehicles subject to registration which are transferred from a business or individual conducting a business within this state as a sole proprietorship, partnership, or limited liability company to a corporation formed by the sole proprietorship, partnership, or limited liability company for the purpose of continuing the business when all of the stock of the corporation so formed is owned by the sole proprietor and the sole proprietor's spouse, by all the partners in the case of a partnership, or by all the members in the case of a limited liability company. This exemption is equally available where the vehicles subject to registration are transferred from a corporation to a sole proprietorship, partnership, or limited liability company formed by that corporation for the purpose of continuing the business when all of the incidents of ownership are owned by the same person or persons who were stockholders of the corporation.~~ an entity doing business within this state to another entity doing business within this state if all of the following apply:

(i) The receiving entity was formed by the transferring entity for the purpose of continuing the business.

(ii) (A) All ownership remains the same and in the same proportions as the previous ownership with no fewer or additional owners or replacement owners.

(B) In the case of a sole proprietorship, the spouse of the sole proprietor may stand in place of the sole proprietor.

(c) This exemption applies to corporations that For an exemption under this subparagraph, a receiving entity shall have been in existence for not longer than twenty-four months.

Sec. 16. Section 321.105A, subsection 2, paragraph c, subparagraphs (7), (8), (15), (18), and (19), Code 2021, are amended to read as follows:

(7) Vehicles subject to registration in this state for which the applicant for registration has paid to another state a state sales, use, or occupational tax, or paid the equivalent sales or excise tax of another country to that country. However, if the tax paid to another state or country is less than the fee for new registration calculated for the vehicle, the difference shall be the amount to be collected as the fee for new registration.

(8) A vehicle subject to registration in this state which is owned by a person who has moved from another state or country with the intention of changing residency to Iowa, provided that the vehicle was purchased for use in the state or country from which the applicant moved and was not, at or near the time of purchase, purchased for use in Iowa.

(15) Vehicles purchased by a licensed wholesaler of new motor vehicles licensed under section 322.27A for resale by the same wholesaler.

(18) A vehicle delivered to a resident Native American Indian on the a reservation.

(19) A vehicle transferred from one individual to another individual as a gift in a transaction in which no consideration is present.

Sec. 17. Section 321.105A, subsection 2, paragraph c, subparagraph (25), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Vehicles subject to registration under this chapter ~~with a gross vehicle weight rating of less than sixteen thousand pounds~~ when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of ~~twelve~~ six months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3 or exempt from the fee for new registration pursuant to subsection 3, paragraph "f".

Sec. 18. Section 321.105A, subsection 3, paragraphs a and e, Code 2021, are amended to read as follows:

a. A fee for new registration is imposed in an amount equal to five percent of the leased price for each vehicle subject to registration ~~with a gross vehicle weight rating of less than sixteen thousand pounds~~ which is leased by a lessor licensed pursuant to chapter 321F for a period of ~~twelve~~ six months or more. The fee for new registration shall be paid by the owner of the vehicle to the county treasurer from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or issuance of a certificate of title shall not be issued until the fee for new registration is paid in the initial instance.

e. If the lease is terminated or voided prior to the termination date contained in the lease agreement, no refund shall be allowed for a fee for new registration previously paid under this section, except as provided in section 322G.4.

Sec. 19. Section 321.105A, subsection 7, Code 2021, is amended to read as follows:

7. ~~Penalty for false statement or evasion of fee~~ Penalties.

a. False statement. A person who willfully makes a false statement in regard to the purchase price of a vehicle subject to a fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section is guilty of a fraudulent practice. A person who willfully makes a false statement in regard to the purchase price of such a vehicle with the intent to evade payment of the fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance.

b. Evasion fee. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, is guilty of a fraudulent practice. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance.

c. Failure to file. If a person required by this chapter to file an application for certificate of title or registration with the county treasurer fails to file such application or registration on or before the due date for such application or registration, a penalty in the amount of ten percent of the fee for new registration due shall be added to the fee.

d. Underpayment. If a person required by this chapter to file an application for certificate of title or registration with the county treasurer files such application or registration with any inaccurate information that results in the person paying less than the full amount of the fee for new registration, penalties, or interest that was due at the time of application, a penalty in the amount of five percent of the fee for new registration due shall be added to the fee.

DIVISION V

PENALTIES — IMPUTED IOWA LIABILITY

Sec. 20. Section 421.27, subsection 9, paragraph a, Code 2021, is amended to read as follows:

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, less any Iowa tax credits available to the corporation.

(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, less any Iowa tax credits available to the financial institution.

(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, less any Iowa tax credits available to the entity.

DIVISION VI
PARTNERSHIP AND PASS-THROUGH ENTITY AUDITS AND REPORTING

Sec. 21. Section 422.7, subsection 59, Code 2021, is amended to read as follows:

59. Any ~~income adjustment~~ 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 of the partnership and the partners for state tax purposes for the adjustment year.

Sec. 22. Section 422.25A, subsection 1, paragraph k, subparagraph (1), Code 2021, is amended to read as follows:

(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 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 audited partnership, the final determination date is the date on which the last party signed the agreement.

Sec. 23. Section 422.25A, subsection 4, Code 2021, is amended to read as follows:

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 a~~ 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.

Sec. 24. Section 422.25A, subsection 5, paragraph a, Code 2021, is amended to read as follows:

a. An audited partnership, or a tiered partner of an audited partnership that receives a notification of a final federal partnership adjustment under subsection 4 of a final federal partnership adjustment arising from a partnership level audit, may make an election to pay as provided under this subsection.

Sec. 25. Section 422.25A, subsection 5, paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

An audited partnership or tiered partner ~~makes~~ shall make an election to pay under this subsection ~~by filing in the manner and form prescribed by the department. The audited partnership or tiered partner making an election to pay shall file 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~~ notify each of the direct partners of such partner's distributive share of the adjustments, and paying pay 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:

Sec. 26. Section 422.25A, subsection 5, paragraph c, subparagraph (6), Code 2021, is amended to read as follows:

(6) (a) 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.

(b) The director may establish rules providing for the calculation of amounts due under this subsection for federal partnership adjustments that affect state tax owed but that do not fit within the calculation in subparagraphs (2) through (5), such as tax credit changes. The director may establish rules that include changes related to state-specific issues following a state partnership audit in the election to pay and calculation of amounts due under this subsection, including but not limited to allocation and apportionment. Interest and penalty shall be computed in the same manner as described in subparagraph division (a).

Sec. 27. Section 422.25A, subsection 7, paragraph d, Code 2021, is amended to read as follows:

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 a~~ partnership or tiered partner fails to timely make any report or payment required by this section for any reason.

Sec. 28. Section 422.25A, subsection 8, paragraph a, Code 2021, is amended to read as follows:

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.

Sec. 29. Section 422.25C, subsection 4, Code 2021, is amended to read as follows:

4. If the department, the partnership or pass-through entity, and owners representing a majority of the ownership interests in the partnership or pass-through entity ~~owners~~ agree, the provisions of this section may be applied to tax years beginning before January 1, 2020.

Sec. 30. Section 422.35, subsection 26, Code 2021, is amended to read as follows:

26. Any ~~income adjustment~~ 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 of the partnership and the partners for state tax purposes for the adjustment year.

Sec. 31. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 32. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2020, and applies to federal adjustments and federal partnership adjustments that have a final determination date after July 1, 2020.

DIVISION VII

VEHICLE REGISTRATION RENEWALS AND COLLECTIONS BY COUNTY TREASURERS — CENTRALIZED COLLECTION UNIT — DEPARTMENT OF REVENUE

Sec. 33. Section 321.40, subsection 6, paragraph b, Code 2021, is amended to read as follows:

b. ~~The A county treasurer of the county of the person's residence and in which the person's vehicle is registered, in cooperation with the department of revenue, may collect from a person applying for renewal of a vehicle registration delinquent taxes, including penalties and interest owed to the state from a person applying for renewal of a vehicle registration, and nontax liabilities being collected by the central collection unit of the department of revenue pursuant to section 421.17, subsection 27. The applicant may remit full payment of the taxes balance owed including applicable penalties and interest, along with a processing fee of five dollars, to the county treasurer at the time of registration renewal. Upon full payment of the required taxes balance owed including applicable penalties and interest, the processing fee, and the vehicle registration fee, the county treasurer shall issue the registration to the person. A county treasurer collecting on behalf of the department of revenue shall update the vehicle registration records through the distributed teleprocessing network on a daily basis for all persons who have paid taxes or other balances owed pursuant to this subsection. A county treasurer shall forward all funds collected for the department of revenue to the department of revenue.~~

Sec. 34. Section 421.17, subsection 27, paragraph k, Code 2021, is amended to read as follows:

k. ~~A Pursuant to section 321.40, subsection 6, and rules adopted pursuant to this paragraph, a county treasurer may collect delinquent taxes, including penalties and interest, administered by the department in conjunction with renewal of a vehicle registration as provided in section 321.40, subsection 6, paragraph "b", and rules adopted pursuant to~~

~~this paragraph and nontax liabilities being collected by the central collection unit of the department of revenue. County treasurers shall be given access to information required for the collection of delinquent taxes, including penalties and interest, as necessary to accomplish the purposes of section 321.40, subsection 6, paragraph “b”. The confidentiality provisions of sections 422.20 and 422.72 do not apply to information provided by the department to a county treasurer pursuant to this paragraph. A county treasurer collecting taxes, penalties, and interest administered by the department is subject to the requirements and penalties of the confidentiality laws of this state regarding tax or indebtedness information. The director shall adopt rules to implement the collection of tax debt as collections authorized in section 321.40 and this paragraph.~~

DIVISION VIII GARNISHMENT

Sec. 35. Section 626.31, Code 2021, is amended to read as follows:

626.31 Return of garnishment — action docketed — distress action.

Where parties have been garnished under a distress warrant issued by the director of revenue or the director of inspections and appeals, the officer shall make return thereof to the court in the county where the garnishee lives, if the garnishee lives in Iowa, otherwise in the county where the taxpayer resides, if the taxpayer lives in Iowa; and if neither the garnishee nor the taxpayer lives in Iowa, then to the district court in Polk county, Iowa; the officer shall make return in the same manner as a return is made on a garnishment made under a writ of execution so far as they relate to garnishments, and the clerk of the district court shall docket an action thereon without fee the same as if a judgment had been recovered against the taxpayer in the county where the return is made, an execution issued thereon, and garnishment made thereunder, and thereafter the proceedings shall conform to proceedings in garnishment under attachments as nearly as may be. The warrant shall be considered in all respects as a final judgment.

DIVISION IX SNOWMOBILES, ALL-TERRAIN VEHICLES, AND VESSELS — PURCHASES — PAYMENT OF SALES OR USE TAX

Sec. 36. Section 321G.4, subsection 2, paragraph b, Code 2021, is amended to read as follows:

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~~ in a manner prescribed by the department.

Sec. 37. Section 321I.4, subsection 2, paragraph b, Code 2021, is amended to read as follows:

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~~ in a manner prescribed by the department.

Sec. 38. Section 462A.55, Code 2021, is amended to read as follows:

462A.55 Sales or use tax to be paid before registration.

No vessel shall be registered by the county recorder until there has been presented to the recorder receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the vessel. If the owner of the vessel 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 so 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 vessel and motor, the amount of tax paid, and such other information as the department of revenue shall require in a manner prescribed by the department.~~

DIVISION X
TANGIBLE PERSONAL PROPERTY — RENTALS — SALES AND USE TAX

Sec. 39. Section 9C.1, subsection 1, Code 2021, is amended to read as follows:

1. As used in this chapter, the term “*transient merchant*” shall mean and include every merchant, whether an individual person, a firm, corporation, partnership, or association, and whether owner, agent, bailee, consignee, or employee, who shall bring or cause to be brought within the state of Iowa any ~~goods, wares, or merchandise~~ tangible personal property of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such ~~goods, wares, or merchandise~~ tangible personal property within the state of Iowa. The term “*transient merchant*” shall also mean and include every merchant, whether an individual person, a firm, corporation, partnership, or an association, who shall by itself, or by agent, consignee, or employee, temporarily or intermittently engage in or conduct at one or more locations a business within the state of Iowa for the sale at retail of any ~~goods, wares, or merchandise~~ tangible personal property of any nature or description.

Sec. 40. Section 9C.2, Code 2021, is amended to read as follows:

9C.2 License required.

It shall be unlawful for any transient merchant to sell, dispose of, or offer for sale any ~~goods, wares or merchandise~~ tangible personal property of any kind, nature or description, at any time or place within the state of Iowa, outside the limits of any city in the state of Iowa, or within the limits of any city in the state of Iowa that has not by ordinance provided for the licensing of transient merchants, unless such transient merchant has a valid license as provided in this chapter and has complied with the regulations set forth in this chapter.

Sec. 41. Section 9C.3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Any transient merchant desiring a transient merchant’s license shall at least ten days prior to the first day any sale is made, file with the secretary of state of the state of Iowa an application in writing duly verified by the person, firm, corporation, partnership, or association proposing to sell or offer to sell at retail any ~~goods, wares, or merchandise~~ tangible personal property, or to engage in or conduct a temporary or intermittent business for the sale at retail of any ~~goods, wares, or merchandise~~ tangible personal property. The application shall state the following facts:

Sec. 42. Section 9C.3, subsections 2, 5, 6, and 7, Code 2021, are amended to read as follows:

2. If the application be made by an agent, bailee, consignee, or employee, the application shall so state and set out the name and address of such agent, bailee, consignee, or employee and shall also set out the name and address of the owner of the ~~goods, wares, and merchandise~~ tangible personal property to be sold or offered for sale.

5. The value of the ~~goods~~ tangible personal property to be sold or offered for sale or the average inventory to be carried by any such transient merchant engaging in or conducting an intermittent or temporary business as the case may be.

6. The date or dates upon which said ~~goods, wares, or merchandise~~ tangible personal property shall be sold or offered for sale, or the date or dates upon which it is the intention of the applicant to engage in or conduct a temporary or intermittent business.

7. The location and address where such ~~goods, wares, or merchandise~~ tangible personal property shall be sold or offered for sale, or such business engaged in or conducted.

Sec. 43. Section 9C.4, subsection 1, Code 2021, is amended to read as follows:

1. At the time and as part of filing the application, the applicant shall file with the secretary of state a bond, with sureties to be approved by the secretary of state, in a penal sum two times the value of the ~~goods, wares or merchandise~~ tangible personal property to be sold or offered for sale or the average inventory to be carried by such transient merchant engaged in or conducting an intermittent or temporary business as the case may be as shown by the application, running to the state of Iowa, for the use and benefit of any purchaser of any ~~merchandise~~ tangible personal property from such transient merchant who might have a cause of action of any nature arising from or out of such sale against the applicant or the owner of such ~~merchandise~~ property if other than the applicant. The bond shall be conditioned on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the state of Iowa or any subdivision thereof, and shall be further conditioned for the payment of any fines that may be assessed by any court against the applicant for violation of the provision of this chapter, as well as for the payment and satisfaction of any and all causes of action against the applicant commenced within one year from the date of sale thereof, and arising from such sale. However, the aggregate liability of the surety for all such taxes, fines, and causes of action shall in no event exceed the principal sum of such bond.

Sec. 44. Section 9C.6, Code 2021, is amended to read as follows:

9C.6 License fee.

Prior to issuing the said transient merchant's license, the secretary of state shall collect for the state of Iowa a license fee in the sum of twenty-five dollars for each day the applicant, as shown by the application, shall propose to sell or offer for sale any ~~goods, wares or merchandise~~ tangible personal property, or for each day the applicant, as shown by the application, proposes to engage in and conduct a business as a transient merchant as the case may be.

Sec. 45. Section 9C.7, Code 2021, is amended to read as follows:

9C.7 Misrepresentation.

It shall be unlawful for any transient merchant making sales or engaging in or conducting a business under a transient merchant's license to make any false or misleading statements or representation regarding any article sold or offered for sale by such transient merchant as to condition, quality, original cost, or cost to such transient merchant of any article sold or offered for sale or to sell or offer for sale ~~goods, wares or merchandise~~ tangible personal property of a value in excess of the value thereof as shown by said application, or to sell or offer for sale at retail any ~~goods, wares or merchandise~~ tangible personal property, or to engage in or conduct an intermittent or temporary business on any days or at any place other than those shown by such license.

Sec. 46. Section 15.331A, subsection 1, Code 2021, is amended to read as follows:

1. The eligible business shall be entitled to a refund of the sales and use taxes paid under chapter 423 for gas, electricity, water, or sewer utility services, ~~goods, wares, or merchandise~~ tangible personal property, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility that is part of a project of the eligible business. Taxes attributable to intangible property and furniture and furnishings shall not be refunded. However, an eligible business shall be entitled to a refund for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center subject to section 15.331C.

Sec. 47. Section 15.331A, subsection 2, paragraphs a and b, Code 2021, are amended to read as follows:

a. The contractor or subcontractor shall state under oath, on forms provided by the department of revenue, the amount of the sales of ~~goods, wares, or merchandise~~ tangible personal property or services rendered, furnished, or performed including water, sewer, gas, and electric utility services upon which sales or use tax has been paid prior to the project completion, and shall file the forms with the eligible business before final settlement is made.

b. The eligible business shall, not more than one year after project completion, make application to the department of revenue for any refund of the amount of the sales and use taxes paid pursuant to chapter 423 upon any ~~goods, wares, or merchandise~~ tangible personal property, or services rendered, furnished, or performed, including water, sewer, gas, and electric utility services. The application shall be made in the manner and upon forms to be provided by the department of revenue, and the department of revenue shall audit the claim and, if approved, issue a warrant to the eligible business in the amount of the sales or use tax which has been paid to the state of Iowa under a contract. A claim filed by the eligible business in accordance with this section shall not be denied by reason of a limitation provision set forth in chapter 421 or 423.

Sec. 48. Section 15.331C, Code 2021, is amended to read as follows:

15.331C Corporate tax credit for certain sales taxes paid by third-party developer.

1. An eligible business may claim a corporate tax credit in an amount equal to the sales and use taxes paid by a third-party developer under chapter 423 for gas, electricity, water, or sewer utility services, ~~goods, wares, or merchandise~~ tangible personal property, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility of the eligible business. Taxes attributable to intangible property and furniture and furnishings shall not be included, but taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center shall be included. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. An eligible business may elect to receive a refund of all or a portion of an unused tax credit.

2. A third-party developer shall state under oath, on forms provided by the department of revenue, the amount of taxes paid as described in subsection 1 and shall submit such forms to the department of revenue. The taxes paid shall be itemized to allow identification of the taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. After receiving the form from the third-party developer, the department of revenue shall issue a tax credit certificate to the eligible business equal to the sales and use taxes paid by a third-party developer under chapter 423 for gas, electricity, water, or sewer utility services, ~~goods, wares, or merchandise~~ tangible personal property, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility. The department of revenue shall also issue a tax credit certificate to the eligible business equal to the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. The aggregate combined total amount of tax refunds under section 15.331A for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center and of tax credit certificates issued by the department of revenue for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center shall not exceed five hundred thousand dollars in a fiscal year. If an applicant for a tax credit certificate does not receive a certificate for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center, the application shall be considered in succeeding fiscal years. The eligible business shall not claim a tax credit under this section unless a tax credit certificate issued by the department of revenue is included with the taxpayer's tax return for the tax year for which the tax credit is claimed. A tax credit certificate shall contain the eligible business's name, address, tax identification number, the amount of the tax credit, and other information deemed necessary by the department of revenue.

Sec. 49. Section 321.105A, subsection 3, paragraph f, subparagraph (1), Code 2021, is amended to read as follows:

(1) Vehicles leased to entities listed in section 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that those entities are exempt from the tax imposed on the sale of tangible personal property, ~~consisting of goods, wares, or merchandise~~, sold at retail in the state to consumers or users.

Sec. 50. Section 423.1, subsection 21, Code 2021, is amended by striking the subsection.

Sec. 51. Section 423.1, subsection 50, Code 2021, is amended to read as follows:

50. a. “Sales” or “sale” means any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for consideration, including but not limited to any such transfer, exchange, or barter on a subscription basis.

b. “Sales” or “sale” includes a rental.

Sec. 52. Section 423.2, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

There is imposed a tax of six percent upon the sales price of all sales of tangible personal property, ~~consisting of goods, wares, or merchandise~~, sold at retail in the state to consumers or users except as otherwise provided in this subchapter.

Sec. 53. Section 423.3, subsections 13, 46, 47A, 75, and 76, Code 2021, are amended to read as follows:

13. The sales price from the sale ~~or rental~~ of irrigation equipment, whether installed above or below ground, to a contractor or farmer if the equipment will be primarily used in agricultural operations.

46. The sales price from sales ~~or rentals~~ to a printer or publisher of the following: acetate; anti-halation backing; antistatic spray; back lining; base material used as a carrier for light sensitive emulsions; blankets; blow-ups; bronze powder; carbon tissue; codas; color filters; color separations; contacts; continuous tone separations; creative art; custom dies and die cutting materials; dampener sleeves; dampening solution; design and styling; diazo coating; dot etching; dot etching solutions; drawings; drawsheets; driers; duplicate films or prints; electronically digitized images; electrotypes; end product of image modulation; engravings; etch solutions; film; finished art or final art; fix; fixative spray; flats; flying pasters; foils; goldenrod paper; gum; halftones; illustrations; ink; ink paste; keylines; lacquer; lasering images; layouts; lettering; line negatives and positives; linotypes; lithographic offset plates; magnesium and zinc etchings; masking paper; masks; masters; mats; mat service; metal toner; models and modeling; mylar; negatives; nonoffset spray; opaque film process paper; opaquin; padding compound; paper stock; photographic materials: acids, plastic film, desensitizer emulsion, exposure chemicals, fix, developers, and paper; photography, day rate; photopolymer coating; photographs; photostats; photo-display tape; phototypesetter materials; pH-indicator sticks; positives; press pack; printing cylinders; printing plates, all types; process lettering; proof paper; proofs and proof processes, all types; pumice powder; purchased author alterations; purchased composition; purchased phototypesetting; purchased stripping and pasteups; red litho tape; reducers; roller covering; screen tints; sketches; stepped plates; stereotypes; strip types; substrate; tints; tissue overlays; toners; transparencies; tympan; typesetting; typography; varnishes; veloxes; wood mounts; and any other items used in a like capacity to any of the above enumerated items by the printer or publisher to complete a finished product for sale at retail. Expendable tools and supplies which are not enumerated in this subsection are excluded from the exemption. “Printer” means that portion of a person’s business engaged in printing that completes a finished product for ultimate sale at retail or means that portion of a person’s business used to complete a finished printed packaging material used to package a product for ultimate sale at retail. “Printer” does not mean an in-house printer who prints or copyrights its own materials.

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.

75. The sales price from the sale ~~or rental~~ of aircraft; the sale ~~or rental~~ of tangible personal property permanently affixed or attached as a component part of the aircraft, including but not limited to repair or replacement materials or parts; and the sales price of all services used for aircraft repair, remodeling, and maintenance services when such services are performed on aircraft, aircraft engines, or aircraft component materials or parts. For the purposes of this exemption, “*aircraft*” means aircraft used in a scheduled interstate federal aviation administration certificated air carrier operation.

76. The sales price from the sale ~~or rental~~ of tangible personal property permanently affixed or attached as a component part of the aircraft, including but not limited to repair or replacement materials or parts; and the sales price of all services used for aircraft repair, remodeling, and maintenance services when such services are performed on aircraft, aircraft engines, or aircraft component materials or parts. For the purposes of this exemption, “*aircraft*” means aircraft used in nonscheduled interstate federal aviation administration certificated air carrier operation operating under 14 C.F.R. ch. 1, pt. 135.

Sec. 54. Section 423.3, subsection 47, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

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:

Sec. 55. Section 423.3, subsection 47, paragraph c, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The sales price from the sale ~~or rental~~ of the following shall not be exempt from the tax imposed by this subchapter:

Sec. 56. Section 423.3, subsection 60, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The sales price from the sale ~~or rental~~ of prescription drugs, durable medical equipment, mobility enhancing equipment, prosthetic devices, and other medical devices intended for human use or consumption. For the purposes of this subsection:

Sec. 57. Section 423.3, subsection 78, paragraphs a and c, Code 2021, are amended to read as follows:

a. The sales price from the sale of tangible personal property, specified digital products, or services rendered by any entity where the profits from the sale of the tangible personal property, specified digital products, or services rendered, are used by or donated to a nonprofit entity that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code, a government entity, or a nonprofit private educational institution, and where the entire ~~proceeds from the sale or services~~ profits are expended for any of the following purposes:

(1) Educational.

(2) Religious.

(3) Charitable. A charitable act is an act done out of goodwill, benevolence, and a desire to add to or to improve the good of humankind in general or any class or portion of humankind, with no pecuniary profit inuring to the person performing the service or giving the gift.

c. Except as otherwise provided in subsection 97, this exemption does not apply to the sales price from games of skill, games of chance, raffles, and bingo games as defined in chapter 99B. This exemption is disallowed on the amount of the sales price only to the extent the profits ~~from the sales, rental, or services~~ are not used by or donated to the appropriate entity and expended for educational, religious, or charitable purposes.

Sec. 58. Section 423.3, subsection 82, paragraph a, Code 2021, is amended to read as follows:

a. The sales price from the sale ~~or rental~~ of core-making, mold-making, and sand-handling machinery and equipment, including replacement parts, directly and primarily used in the mold-making process by a foundry.

Sec. 59. Section 423.3, subsection 88, Code 2021, is amended to read as follows:

88. The sales price from the sale of building materials, supplies, ~~goods, wares, or merchandise~~ tangible personal property sold to 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 use by low-income families and where the building materials, supplies, ~~goods, wares, or merchandise~~ or tangible personal property are used in the construction, remodeling, or rehabilitation of such dwellings.

Sec. 60. Section 423.3, subsection 89, paragraphs a and b, Code 2021, are amended to read as follows:

a. The sales price of all ~~goods, wares, or merchandise~~ tangible personal property sold, or of services furnished, which are used in the fulfillment of a written construction contract for the original construction of a building or structure to be used as a collaborative educational facility.

b. The sales price of all ~~goods, wares, or merchandise~~ tangible personal property sold, or of services furnished, which are used in the fulfillment of a written construction contract for the construction of additions or modifications to a building or structure used as part of a collaborative educational facility.

Sec. 61. Section 423.3, subsection 92, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) The sales price from the sale ~~or rental~~ of computers and equipment that are necessary for the maintenance and operation of a web search portal and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the web search portal, including but not limited to exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the web search portal.

Sec. 62. Section 423.3, subsection 92, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The business of the purchaser ~~or renter~~ shall be as a provider of a web search portal.

Sec. 63. Section 423.3, subsection 92, paragraph d, Code 2021, is amended to read as follows:

d. Failure to meet eighty percent of the minimum investment amount requirement specified in paragraph "b" within the first six years of operation from the date the web search portal business initiates site preparation activities will result in the web search portal business losing the right to claim this exemption and the web search portal business shall pay all sales or use tax that would have been due on the purchase ~~or rental~~ or use of the items listed in this exemption, plus any applicable penalty and interest imposed by statute.

Sec. 64. Section 423.3, subsection 93, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) The sales price from the sale ~~or rental~~ of computers and equipment that are necessary for the maintenance and operation of a web search portal business and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and

operation of the web search portal business, including but not limited to exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the web search portal business.

Sec. 65. Section 423.3, subsection 93, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The purchaser ~~or renter~~ shall be a web search portal business.

Sec. 66. Section 423.3, subsection 93, paragraph d, Code 2021, is amended to read as follows:

d. Failure to meet eighty percent of the minimum investment amount requirement specified in paragraph “b” within the first six years of operation from the date the web search portal business initiates site preparation activities will result in the web search portal business losing the right to claim this web search portal business exemption and the web search portal business shall pay all sales or use tax that would have been due on the purchase ~~or rental~~ or use of the items listed in this exemption, plus any applicable penalty and interest imposed by statute.

Sec. 67. Section 423.3, subsection 95, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) The sales price from the sale ~~or rental~~ of computers and equipment that are necessary for the maintenance and operation of a data center business and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the data center business, including but not limited to exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the data center business.

Sec. 68. Section 423.3, subsection 95, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The purchaser ~~or renter~~ shall be a data center business.

Sec. 69. Section 423.3, subsection 95, paragraph d, Code 2021, is amended to read as follows:

d. Failure to meet eighty percent of the minimum investment amount requirement specified in paragraph “b” within the first six years of operation from the date the data center business initiates site preparation activities will result in the data center business losing the right to claim this data center business exemption and the data center business shall pay all sales or use tax that would have been due on the purchase ~~or rental~~ or use of the items listed in this exemption, plus any applicable penalty and interest imposed by statute.

Sec. 70. Section 423.4, subsection 1, paragraph b, subparagraph (3), Code 2021, is amended to read as follows:

(3) The building materials, supplies, equipment, or services furnished 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 are not used in the performance of a contract for a “~~project~~” “project” under chapter 419 as defined in that chapter other than ~~goods, wares, or merchandise~~ building materials, supplies, or equipment used in the performance of a contract for a “~~project~~” “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~~ building materials, supplies, or equipment 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.

Sec. 71. Section 423.4, subsection 1, paragraph c, Code 2021, is amended to read as follows:

c. 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, or 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 designated exempt entity which has made any written contract for performance by the contractor. The forms shall be filed by the contractor with the designated exempt entity before final settlement is made.

Sec. 72. Section 423.31, subsection 4, Code 2021, is amended to read as follows:

4. Every retailer at the time of making any return required by this section shall compute and pay to the department the tax due for the preceding period. The tax on sales prices from the sale ~~or rental~~ of tangible personal property under a consumer rental purchase agreement as defined in section 537.3604, subsection 8, is payable in the tax period of receipt.

Sec. 73. Section 423B.8, subsection 1, Code 2021, is amended to read as follows:

1. Construction contractors may make application to the department for a refund of the additional local sales and services tax paid under this chapter by reason of taxes paid on ~~goods, wares, or merchandise~~ building materials, supplies, or equipment under the following conditions:

a. The ~~goods, wares, or merchandise~~ building materials, supplies, or equipment are incorporated into an improvement to real estate in fulfillment of a written contract fully executed prior to the date of the imposition of a local sales and services tax under this chapter. The refund shall not apply to equipment transferred in fulfillment of a mixed construction contract.

b. The contractor has paid to the department or to a retailer the full amount of the state and local tax.

c. The claim is filed on forms provided by the department and is filed within one year of the date the tax is paid.

DIVISION XI INTEREST RATE SET BY DIRECTOR OF REVENUE

Sec. 74. Section 421.7, subsection 6, Code 2021, is amended to read as follows:

6. In ~~October~~ November of each year the director shall cause an advisory notice to be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the rate of interest to be in effect on or after January 1 of the following year, as established by this section. The calculation and publication of the rate of interest by the director is exempt from chapter 17A.

DIVISION XII ASSESSORS

Sec. 75. Section 441.6, subsection 3, Code 2021, is amended to read as follows:

3. The appointee selected by the conference board under subsection 2 or appointed to a succeeding term under section 441.8, subsection 1, 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. 76. Section 441.17, subsection 2, Code 2021, 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. 77. Section 441.41, Code 2021, is amended to read as follows:

441.41 Legal counsel.

1. 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. 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.

2. a. Upon the employment of special counsel described in subsection 1, the assessor shall provide a report to the department of revenue relating to the special counsel including but not limited to the following:

(1) The date the employment started.

(2) Justification for the employment.

(3) The name and hourly rate of the special counsel.

(4) Any other information the department may require.

b. An assessor shall report annually to the director of revenue on the cost of litigation for all matters dealing with assessments in which special counsel assisted the city legal department or county attorney as described in subsection 1.

c. The director of revenue shall adopt rules pursuant to chapter 17A to administer this section.

DIVISION XIII

CONFIDENTIAL INFORMATION — DEPARTMENT OF REVENUE

Sec. 78. Section 422.20, subsection 5, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) A return as defined in section 421.6.

Sec. 79. Section 422.20, subsection 5, paragraph c, Code 2021, is amended to read as follows:

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 relevant or necessary to the resolution or decision of the appeal or case.

Sec. 80. Section 422.72, subsection 8, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) A return as defined in section 421.6.

Sec. 81. Section 422.72, subsection 8, paragraph c, Code 2021, is amended to read as follows:

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 relevant or necessary to the resolution or decision of the appeal or case.

DIVISION XIV
POWER OF ATTORNEY — DEPARTMENT OF REVENUE

Sec. 82. Section 421.59, subsections 2 and 3, Code 2021, are amended to read as follows:

2. ~~The~~ Unless otherwise prohibited by law, 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~~ has standing to 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~~ has standing to 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~~ affirm the authority of the individual to act on behalf of the corporation, association, partnership, or other entity in a manner designated by the department. The department may require any documents or other evidence to demonstrate the individual has authority to act on behalf of the taxpayer corporation, association, partnership, or other entity before the department.

e. A licensed attorney who has appeared on behalf of the taxpayer or the taxpayer's ~~probate~~ 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 ~~same~~ 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.

g. A representative of a government entity. An individual seeking to act on behalf of a government entity pursuant to this paragraph shall affirm the authority of the individual to act on behalf of the government entity in a manner designated by the department. The department may require evidence to demonstrate the individual has authority to act on behalf of the government entity.

h. An executor or personal representative of an estate.

(1) Upon request, the executor or personal representative shall submit to the department a copy of the will or court order appointing the executor or personal representative.

(2) The department has standing to petition the court that appointed the executor or personal representative to verify the appointment or to determine the scope of the appointment.

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 allow a taxpayer for each employee, officer, or member of a third-party to designate an 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. An entity so designated may appoint or remove its own employees to carry out acts authorized by the taxpayer on the entity's behalf. The memorandum of understanding shall adhere to requirements as established by the director department may designate the methods by which such designation and appointments may occur.

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.~~

e. At any time, a taxpayer may unilaterally revoke a ~~memorandum of understanding entered into designation~~ 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 designation~~.

DIVISION XV SALES AND USE TAX REFUNDS

Sec. 83. Section 15.331A, subsection 2, paragraph c, Code 2021, is amended to read as follows:

c. The eligible business shall inform the department of revenue in writing ~~within two weeks of after~~ project completion. For purposes of this section, “*project completion*” means the first date upon which the average annualized production of finished product for the preceding ninety-day period at the manufacturing facility operated by the eligible business is at least fifty percent of the initial design capacity of the facility.

Sec. 84. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 85. APPLICABILITY. This division of this Act applies to refund claims filed on or after the effective date of this division of this Act.

Approved May 10, 2021

CHAPTER 87

LICENSED BEHAVIOR ANALYSTS AND MENTAL HEALTH PROFESSIONALS — STATEMENTS OF PROFESSIONAL RECOGNITION — BOARD OF EDUCATIONAL EXAMINER RULES

S.F. 532

AN ACT providing for statements of professional recognition for licensed behavior analysts and mental health professionals by the board of educational examiners and including effective date provisions.

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

Section 1. Section 272.2, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 24. By August 1, 2021, adopt rules pursuant to chapter 17A, developed in consultation with the department, establishing a statement of professional recognition for behavior analysts licensed under chapter 154D.

NEW SUBSECTION. 25. By January 1, 2022, adopt rules pursuant to chapter 17A establishing a statement of professional recognition for mental health professionals as defined in section 228.1. The rules shall require that any mental health professional who provides mental health services to students for a school obtain such a statement unless a professional service license or endorsement relating to mental health services has been issued to the mental health professional by the board.

Sec. 2. EMERGENCY RULES. The 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. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2021

CHAPTER 88

PRIVATE INSTRUCTION AND DRIVER EDUCATION

S.F. 546

AN ACT relating to private instruction and driver education.

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

Section 1. Section 256.11, subsection 17, paragraph c, subparagraph (3), Code 2021, is amended to read as follows:

(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~~ chapter 299A, 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.

Sec. 2. Section 273.16, subsection 1, Code 2021, is amended to read as follows:

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~~ chapter 299A.

Sec. 3. Section 299A.1, subsection 1, Code 2021, is amended to read as follows:

1. The parent, guardian, or legal custodian of a child of compulsory attendance age ~~who places~~ may place the child under ~~private instruction shall provide, unless otherwise exempted,~~ competent private instruction or independent private instruction in accordance with this chapter. A parent, guardian, or legal custodian of a child of compulsory attendance age who places the child under private instruction ~~which that~~ is not competent private instruction or independent private instruction, in compliance with this chapter, or who otherwise fails to comply with the requirements of this chapter, is subject to the provisions of sections 299.1 through 299.4 and the penalties provided in section 299.6.

Sec. 4. Section 299A.1, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. “*Competent private instruction*” means ~~private~~ either of the following:

(1) Private instruction provided on a daily basis for at least one hundred forty-eight days during a school year, to be met by attendance for at least thirty-seven days each school quarter, by or under the supervision of a licensed practitioner in the manner provided under section 299A.2, which results in the student making adequate progress.

(2) Private instruction provided by a parent, guardian, or legal custodian under section 299A.3.

Sec. 5. Section 299A.1, subsection 2, paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

“*Independent private instruction*” means private instruction that meets the following criteria:

Sec. 6. Section 299A.3, Code 2021, is amended to read as follows:

299A.3 Private Competent private instruction by ~~nonlicensed person~~ parent, guardian, or legal custodian.

A parent, guardian, or legal custodian of a child of compulsory attendance age providing competent private instruction to the child may meet all of the following requirements:

1. Complete and send, in a timely manner, the report required under section 299.4 to the school district of residence of the child.

2. Ensure that the child under the parent’s, guardian’s, or legal custodian’s instruction is evaluated annually to determine whether the child is making adequate progress, as defined in section 299A.6.

3. Ensure that the results of the child’s annual evaluation are reported to the school district of residence of the child and to the department of education by a date not later than ~~June 30~~ August 1 of each the year following the school year in which the child is was under competent private instruction pursuant to this section.

Sec. 7. Section 299A.4, subsection 1, Code 2021, is amended to read as follows:

1. Each child of compulsory attendance age who is receiving competent private instruction shall either be evaluated annually by May ~~1~~ 31, using a nationally recognized standardized achievement evaluation or other assessment tool developed or recognized by the department of education and chosen by the child’s parent, guardian, or legal custodian from a list of approved evaluations or assessment tools provided by the department of education or be evaluated annually in the manner provided in subsection 7. The department shall provide information on the cost of and the administration time required for each of the approved evaluations. The department shall provide, as part of approval procedures for evaluations to be used under this section, a mechanism which permits the introduction and approval of new or alternate methods of educational assessment which meet the requirements of this chapter.

Sec. 8. Section 299A.6, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. This section shall not be construed to require or prohibit testing on any subject matter at intervals more frequently or at grade levels other than those set forth in section 256.7, subsection 21, paragraph “b”, subparagraph (2).

Sec. 9. Section 321.178, subsection 1, paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(4) Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles. The instruction course shall be first approved by the state department of transportation. Instructional materials creating an awareness about sharing the road with pedestrians, bicycles, and motorcycles shall also be distributed during the course of instruction.

Sec. 10. Section 321.178A, subsection 2, paragraph c, Code 2021, is amended to read as follows:

c. "Teaching parent" means a parent, guardian, or legal custodian of a student who is ~~currently providing competent private instruction to the student pursuant to section 299A.2 or 299A.3 and who provided such instruction to the student during the previous year meeting the attendance requirement of section 299.1, subsection 1;~~ who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, "clear driving record" means the individual has not been identified as a candidate for suspension or revocation of a driver's license under the habitual violator or habitual offender provisions of the department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

Sec. 11. Section 321.178A, subsection 3, paragraph a, subparagraphs (1), (2), (3), (4), (5), and (6), Code 2021, are amended to read as follows:

~~(1) Thirty clock hours of classroom instruction.~~

~~(2) Forty~~ Thirty hours of street or highway driving including ~~four~~ three hours of driving after sunset and before sunrise while accompanied by the a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to section 321.178.

~~(3) (2) Four hours of classroom instruction~~ Instruction concerning substance abuse.

~~(4) (3) A minimum of twenty minutes of instruction~~ Instruction concerning railroad crossing safety.

~~(5) (4)~~ Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.

~~(6) (5)~~ Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles.

Sec. 12. Section 321.178A, subsection 3, paragraph b, Code 2021, is amended to read as follows:

b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, actual classroom hours and minutes, and extra vehicle safety equipment required for instruction under section 321.178 shall not be required for the course of instruction provided under this section.

Sec. 13. Section 321.178A, subsection 4, paragraphs b, e, and g, Code 2021, are amended to read as follows:

b. Documentation that the ~~student is receiving competent private instruction under section 299A.2 or the name of the school district within which the student is receiving instruction under section 299A.3~~ teaching parent is meeting the attendance requirement of section 299.1, subsection 1.

e. Copies of written tests completed by the student or lesser documentation as may be required by the department.

g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, ~~the student's and the teaching parent's name and initials noted next to each entry;~~ notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.

Sec. 14. Section 321.178A, subsection 5, Code 2021, is amended to read as follows:

5. *Intermediate license.* Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the ~~forty~~ thirty hours of street or highway driving instruction required under subsection 3, paragraph “a”, subparagraph ~~(2)~~ (1), may be used to satisfy the requirement of section 321.180B, subsection 2.

Sec. 15. Section 321.178A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 7. *Applicability.* This section shall not be construed to require a teaching parent to apply for or seek approval of the department separate from the course completion and certification requirements of subsection 4.

Approved May 10, 2021

CHAPTER 89

SEX OFFENDER REGISTRY — DURATION OF REGISTRATION — SEXUALLY MOTIVATED EXTORTION

H.F. 201

AN ACT relating to the sex offender registry including duration of registration requirements and sexually motivated extortion.

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

Section 1. Section 692A.102, subsection 1, paragraph c, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (033) Extortion in violation of section 711.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

Sec. 2. Section 692A.106, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A sex offender who is required to register in another jurisdiction under the other jurisdiction’s sex offender registry but who resides, is employed, or attends school in this state shall be required to register for a period of time equal to the period of time required under the other jurisdiction’s requirements or under Iowa law, whichever is longer.

Sec. 3. Section 692A.126, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. w. Extortion in violation of section 711.4.

Sec. 4. Section 711.4, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person convicted of extortion under this section shall be required to register as a sex offender pursuant to the provisions of chapter 692A, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

Approved May 10, 2021

CHAPTER 90**SCHOOL DESEGREGATION — REPEAL OF VOLUNTARY DIVERSITY PLANS —
CHARTER OR INNOVATION ZONE SCHOOLS — OPEN ENROLLMENT***H.F. 228*

AN ACT relating to voluntary diversity plans under the state's open enrollment law and including effective date provisions.

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

Section 1. Section 256F.4, subsection 2, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability. A charter school or innovation zone school ~~shall be located within the boundaries of a school district subject to any court-ordered desegregation plan in effect for the school district at the time the charter school or innovation zone school application is approved~~ shall be subject to the desegregation order unless otherwise specifically provided for in the desegregation order.

Sec. 2. Section 282.18, subsections 3 and 6, Code 2021, are amended to read as follows:

3. a. The superintendent of a district subject to ~~a voluntary diversity or court-ordered desegregation plan, as recognized by rule of the state board of education,~~ may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order ~~or diversity plan~~, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to implementation of the adoption of a desegregation plan order by the district. If a transfer request would facilitate implementation of a voluntary diversity or court-ordered desegregation plan order, the district shall give priority to granting the request over other requests.

b. A parent or guardian, whose request has been denied because of the district's implementation of a the desegregation order or diversity plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located. ~~The state board of education shall adopt rules establishing definitions, guidelines, and a review process for school districts that adopt voluntary diversity plans. The guidelines shall include criteria and standards that school districts must follow when developing a voluntary diversity plan. The department of education shall provide technical assistance to a school district that is seeking to adopt a voluntary diversity plan. A school district implementing a voluntary diversity plan prior to July 1, 2008, shall have until July 1, 2009, to comply with guidelines adopted by the state board pursuant to this section.~~

c. The board of directors of a school district subject to ~~voluntary diversity or court-ordered desegregation~~ shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order ~~or voluntary diversity plan~~ and criteria for prioritizing requests that do not have an adverse impact on the order ~~or plan~~.

6. A request under this section is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless the

~~district is subject to court-ordered desegregation and enrollment of the pupil would adversely affect the court-ordered or voluntary implementation of the desegregation plan of the district order.~~ A denial of a request to change district enrollment within the approved period is not subject to appeal. However, a pupil who has been in attendance in another district under this section may return to the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

Sec. 3. OPEN ENROLLMENT DEADLINE FOR THE SCHOOL YEAR BEGINNING JULY 1, 2021. Notwithstanding section 282.18, the March 1 deadlines established under section 282.18 shall not apply to an application submitted by a parent or guardian for purposes of enrolling the parent's or guardian's child in a school district for the school year beginning July 1, 2021, and ending June 30, 2022, if a voluntary diversity plan was in effect in the school district of residence during the school year beginning July 1, 2020, and ending June 30, 2021.

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

Approved May 10, 2021

CHAPTER 91

ABUSE OF A HUMAN CORPSE — PENALTY

H.F. 282

AN ACT relating to abuse of a human corpse and providing penalties.

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

- Section 1. Section 708.14, subsection 2, Code 2021, is amended to read as follows:
2. A person who violates this section commits a class "~~D~~" "C" felony.

Approved May 10, 2021

CHAPTER 92

STATE GOVERNMENT LEASES AND PROPERTY ACQUISITIONS — NOTICE — REVIEW BY GENERAL ASSEMBLY

H.F. 314

AN ACT relating to notification of the general assembly concerning certain state government leases and real property acquisitions.

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

- Section 1. **NEW SECTION. 7E.5B Real property lease or purchase — notice.**

In addition to any other provision of law, any purchase or lease of real property, other than on a temporary basis, when necessary in order to implement the programs of an authority or protect the investments of an authority, shall require prior written notice from the authority to the legislative services agency. The legislative services agency shall submit the notification

to the government oversight standing committees of the general assembly. The notification shall include the information as described in section 8A.321, subsection 16.

Sec. 2. Section 8A.321, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 16. At least thirty days prior to entering into a contract for a lease or renewal of a lease pursuant to subsection 6 or a contract for the acquisition of real property pursuant to subsection 9 in which any part or the total amount of the contract is at least fifty thousand dollars, notify the legislative services agency concerning the contract. The legislative services agency shall submit the notification to the general assembly's standing committees on government oversight. The notification is required regardless of the source of payment for the lease, renewal of lease, or acquisition of real property. The notification shall include all of the following information:

a. A description of the buildings and office space subject to the lease or renewal of lease or a description of the real property to be acquired.

b. The proposed terms of the contract.

c. The cost of the contract, including principal and interest costs. If the actual cost of a contract is not known at least thirty days prior to entering into the contract, the director shall estimate the principal and interest costs for the contract.

d. An identification of the means and source of payment of the contract.

e. An analysis of consequences of delaying or abandoning the commencement of the contract.

Approved May 10, 2021

CHAPTER 93

CONTROLLED SUBSTANCES AND PRECURSOR SUBSTANCES

H.F. 391

AN ACT relating to controlled substances and precursor substances, including amending the controlled substance and precursor substances schedules and including effective date provisions.

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

Section 1. Section 124.204, subsection 2, paragraph f, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

f. Alpha-Methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).

Sec. 2. Section 124.204, subsection 2, paragraph az, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

az. MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).

Sec. 3. Section 124.204, subsection 2, Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. bf. N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide. Other name: acetyl fentanyl.

NEW PARAGRAPH. bg. N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide. Other name: Furanyl fentanyl.

NEW PARAGRAPH. bh. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide. Other name: Butyryl fentanyl.

NEW PARAGRAPH. bi. N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide. Other name: beta-hydroxythiofentanyl.

NEW PARAGRAPH. *bj.* 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide. Other name: U-47700.

NEW PARAGRAPH. *bk.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other names: 4-fluoroisobutyryl fentanyl, para-fluoroisobutyryl fentanyl.

NEW PARAGRAPH. *bl.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide. Other names: ortho-fluorofentanyl; 2-fluorofentanyl.

NEW PARAGRAPH. *bm.* N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide. Other name: tetrahydrofuranyl fentanyl.

NEW PARAGRAPH. *bn.* 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide. Other name: methoxyacetyl fentanyl.

NEW PARAGRAPH. *bo.* N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide. Other names: acryl fentanyl; acryloylfentanyl.

NEW PARAGRAPH. *bp.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide. Other name: cyclopropyl fentanyl.

NEW PARAGRAPH. *bq.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide. Other name: para-fluorobutyryl fentanyl.

NEW PARAGRAPH. *br.* N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide. Other name: ocfentanil.

NEW PARAGRAPH. *bs.* (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide. Other name: crotonyl fentanyl.

Sec. 4. Section 124.204, subsection 4, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph subsection only, the term “*isomer*” includes the optical, position and geometric isomers):

Sec. 5. Section 124.204, subsection 4, paragraph h, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

h. Bufotenine. Some trade or other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.

Sec. 6. Section 124.204, subsection 4, paragraph i, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

i. Diethyltryptamine. Some trade or other names: N,N-Diethyltryptamine; DET.

Sec. 7. Section 124.204, subsection 4, paragraph k, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

k. Ibogaine. Some trade or other names: 7-Ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b] indole; Tabernanthe iboga.

Sec. 8. Section 124.204, subsection 4, paragraph o, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

o. Parahexyl. Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d]pyran; Synhexyl.

Sec. 9. Section 124.204, subsection 4, paragraph v, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

v. Ethylamine analog of phencyclidine. Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE.

Sec. 10. Section 124.204, subsection 4, paragraph x, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

x. Thiophene analog of phencyclidine. Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP.

Sec. 11. Section 124.204, subsection 4, paragraph ac, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

ac. 2,5-dimethoxy-4-ethylamphet-amine. Some trade or other names: DOET.

Sec. 12. Section 124.204, subsection 4, paragraph ad, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

ad. Alpha-ethyltryptamine. Some trade or other names: etryptamine; Monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET.

Sec. 13. Section 124.204, subsection 4, paragraph ai, subparagraph (5), subparagraph division (b), subparagraph subdivisions (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), and (xv), Code 2021, are amended by striking the subparagraph subdivisions and inserting in lieu thereof the following:

- (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497).
- (ii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678).
- (iii) 1-butyl-3-(1-naphthoyl)indole (JWH-073).
- (iv) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200).
- (v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019).
- (vi) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081).
- (vii) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122).
- (viii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250).
- (xv) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Cannabicyclohexanol or CP-47,497 C8-homolog).

Sec. 14. Section 124.204, subsection 4, paragraph aj, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

aj. 3,4-Methylenedioxy-N-methylcathinone (Methylone).

Sec. 15. Section 124.204, subsection 4, Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. av. Marijuana extract meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus *Cannabis*, containing greater than 0.3 percent tetrahydrocannabinol on a dry weight basis, other than the separated resin (whether crude or purified) obtained from the plant.

NEW PARAGRAPH. aw. Any substance, compound, mixture, or preparation which contains any quantity of any synthetic cathinone that is not approved as a pharmaceutical, including but not limited to the following:

- (1) 4-methylmethcathinone (Mephedrone).
- (2) 3,4-methylenedioxypropylvalerone (MDPV).
- (3) 4-methoxymethcathinone (methedrone; Bk-PMMA).
- (4) 3,4-methylenedioxyethcathinone (ethylone).
- (5) N,N-dimethylcathinone (metamfepramone).
- (6) Alpha-pyrrolidinopropiophenone (alpha-PPP).
- (7) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- (8) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
- (9) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).
- (10) 3-fluoromethcathinone.
- (11) 4'-Methyl-alpha-pyrrolidinobutiophenone (MPBP).
- (12) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (13) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (14) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (15) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (16) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

(17) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

(18) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

(19) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).

(20) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

NEW PARAGRAPH. *ax.* (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone. Other names: UR-144, 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole.

NEW PARAGRAPH. *ay.* [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone. Other names: 5-fluoro-UR-144, 5-F-UR-144, XLR11, 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole.

NEW PARAGRAPH. *az.* N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide. Other names: APINACA, AKB48.

NEW PARAGRAPH. *ba.* 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine. Other names: 25I-NBOMe, 2C-I-NBOMe, 25I, Cimbi-5.

NEW PARAGRAPH. *bb.* 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine. Other names: 25C-NBOMe, 2C-C-NBOMe, 25C, Cimbi-82.

NEW PARAGRAPH. *bc.* 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine. Other names: 25B-NBOMe, 2C-B-NBOMe, 25B, Cimbi-36.

NEW PARAGRAPH. *bd.* quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate. Other names: PB-22, QUPIC.

NEW PARAGRAPH. *be.* quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Other names: 5-fluoro-PB-22, 5F-PB-22.

NEW PARAGRAPH. *bf.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide. Other names: AB-FUBINACA.

NEW PARAGRAPH. *bg.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other name: ADB-PINACA.

NEW PARAGRAPH. *bh.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide. Other name: AB-CHMINACA.

NEW PARAGRAPH. *bi.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other name: AB-PINACA.

NEW PARAGRAPH. *bj.* [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalene-1-yl)methanone. Other name: THJ-2201.

NEW PARAGRAPH. *bk.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide. Other names: MAB-CHMINACA; ADB-CHMINACA.

NEW PARAGRAPH. *bl.* Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Other names: 5F-ADB; 5F-MDMB-PINACA.

NEW PARAGRAPH. *bm.* Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate. Other name: 5F-AMB.

NEW PARAGRAPH. *bn.* N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide. Other names: 5F-APINACA, 5F-AKB48.

NEW PARAGRAPH. *bo.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide. Other name: ADB-FUBINACA.

NEW PARAGRAPH. *bp.* Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate. Other names: MDMB-CHMICA, MMB-CHMINACA.

NEW PARAGRAPH. *bq.* Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Other name: MDMB-FUBINACA.

NEW PARAGRAPH. *br.* Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate. Other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA.

Sec. 16. Section 124.204, subsection 6, paragraph h, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

h. N-Benzylpiperazine. Some other names: BZP, 1-benzylpiperazine.

Sec. 17. Section 124.204, subsection 6, paragraph i, Code 2021, is amended by striking the paragraph.

Sec. 18. Section 124.204, subsection 7, paragraph b, Code 2021, is amended to read as follows:

b. A hemp product as provided in chapter 204 with a maximum δ -9 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis.

Sec. 19. Section 124.204, subsection 9, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

9. *Other substances.* Any material, compound, mixture, or preparation which contains any quantity of the following substances or their optical, positional, and geometric isomers, salts, and salts of isomers:

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

b. 2-(ethylamino)-1-phenylhexan-1-one). Other name: N-Ethylhexedrone.

c. alpha-Pyrrolidinohexanophenone. Other names: alpha-PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one.

d. 4-Methyl-alpha-ethylaminopentiophenone. Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one.

e. 4'-Methyl-alpha-pyrrolidinohexiophenone. Other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one.

f. alpha-Pyrrolidinoheptaphenone. Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one.

g. 4'-Chloro-alpha-pyrrolidinovalerophenone. Other names: 4-chloro-alpha-PVP; 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one.

h. N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide. Other name: valeryl fentanyl.

i. N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butryamide. Other name: paramethoxybutyryl fentanyl.

j. N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other name: parachloroisobutyryl fentanyl.

k. N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide. Other name: isobutyryl fentanyl.

l. N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide. Other name: cyclopentyl fentanyl.

m. Fentanyl-related substances. "*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, akloxy, 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.

n. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Other names: NM2201; CBL2201.

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

p. 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide. Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78.

q. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate. Other names: MMB-CHMICA; AMB-CHMICA.

r. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide.

Other name: 5F-CUMYL-P7AICA.

s. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Other name: 5F-EDMB-PINACA.

t. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate. Other name: 5F-MDMB-PICA.

u. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide. Other names: FUB-AKB48; FUB-APINACA, ADKB48 N-(4-FLUOROBENZYL).

v. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide. Other names: 5F-CUMYL-PINACA; SGT-25.

w. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone. Other name: FUB-144.

x. N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine. Other names: isotonitazene; N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]-5-nitro-1H-benzimidazole-1-ethanamine.¹

Sec. 20. Section 124.206, subsection 2, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine nalmefene, naloxegol, naloxone, 6beta-naltrexol, and naltrexone, and their respective salts, but including the following:

Sec. 21. Section 124.206, subsection 2, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (19) Noroxymorphone.

Sec. 22. Section 124.206, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph "a", ~~subparagraph (1)~~, except that these substances shall not include the isoquinoline alkaloids of opium.

Sec. 23. Section 124.206, subsection 3, paragraphs o, p, r, s, and t, Code 2021, are amended by striking the paragraphs and inserting in lieu thereof the following:

o. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.

p. Moraide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.

r. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.

s. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.

t. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.

Sec. 24. Section 124.206, subsection 3, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. ad. Oliceridine.

Sec. 25. Section 124.206, subsection 6, paragraph c, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

c. Immediate precursors to fentanyl:

(1) 4-anilino-N-phenethylpiperidine. Other name: ANPP.

(2) N-phenyl-N-(piperidin-4-yl)propionamide. Other name: norfentanyl.

Sec. 26. Section 124.206, subsection 7, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

7. *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

¹ According to Act, the phrase "N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1H-benzimidazole-1-ethanamine" probably intended

a. Nabilone. Other name: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.

b. Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration.

Sec. 27. Section 124.208, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, ~~position~~ positional, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Sec. 28. Section 124.208, subsection 6, paragraphs o, z, bj, and bl, Code 2021, are amended by striking the paragraphs and inserting in lieu thereof the following:

o. Dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methyl-androst-1,4-dien-3-one).

z. Mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one).

bj. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione).

bl. Prostanazol (17[beta]-hydroxy-5[alpha]-androstano[3,2-c]pyrazole).

Sec. 29. Section 124.208, subsection 9, paragraph a, Code 2021, is amended to read as follows:

a. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved for marketing by the United States food and drug administration. Other names: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol; (-)-delta-9-(trans)-tetrahydrocannabinol.

Sec. 30. Section 124.208, subsection 9, paragraph c, Code 2021, is amended by striking the paragraph.

Sec. 31. Section 124.210, subsection 3, Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. be. Lemborexant.

NEW PARAGRAPH. bf. Remimazolam.

Sec. 32. Section 124.212, subsection 5, paragraph a, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester].

Sec. 33. Section 124.212, subsection 5, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Cenobamate. Other names: [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester.

Sec. 34. Section 124.212, subsection 6, Code 2021, is amended by striking the subsection.

Sec. 35. Section 124B.2, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~Effective July 1, 1990,~~ a A report to the board shall be submitted in accordance with this chapter by a manufacturer, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state any of the following substances:

Sec. 36. Section 124B.2, subsection 1, Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. ac. N-(1-benzylpiperidin-4-yl)-N-phenylpropionamide (benzylfentanyl) and its salts.

NEW PARAGRAPH. ad. N-phenylpiperidin-4-amine(4-anilinopiperidine; N-phenyl-4-

piperidinamine; 4-AP), its amides, its carbamates, and its salts.

Sec. 37. Section 204.2, subsection 11, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) An item or part of an item with a maximum ~~delta-9~~ tetrahydrocannabinol concentration that exceeds three-tenths of one percent on a dry weight basis.

Sec. 38. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2021

CHAPTER 94

REGULATION OF LOTTERY GAMES

H.F. 429

AN ACT relating to matters under the purview of the Iowa lottery authority, and providing penalties.

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

Section 1. Section 99G.3, subsection 14, Code 2021, is amended to read as follows:

14. “Retailer” means a person, ~~licensed by the authority~~, who sells lottery tickets or shares on behalf of the authority pursuant to a ~~contract~~ license issued by the authority.

Sec. 2. Section 99G.31, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The authority shall only pay prizes for lottery tickets or shares that the authority determines were legally purchased, legally possessed, and legally presented.

Sec. 3. Section 99G.36, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. A person who knowingly or intentionally passes a lottery ticket or share in order to avoid the application of an offset under section 99G.41 commits the following:

(1) If passing the lottery ticket or share would avoid an amount that exceeds ten thousand dollars, a class “C” felony.

(2) If passing the lottery ticket or share would avoid an amount that exceeds one thousand five hundred dollars but does not exceed ten thousand dollars, a class “D” felony.

(3) If passing the lottery ticket or share would avoid an amount that exceeds seven hundred fifty dollars but does not exceed one thousand five hundred dollars, an aggravated misdemeanor.

(4) If passing the lottery ticket or share would avoid an amount that exceeds three hundred dollars but does not exceed seven hundred fifty dollars, a serious misdemeanor.

(5) If passing the lottery ticket or share would avoid an amount that does not exceed three hundred dollars, a simple misdemeanor.

NEW SUBSECTION. 2B. A person who knowingly or intentionally passes a lottery ticket or share in order to circumvent prohibited player provisions found in section 99G.31, subsection 2, paragraph “g” or “h”, or applicable game specific rules commits a class “D” felony.

Sec. 4. Section 99G.36, subsection 3, Code 2021, is amended to read as follows:

3. No person shall knowingly or intentionally make a material false statement in any lottery prize claim, make a material false statement in any application for a license or proposal

to conduct lottery activities, or make a material false entry in any book or record which is compiled or maintained or submitted to the authority or the board pursuant to the provisions of this chapter. Any person who violates the provisions of this section shall be guilty of a class “D” felony.

Approved May 10, 2021

CHAPTER 95

COUNTY GENERAL OBLIGATION BONDS — ESSENTIAL COUNTY PURPOSE — FLOOD MITIGATION

H.F. 523

AN ACT designating certain county flood mitigation activities as an essential county purpose.

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

Section 1. Section 331.441, subsection 2, paragraph b, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (20) The construction, reconstruction, and improvement of all waterways, and real and personal property, useful for the protection or reclamation of property from floods or high waters, and for the protection of property from the effects of flood waters, including the deepening, widening, alteration, change, diversion, or other improvement of watercourses, the construction of levees, embankments, structures, impounding reservoirs, pumping stations or conduits, and the establishment, improvement, and widening of streets, avenues, boulevards, and alleys across and adjacent to the project, as well as the development and beautification of the banks and other areas adjacent to flood control improvements.

Approved May 10, 2021

CHAPTER 96

STUDENT ACTIVITY FUND — USE OF MONEYS — TEMPORARY AUTHORIZATION FOR TRANSFER OF SCHOOL DISTRICT GENERAL FUND MONEYS FOR COVID-19 RELATED SHORTFALLS

H.F. 602

AN ACT relating to authorized transfers of school district general fund moneys to the student activity fund and including effective date provisions.

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

Section 1. Section 298A.8, subsection 1, Code 2021, is amended to read as follows:

1. The student activity fund is a special revenue fund. A student activity fund must be established in any school corporation receiving money from student-related activities such as admissions, activity fees, student dues, student fund-raising events, or other student-related curricular or extracurricular activities. Moneys in this fund shall be used to support only the cocurricular or extracurricular program defined in department of education administrative rules.

Sec. 2. Section 298A.8, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 3. For the school budget year beginning July 1, 2020, the school budget year beginning July 1, 2021, and the school budget year beginning July 1, 2022, the board of directors may, by board resolution and notwithstanding any provision of law to the contrary, transfer from the school corporation's general fund to the student activity fund an amount necessary, as recommended by the superintendent, to fund cocurricular or extracurricular activities for which moneys from student-related activities such as admissions, activity fees, student dues, student fund-raising events, or other student-related cocurricular or extracurricular activities fail to meet the financial needs of the activity as the result of restrictions placed on the activity related to the COVID-19 pandemic. This subsection is repealed July 1, 2023.

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

Approved May 10, 2021

CHAPTER 97

AUTHORIZED EMERGENCY, SNOW REMOVAL, MAINTENANCE, AND TOWING OR RECOVERY VEHICLES — LIGHTING AND AUDIBLE WARNING DEVICES OR EQUIPMENT

H.F. 654

AN ACT relating to lighting devices and other equipment on snow plows and authorized emergency vehicles, 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 321.393, subsections 4 and 5, Code 2021, are amended to read as follows:

4. The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber light when such lighting device or reflector is mounted on a motor truck, trailer, tractor, or motor grader owned by the state, or any political subdivision of the state, ~~or any municipality therein~~ including any local authority, while such equipment is being used for snow removal, sanding, maintenance, or repair of the public streets or highways.

5. The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber, white, or blue light when the lighting device or reflector is rear-facing and mounted on a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the ~~department~~ state or any political subdivision of the state, including any local authority, while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

Sec. 2. Section 321.423, subsection 2, paragraph f, Code 2021, is amended to read as follows:

f. A flashing white light, including a flashing headlamp, is permitted on a vehicle pursuant to subsection 7.

Sec. 3. Section 321.423, subsection 3, paragraph a, subparagraphs (3) and (4), Code 2021, are amended to read as follows:

(3) An authorized emergency vehicle, other than a vehicle described in paragraph "a", subparagraph (1) or (2), ~~if the blue light is positioned on the passenger side of the vehicle and is used in conjunction with a red light positioned on the driver side of the vehicle.~~

(4) A motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the department state or any political subdivision of the state, including any local authority, if the blue light is rear-facing and used in conjunction with amber and white lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

Sec. 4. Section 321.423, subsection 7, paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(4) On a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the department state or any political subdivision of the state, including any local authority, if the white light is rear-facing and used in conjunction with amber and blue lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

Sec. 5. Section 321.423, subsection 7, paragraph a, Code 2021, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (5) On a motor truck or trailer owned and operated by the department equipped with an impact attenuator and audible warning system, if the flashing white light is rear-facing on the audible warning system and used in conjunction with amber lighting devices or reflectors while the motor truck or trailer is being used for slow-moving maintenance operations.

NEW SUBPARAGRAPH. (6) On a vehicle or other equipment not owned and operated by the department when used in road work zones on state or local highways as authorized by the department. The department shall adopt rules pursuant to chapter 17A regarding the vehicles or equipment eligible to use a flashing white light under this subparagraph.

Sec. 6. **NEW SECTION. 321.424 Authorized emergency vehicle lights.**

Notwithstanding any provision of law to the contrary:

1. An authorized emergency vehicle may be equipped with a combination of interior and exterior lights, flashing headlamps, and flashing tail lamps as provided in this section and in this chapter.

2. An official law enforcement, fire department, emergency medical services, or emergency management vehicle owned by the state or a municipality, as defined in section 670.1, may be equipped with flashing headlamps.

3. An authorized emergency vehicle owned by the state, a municipality, as defined in section 670.1, or a private emergency medical services company delivering services to the state, a municipality, or a hospital pursuant to a written contract, or a privately owned vehicle designated as an authorized emergency vehicle pursuant to section 321.451, shall be equipped with a combination of operational red and blue lights.

4. An authorized emergency vehicle equipped with an interior or exterior light bar must have the light bar positioned such that front and rear facing red lights are on the driver's side of the vehicle and front and rear facing blue lights are on the passenger's side of the vehicle.

5. An authorized emergency vehicle equipped with an interior or exterior light bar with red and blue flashing lights may be equipped with flashing or solid white lights scattered among or between a clear or colored lens that displays a red or blue flashing light.

6. An authorized emergency vehicle may be equipped with one or more lights capable of emitting a split red and blue steady or flashing light, which may be mounted on or in the vehicle.

7. An authorized emergency vehicle may be equipped with one or more lights on the side of the vehicle capable of emitting red and blue light, red and white light, or blue and white light.

8. An authorized emergency vehicle may be equipped with one or more lights with a clear or colored lens.

9. An official law enforcement, fire, rescue, emergency medical services, or emergency management vehicle may be equipped with lights or light bars containing one or more rear zone amber lights or amber directional arrows, which shall be in addition to any other required lighting equipment. An authorized emergency vehicle shall not be equipped with an

amber light positioned on the front or side of the vehicle. However, an aerial fire apparatus may be equipped with amber flashing lights on the outriggers of the apparatus.

10. An authorized emergency vehicle may be equipped with one or more steady, oscillating, or flashing white lights, flashing headlamps, or flashing reverse lamps, which shall be in addition to any other required lighting equipment. A light bar shall not be equipped or used to display flashing white lights visible from the rear of the vehicle. This subsection shall not be construed to prohibit an authorized emergency vehicle owned by the state or a municipality, as defined in section 670.1, from being equipped with or using a spotlight or exterior light bar capable of displaying a steady white light for use as a work light, alley light, search light, or take down light.

11. An authorized emergency vehicle owned by a state or a municipality, as defined in section 670.1, that is primarily used as an incident command vehicle may be equipped with one or more steady or flashing green lights, which shall be in addition to any other required lighting equipment. A steady or flashing green light equipped pursuant to this subsection shall not be activated unless the vehicle is being used as a stationary incident command post at the location of an emergency incident, an official training exercise, or for maintenance or demonstration purposes.

12. An official fire department or emergency medical services vehicle purchased, delivered, or refurbished on or after July 1, 2021, shall be equipped with a master warning switch to activate all emergency lights on the vehicle, in addition to one or more switches to separately activate or isolate the front, side, and rear warning lights.

Sec. 7. Section 321.433, Code 2021, is amended to read as follows:

321.433 Sirens, whistles, and bells prohibited.

1. A vehicle shall not be equipped with and a person shall not use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet, but the siren, whistle, or bell shall not be used except when the vehicle is operated in response to an emergency call, an incident dangerous to the public, an official training exercise, for maintenance or demonstration purposes, or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the vehicle shall sound the siren, whistle, or bell when necessary to warn pedestrians and other drivers of the approach of the vehicle.

2. A towing or recovery vehicle, unless owned by the state or a municipality, as defined in section 670.1, shall not be equipped with a siren.

Sec. 8. Section 805.8A, subsection 3, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Oac.* Section 321.424.. \$ 45.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2021

CHAPTER 98**DRIVER'S LICENSE RESTRICTIONS, OPERATING WHILE INTOXICATED, AND SOBRIETY AND DRUG MONITORING PROGRAM REQUIREMENTS***H.F. 757*

AN ACT relating to driver's license restrictions, including ignition interlock device requirements for a first operating-while-intoxicated offense.

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

Section 1. Section 321.218, subsection 3, paragraph a, Code 2021, is amended to read as follows:

a. The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, 321.210, subsection 1, paragraph "a", subparagraph (3), or section 321.210A or 321.513, extend the period of suspension or revocation for an additional like period or for one year, whichever period is shorter, ~~and the department shall not issue a new driver's license to the person during the extended period.~~

Sec. 2. Section 321J.2, subsection 3, paragraph d, Code 2021, is amended to read as follows:

d. Revocation of the person's driver's license for a minimum period of one hundred eighty days up to a maximum revocation period of one year, pursuant to section 321J.4, subsection 1, section 321J.9, or section 321J.12. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license.

Sec. 3. Section 321J.4, subsections 1 and 3, Code 2021, are amended to read as follows:

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under this chapter. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license.

3. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, and if the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12, or has not otherwise been revoked for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles ~~owned or~~ operated by the defendant if the defendant seeks a temporary restricted license.

Sec. 4. Section 321J.4, subsection 8, paragraphs a and d, Code 2021, are amended to read as follows:

a. On a conviction for or as a condition of a deferred judgment for a violation of section 321J.2, the court may order the defendant to install ignition interlock devices of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the defendant which, without tampering or the intervention of another person, would prevent the defendant from operating the motor vehicle with an alcohol concentration greater than

a level set by rule of the commissioner of public safety. However, if the defendant has had no previous conviction or revocation under this chapter, the court's order shall require the defendant to install approved ignition interlock devices only on all motor vehicles operated by the defendant.

d. If the defendant's driver's license or nonresident operating privilege has been revoked, the department shall not issue a temporary permit or a driver's license to the person without certification that approved ignition interlock devices have been installed ~~in~~ on all motor vehicles owned or operated by the defendant while the order is in effect. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall require certification that approved ignition interlock devices have been installed only on all motor vehicles operated by the defendant.

Sec. 5. Section 321J.9, subsection 2, Code 2021, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 6. Section 321J.12, subsection 2, Code 2021, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary license. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 7. Section 321J.20, subsection 2, Code 2021, is amended to read as follows:

2. A temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the applicant. However, if the applicant has had no previous conviction or revocation under this chapter, a temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles operated by the applicant. Installation of an ignition interlock device under this section shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

Sec. 8. Section 321J.21, subsection 2, Code 2021, is amended to read as follows:

2. In addition to the fine, the department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was suspended, denied, revoked, or barred shall extend the period of suspension, denial, revocation, or bar for an additional like period, ~~and the department shall not issue a new license during the additional period.~~

Sec. 9. Section 901D.7, subsection 2, paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(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, or only motor vehicles operated by the participant if authorized under chapter 321J, as applicable, 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.

Sec. 10. Section 901D.7, subsection 2, paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2021, is amended to read as follows:

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, or only motor vehicles operated by the participant if authorized under chapter 321J, as applicable, if any of the following apply:

Sec. 11. Section 901D.7, subsection 2, paragraph c, subparagraph (1), subparagraph division (b), Code 2021, is amended to read as follows:

(b) The participant will not own or operate 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.

Approved May 10, 2021

CHAPTER 99

DELIVERY OF ALCOHOLIC BEVERAGES BY RETAILERS, EMPLOYEES OF RETAILERS, OR THIRD PARTIES

H.F. 766

AN ACT relating to the delivery of alcoholic beverages by retailers.

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

Section 1. Section 123.46A, subsection 2, paragraph g, Code 2021, is amended to read as follows:

g. Delivery of alcoholic liquor, wine, or beer shall be made by the licensee or permittee, ~~or the licensee's or permittee's employee, and not by or~~ or a third party, provided the licensee or permittee has entered into a written agreement with the third party that authorizes the third party to act as an agent of the licensee or permittee for the purpose of delivering alcoholic liquor, wine, or beer. Each licensee or permittee shall submit to the division electronically, or in a manner prescribed by the administrator, a list of names and addresses of all third parties it has authorized to act as its agent for the purpose of delivering alcoholic liquor, wine, or beer. The licensee or permittee shall provide the division with amendments to the list as necessary to ensure the division possesses an accurate, current list.¹

Sec. 2. Section 123.46A, subsection 2, paragraph i, Code 2021, is amended by striking the paragraph.

Sec. 3. Section 123.46A, subsection 3, Code 2021, is amended to read as follows:

3. A violation of this section or any other provision of this chapter shall subject the licensee or permittee to the penalty provisions of section 123.39. If the licensee or permittee, an employee of the licensee or permittee, or a person delivering alcoholic liquor, wine, or beer for a third party acting on behalf of the licensee or permittee pursuant to a written

¹ See chapter 174, §11 herein

agreement violates this section, the licensee or permittee shall not be assessed a penalty under section 123.39 if the licensee or permittee establishes all of the following:

a. The violation was committed off of the licensee's or permittee's premises after the liquor, wine, or beer was removed from the licensee's or permittee's premises in fulfillment of a delivery order.²

b. (1) If the person who committed the violation is an employee of the licensee or permittee, that no other violation of this section was committed by any employee of the licensee or permittee within the two-year period immediately preceding the date of violation.

(2) If the person who committed the violation is a person delivering for a third party acting on behalf of the licensee or permittee, that no other violation of this section was committed by any person delivering for the same third party while the third party was acting on behalf of the licensee or permittee within the two-year period immediately preceding the date of violation.

Approved May 10, 2021

CHAPTER 100

AMUSEMENT CONCESSIONS

H.F. 785

AN ACT relating to amusement concessions.

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

Section 1. Section 99B.1, subsection 1, Code 2021, is amended to read as follows:

1. "Amusement concession" means a game of skill or game of chance with an instant win possibility where, if the participant completes a task, the participant wins a prize. "Amusement concession" includes but is not limited to carnival-style games that are conducted by a person for profit. "Amusement concession" does not include casino-style games, nudge games, swap games, or amusement devices required to be registered pursuant to section 99B.53.

Sec. 2. Section 99B.1, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 24A. "Nudge game" means any game or phase of a game in which a participant spins reels or simulated reels and may choose to nudge one or more reels in any direction to complete a winning combination or pattern.

NEW SUBSECTION. 28. "Swap game" means any game or phase of a game in which a participant spins reels or simulated reels and may choose to swap, move, or substitute one or more icons or symbols to create a winning combination or pattern.

Sec. 3. Section 99B.31, subsection 1, paragraph k, Code 2021, is amended to read as follows:

k. The amusement concession is not designed or adapted with any control device to permit manipulation of the amusement concession by the operator in order to prevent a player participant from winning or to predetermine who the winner will be.

Sec. 4. Section 99B.31, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. An electronic or computerized game with a video display screen may be licensed by the department as an amusement concession if all of the following requirements are met:

a. Except as otherwise provided by this subsection, the game complies with all requirements of subsection 1 and all applicable rules promulgated by the department.

² See chapter 174, §12 herein

b. The game is conducted through continuous gameplay. For the purposes of this paragraph, “*continuous gameplay*” means play on a single video screen that is not refreshed, updated, or renewed through the expenditure of additional money, tokens, or credits by a game participant. The game may allow two or more persons to participate in the same continuous gameplay at the same time.

c. Prizes shall be awarded based solely upon a participant’s successful completion of a required skill or task in the course of the game’s play. A person shall actively participate in the game’s play by directing or otherwise manipulating a game function or operation in order to complete the required skill or task. Participant skill shall be necessary to influence the outcome of the game’s play but is not required to be the predominant factor in determining whether a prize is awarded.

d. The game is not a nudge game, swap game, or a mechanical or electrical device that displays spinning reels or simulated reels.

e. The game may be programmed to ensure a set payout percentage to participants of at least eighty percent. If a game is programmed with a set payout percentage, the operator shall prominently post in a manner visible to all playing positions the percentage applicable to the game’s play.

f. The game may be programmed to award prizes by allowing a player to complete tasks or use skills at variable frequency or difficulty. The game may not be programmed to prevent the completion of any advertised or offered skills or tasks.

Approved May 10, 2021

CHAPTER 101

REPORTING FALSE INFORMATION TO LAW ENFORCEMENT — CIVIL ACTION

H.F. 821

AN ACT creating a civil action relating to harassment by the reporting of false information to law enforcement authority.

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

Section 1. Section 708.7, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 07. A person injured by a violation of section¹ 1, paragraph “a”, subparagraph (4), may bring a civil action against the person whose conduct violated section² 1, paragraph “a”, subparagraph (4).

Approved May 10, 2021

¹ According to Act; the word “subsection” probably intended

² According to Act; the word “subsection” probably intended

CHAPTER 102**CRIMINAL OFFENSES AGAINST MINORS — SEXUAL ABUSE OR EXPLOITATION BY ADULTS PROVIDING TRAINING OR INSTRUCTION — STATUTES OF LIMITATIONS**

S.F. 562

AN ACT relating to sexual exploitation by an adult providing training or instruction and statute of limitations time periods for certain criminal offenses committed on or with minors, and providing penalties and including effective date provisions.

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

DIVISION I

SEXUAL EXPLOITATION BY AN ADULT PROVIDING TRAINING OR INSTRUCTION

Section 1. Section 614.1, subsection 12, Code 2021, is amended to read as follows:

12. Sexual abuse or sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction. An action for damages for injury suffered as a result of sexual abuse, as defined in section 709.1, by a counselor, therapist, or school employee, or adult providing training or instruction, as defined in section 709.15, or as a result of sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction shall be brought within five years of the date the victim was last treated by the counselor or therapist, or within five years of the date the victim was last enrolled in or attended the school.

Sec. 2. Section 692A.102, subsection 1, paragraph b, subparagraph (11), Code 2021, is amended to read as follows:

(11) Sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction in violation of section 709.15, if the victim is thirteen years of age or older.

Sec. 3. Section 692A.102, subsection 1, paragraph c, subparagraph (28), Code 2021, is amended to read as follows:

(28) Sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction in violation of section 709.15, if the child is under thirteen years of age.

Sec. 4. Section 702.11, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. Sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction in violation of section 709.15.

Sec. 5. Section 709.15, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. “Adult providing training or instruction” means an adult who is not a school employee who provides paid training or instruction to a minor outside of a school setting. For purposes of this paragraph, “adult” is a person age eighteen years or older who is four or more years older than the minor receiving training or instruction.

Sec. 6. Section 709.15, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Sexual exploitation by an adult providing training or instruction occurs when any of the following are found:

(1) A pattern or practice or scheme of conduct to engage in any of the conduct described in subparagraph (2).

(2) Any sexual conduct with a minor for the purpose of arousing or satisfying the sexual desires of the adult providing training or instruction or of the minor. Sexual conduct includes but is not limited to the following:

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals.

(c) A sex act as defined in section 702.17.

b. Sexual exploitation by an adult providing training or instruction does not include touching that is necessary in the performance of the adult's duties while providing training or instruction.

c. This subsection only applies to an offense under subparagraph (1)¹ which occurs within the period of time the adult providing training or instruction is receiving payment for the training or instruction and to an offense under subparagraph (2)² which occurs within the period of time the adult providing training or instruction is receiving payment for the training or instruction or within thirty days after any such period of training or instruction.

Sec. 7. Section 709.15, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6. a. An adult providing training or instruction who commits sexual exploitation in violation of subsection 3A, paragraph "a", subparagraph (1), commits a class "D" felony.

b. An adult providing training or instruction who commits sexual exploitation in violation of subsection 3A, paragraph "a", subparagraph (2), commits an aggravated misdemeanor.

DIVISION II

STATUTE OF LIMITATIONS — CRIMINAL OFFENSES — MINORS

Sec. 8. Section 802.2, subsections 1 and 2, Code 2021, are amended to read as follows:

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years ~~shall may be found within fifteen years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later~~ commenced at any time after the commission of the offense.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found commenced within ten years after its commission, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found commenced within three years from the date the person is identified by the person's DNA profile, whichever is later.

Sec. 9. Section 802.2A, Code 2021, is amended to read as follows:

802.2A Incest — sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction.

1. An information or indictment for incest under section 726.2 committed on or with a person who is under the age of eighteen shall may be found within fifteen years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other incest shall be found within ten years after its commenced at any time after the commission of the offense.

2. An indictment or information for sexual exploitation by a counselor, therapist, or school employee, or adult providing training or instruction, under section 709.15 committed on or with a person who is under the age of eighteen shall may be found within fifteen years after the person upon whom the offense is committed attains eighteen years of age commenced at any time after the commission of the offense. An information or indictment for any other sexual exploitation shall be found within ten years of the date the victim was last treated by the counselor or therapist, or within ten years of the date the victim was enrolled in or attended the school.

Sec. 10. Section 802.2B, unnumbered paragraph 1, Code 2021, is amended to read as follows:

An information or indictment for the following offenses committed on or with a person who is under the age of eighteen years shall may be found within ten years after the person

¹ According to Act, the phrase 'paragraph "a", subparagraph (1)' probably intended

² According to Act, the phrase 'paragraph "a", subparagraph (2)' probably intended

~~upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later~~ commenced at any time after the commission of the offense:

Sec. 11. Section 802.2D, Code 2021, is amended to read as follows:

802.2D Human trafficking.

An information or indictment for human trafficking in violation of section 710A.2, committed on or with a person who is under the age of eighteen years ~~shall~~ may be found ~~within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later~~ commenced at any time after the commission of the offense.

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

Approved May 12, 2021

CHAPTER 103

REGULATION OF THE PRACTICE OF PHARMACY

S.F. 296

AN ACT relating to the practice of pharmacy, including the prescription and administration of vaccines and collaborative pharmacy practice.

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

Section 1. Section 155A.46, subsection 1, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) An immunization or vaccination for COVID-19 as defined in section 686D.2.

Sec. 2. Section 155A.46, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and consistent with subsection 2, order and administer the following to patients ages six years and older:

(1) Point-of-care testing and treatment for influenza, streptococcus A, and COVID-19 as defined in section 686D.2 at the point of interaction between a pharmacist and a patient.

(2) Point-of-care testing at the point of interaction between a pharmacist and a patient in response to a public health emergency.

Sec. 3. NEW SECTION. **155A.47 Collaborative pharmacy practice — agreements — payment.**

1. For the purposes of this section:

a. “*Collaborative pharmacy practice*” means a practice of pharmacy whereby a pharmacist provides patient care and drug therapy management services not otherwise permitted to be performed by a pharmacist to patients under a collaborative pharmacy practice agreement with another pharmacist or practitioner which defines the nature, scope, conditions, and

limitations of the patient care and drug therapy management services to be provided by a pharmacist in order to ensure that a patient achieves the desired outcomes.

b. “Health benefit plan” means the same as defined in section 514J.102.

c. “Health carrier” means the same as defined in section 514J.102.

2. Notwithstanding any provision of law to the contrary, a pharmacist may engage in a collaborative pharmacy practice, in accordance with rules adopted by the board pursuant to chapter 17A and under a collaborative pharmacy practice agreement, to provide patient care and drug therapy management services to a patient.

3. Notwithstanding any provision of a health benefit plan to the contrary, whenever a health benefit plan provides for payment or reimbursement for a service that is within the lawful scope of practice of a practitioner or pharmacist and the service is provided by a pharmacist pursuant to a collaborative pharmacy practice agreement under this section, the health carrier may provide payment or reimbursement for the service.

Approved May 19, 2021

CHAPTER 104

AGRICULTURAL TOURISM — LIMITATION OF CIVIL LIABILITY

S.F. 356

AN ACT limiting civil liability for persons involved in agricultural tourism.

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

Section 1. **NEW SECTION. 461C.10 Limitation on liability.**

The limitation on legal liability provided in this chapter is in addition to any other limitation of legal liability otherwise provided by law, including as provided in chapters 673 and 673A.

Sec. 2. **NEW SECTION. 673.6 Limitation on liability.**

The limitation on legal liability provided in this chapter is in addition to any other limitation of legal liability otherwise provided by law, including as provided in chapters 461C and 673A.

Sec. 3. **NEW SECTION. 673A.1 Short title.**

This chapter shall be known and may be cited as the “Iowa Agricultural Tourism Promotion Act”.

Sec. 4. **NEW SECTION. 673A.2 Purpose.**

1. The general assembly finds all of the following:

a. Agriculture is a vital part of this state’s economy, culture, and history.

b. An increasing number of Iowans are removed from day-to-day farm life and associated agricultural experiences.

c. Agricultural tourism provides a valuable opportunity for the general public to understand farm life and associated agricultural experiences.

d. Farming includes a number of hazards which cannot be removed for the benefit of visitors to a farm without detracting from the farm experience visitors receive, including the daily experience of working on a farm.

2. The general assembly declares that uncertainty regarding the potential liability associated with places on a farm and the inherent risks of farming have a negative impact upon the establishment and success of agricultural tourism and its benefits to the people of this state.

Sec. 5. **NEW SECTION. 673A.3 Definitions.**

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

1. “*Agricultural tourism farm*” means a farm to which members of the public are invited to visit by or on behalf of an agricultural tourism farmer or agricultural tourism professional, for the purpose of allowing members of the public to experience places on a farm and participate in farming activities, regardless of whether a member of the public pays for the visit.

2. “*Agricultural tourism farmer*” means a farmer who owns or leases an agricultural tourism farm.

3. “*Agricultural tourism professional*” means a person who is engaged in managing a visit by a member of the public to an agricultural tourism farm, including any agricultural tourism activity conducted on the premises of an agricultural tourism farm, regardless of whether the person receives compensation.

4. a. “*Agricultural tourist*” means a person who enters on to the premises of an agricultural tourism farm as a visitor to experience places on the farm and participate in farming activities pursuant to an invitation by or on behalf of an agricultural tourism farmer or agricultural tourism professional, regardless of whether the person provides compensation in exchange for the visit.

b. “*Agricultural tourist*” does not mean any of the following:

(1) An employee of, agent of, or person receiving compensation from an agricultural tourism farmer, agricultural tourism professional, or person engaged in farming the agricultural tourism farm.

(2) (a) A family member of an agricultural tourism farmer, agricultural tourism professional, or person engaged in farming the agricultural tourism farm.

(b) As used in subparagraph division (a), “*family member*” means a spouse, child, grandchild, parent, sibling, niece, or nephew, or the spouse of a child, grandchild, parent, sibling, niece, or nephew.

(3) A social guest of an agricultural tourism farmer, agricultural tourism professional, or person engaged in farming the agricultural tourism farm.

5. “*Claim*” means a claim, counterclaim, cross-claim, complaint, cross-complaint, or cause of action recognized by the Iowa rules of civil procedure and brought in court on account of allegation of an injury, loss, or death.

6. a. “*Farm*” means land, including buildings or other structures, and improvements used to produce or process a farm commodity, if all of the following apply:

(1) The land is owned or leased by a farmer.

(2) At least ten thousand dollars was generated from the production of farm commodities produced on the land in the last year.

b. “*Farm*” includes but is not limited to a farm field, orchard, nursery, greenhouse, garden, elevator, seedhouse, barn, warehouse, animal feeding operation structure, winery, brewery, distillery, or any personal property located on the land including machinery or equipment used in the production of a farm commodity.

7. “*Farm animal*” means any of the following:

a. An animal belonging to the bovine, caprine, ovine, or porcine species; farm deer as defined in section 170.1; ostriches, rheas, or emus; turkeys, chickens, or other poultry; fish or other aquatic organisms confined in private waters for human consumption; or bees.

b. A horse, pony, mule, jenny, donkey, or hinny.

8. “*Farm commodity*” means a farm crop or farm animal produced or maintained on a farm.

9. “*Farm crop*” means a plant used for food, animal feed, fiber, or oil, including any of the following:

a. A forage or cereal plant, including but not limited to alfalfa, barley, buckwheat, corn, flax, forage, millet, oats, popcorn, rye, sorghum, soybeans, sunflowers, wheat, and grasses used for forage or silage.

b. Edible or ornamental produce, including but not limited to fruit such as apples, cherries, peaches, pears, berries, and grapes; vegetables such as asparagus, broccoli, and carrots; lentils; tubers; squashes and pumpkins; gourds; and flowers.

10. “*Farmer*” means a person who holds any of the following:

a. An ownership or leasehold interest in land used for farming.

b. An equity interest in a business entity that holds land for use in farming as any of the following:

(1) A family farm corporation, authorized farm corporation, family farm limited partnership, limited partnership, family farm limited liability company, authorized limited liability company, family trust, or authorized trust, all as defined in section 9H.1.

(2) A limited liability partnership as defined in section 486A.101.

11. “*Farming*” means to do any of the following:

a. Produce a farm commodity, including by doing any of the following:

(1) Planting, nurturing, maintaining, inspecting, exhibiting, harvesting, handling, storing, or moving a farm crop.

(2) Producing, breeding, maintaining, handling, confining, moving, inspecting, or exhibiting a farm animal.

b. Engage in an on-farm processing operation in which the form or condition of a farm commodity originating from the farm is changed and prepared or packaged for human use, including but not limited to a dairy, creamery, winery, brewery, distillery, cannery, bakery, butcher shop, smokehouse, or tannery.

12. a. “*Inherent risk of farming*” means a danger or hazard that is an integral part of being in a particular place on a farm or participating in a specific farming activity, if the danger or hazard would be reasonably foreseeable by a person generally familiar with that type of farm or farming activity.

b. “*Inherent risk of farming*” includes but is not limited to a condition or use of the land, including improvements, and any machinery, equipment, or tack, employed in the production or maintenance of farm commodities on the land, the processing of commodities on the same land as they were produced, and the behavior of farm animals or other domestic or wild animals which are present on the land.

13. “*Person engaged in farming*” means an individual contributing physical labor or making management decisions related to any of the following:

a. The production or maintenance of a farm commodity on a farm.

b. The on-farm processing of a farm commodity produced or maintained on that same farm.

Sec. 6. NEW SECTION. 673A.4 Limitation on liability — inherent risk of farming.

1. Subject to the conditions of this chapter, an agricultural tourism farmer, an agricultural tourism professional, or a person engaged in farming the agricultural tourism farm is not liable for any act or omission causing injury, loss, or death suffered by an agricultural tourist if all of the following apply:

a. The injury, loss, or death was caused while the agricultural tourist was visiting the agricultural tourism farm.

b. The act or omission that caused the injury, loss, or death was associated with an inherent risk of farming.

2. Subject to the conditions of this chapter, an agricultural tourism farmer, an agricultural tourism professional, or a person engaged in farming on the agricultural tourism farm is not liable for any injury, loss, or death suffered by an agricultural tourist, if any of the following apply:

a. The agricultural tourist contributed to the injury, loss, or death of that agricultural tourist or to another agricultural tourist.

b. The agricultural tourist failed to comply with reasonable verbal or written instructions or warnings provided by the agricultural tourism farmer, the agricultural tourism professional, or a person engaged in farming.

c. The injury, loss, or death occurred at a place where a reasonable person would not enter as part of a visit to the agricultural tourism farm. A legible and conspicuous notice that the place is not part of a visit is sufficient to satisfy this requirement.

Sec. 7. NEW SECTION. 673A.5 Limitation on liability — affirmative defense.

1. In any claim alleging an act or omission causing injury, loss, or death suffered by an agricultural tourist on an agricultural tourism farm, it is an affirmative defense that an agricultural tourism farmer, an agricultural tourism professional, or a person engaged in farming the agricultural tourism farm is not liable pursuant to section 673A.4.

2. The affirmative defense described in subsection 1 is in addition to any other limitation of legal liability otherwise provided by law, including as provided in chapters 461C and 673.

Sec. 8. NEW SECTION. **673A.6 Limitation on liability — notice required.**

1. As a condition of being able to plead an affirmative defense as provided in section 673A.5, a notice of the inherent risk of farming must have been provided to an agricultural tourist prior to an alleged injury, loss, or death caused by the agricultural tourism farmer, agricultural tourism professional, or person engaged in farming the agricultural tourism farm.

2. A notice required by this section must have been posted on the premises of an agricultural tourism farm. The notice must have been posted in a conspicuous location where the agricultural tourist was first allowed to enter the premises of an agricultural tourism farm. The notice must have appeared in black letters a minimum of one inch high and in the following form:

IOWA AGRICULTURAL TOURISM PROMOTION ACT
IOWA CODE CHAPTER 673A

You are visiting a working farm as a participant who is either observing or contributing to the success of farming activities. Under Iowa law you are assuming liability for any hazard that you may encounter. A hazard includes inherent risk of participating in a farming activity or disregarding written or verbal instructions. Farming includes dangerous conditions present on land and in structures, unpredictable behavior of farm animals, dangers associated with the operation of equipment and machinery, and potential wrongful acts of another visitor. Be careful.

3. A notice required by this section must have been included in any written contract entered into by the agricultural tourist and either the agricultural tourism farmer or agricultural tourism professional. A notice required by this section must have been included in any written waiver which must be signed and dated by an agricultural tourist. The notice must have included the same language provided in subsection 2 and printed in twelve point boldface type.

Sec. 9. NEW SECTION. **673A.7 Limitation on liability — exceptions.**

The limitation on liability provided in section 673A.4 and the affirmative defense authorized under section 673A.5 do not apply to the extent that all of the following conditions are met:

1. An injury, loss, or death suffered by an agricultural tourist was caused by the act or omission of an agricultural tourism farmer, an agricultural tourism professional, or a person engaged in farming on the agricultural tourism farm.

2. The act or omission described in subsection 1 was any of the following:

a. Illegal.

b. Intentional.

c. The result of willful misconduct, gross negligence or incompetence amounting to such lack of care as to amount to wanton neglect for the safety of another, or recklessness.

d. Due to intoxication by alcohol, a drug, or a combination of such substances.

e. The result of a failure to notify an agricultural tourist of a dangerous latent condition on the farm, including a building or other structure, or equipment or machinery regardless of whether it was operational, if the dangerous latent condition was known or should have been known by the agricultural tourism farmer or agricultural tourism professional.

f. A condition or event existing at the agricultural tourism farm that was not reasonably foreseeable by a person generally familiar with farming, even though such condition or farming activity would have been foreseeable at another type of agricultural tourism farm.

Approved May 19, 2021

CHAPTER 105

LEGISLATIVE PAGE PROGRAM — ACADEMIC CREDITS AND ACTIVITY EXEMPTIONS

S.F. 517

AN ACT relating to the provision of academic credit, including social studies coursework, and exemptions for physical education and activity requirements for students who participate in the legislative page program at the state capitol.

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

Section 1. Section 256.11, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 18. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall each establish a policy to award credit toward graduation to a student if the student participates in the legislative page program at the state capitol for a regular session of the general assembly. The student shall be excused from the physical education requirements of subsection 5, paragraph “g”, subparagraph (1), and is exempt from the physical activity requirements of subsection 6, paragraph “b”, subparagraph (2), while participating in the legislative page program. The student must complete the graduation requirements of section 256.7, subsection 26, paragraph “a”, but participation in the legislative page program for a complete regular session of the general assembly shall count as one-half unit of social studies credit required for purposes of section 256.7, subsection 26, paragraph “a”.

Approved May 19, 2021

CHAPTER 106SOCIAL AND CHARITABLE GAMBLING CONDUCTED BY QUALIFIED ORGANIZATIONS
— GAME NIGHT FREQUENCY*H.F. 311*

AN ACT relating to the frequency of game nights conducted by licensed qualified organizations.

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

Section 1. Section 99B.12, subsection 2, paragraph c, subparagraph (5), Code 2021, is amended to read as follows:

(5) One game night ~~each per calendar year~~ per calendar month during the two-year period, subject to the requirements of section 99B.26.

Sec. 2. Section 99B.12, subsection 3, paragraph b, subparagraph (3), Code 2021, is amended to read as follows:

(3) One game night per calendar month during the one-year period, subject to the requirements of section 99B.26.

Sec. 3. Section 99B.12, subsection 4, paragraph b, subparagraph (3), Code 2021, is amended to read as follows:

(3) One game night per calendar month during the period of one hundred eighty days, subject to the requirements of section 99B.26.

Sec. 4. Section 99B.12, subsection 5, paragraph b, subparagraph (3), Code 2021, is amended to read as follows:

(3) One game night per calendar month during the period of ninety days, subject to the requirements of section 99B.26.

Sec. 5. Section 99B.12, subsection 6, paragraph b, subparagraph (5), Code 2021, is amended to read as follows:

(5) One game night per calendar month during the period of fourteen days, subject to the requirements of section 99B.26.

Sec. 6. Section 99B.26, subsection 1, Code 2021, is amended to read as follows:

1. A licensed qualified organization may conduct one game night per calendar ~~year~~ month subject to the provisions of this section.

Sec. 7. Section 99B.27, subsection 2, paragraph o, Code 2021, is amended to read as follows:

o. A qualified organization representing veterans licensed under this section shall not hold ~~more than two card game tournaments per month and shall not hold~~ a card game tournament within ~~seven~~ six calendar days of another card game tournament conducted by that qualified organization representing veterans. Card game tournaments held during a game night conducted pursuant to section 99B.26 shall not count toward the limit of one card game tournament per ~~week~~ six calendar days for a license holder. A qualified organization representing veterans shall be allowed to hold only one card game tournament during any period of twenty-four consecutive hours, starting from the time the card game tournament begins.

Approved May 19, 2021

CHAPTER 107

VICTIMS OF SEXUAL ABUSE — COLLECTION, COSTS, AND TRACKING OF EVIDENCE — VICTIM NOTIFICATION AND COMPENSATION

H.F. 426

AN ACT relating to crime victims, including the collection of evidence in sexual abuse cases and the establishment of an automated tracking system involving sexual abuse evidence collection kits.

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

Section 1. Section 13.31, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 8. Establish and administer the kit tracking system established pursuant to section 915.53 for tracking the location and status of sexual abuse evidence collection kits.

Sec. 2. Section 709.10, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

709.10 Sexual abuse — evidence.

1. As used in this section:

a. “*Forensic medical examination*” means a sexual abuse examination by a health care provider for the purpose of gathering and preserving evidence of sexual abuse.

b. “*Kit*” means a sexual abuse evidence collection kit that includes a human biological specimen collected by a health care provider during a forensic medical examination.

c. “Kit tracking system” means the automated sexual abuse evidence collection kit tracking system established pursuant to section 915.53.

d. “Laboratory” means the state criminalistics laboratory or similar qualified laboratory.

e. “Law enforcement agency” means any governmental agency that investigates persons suspected of or charged with a sex abuse crime. “Law enforcement agency” also includes any governmental agency that collects, stores, processes, transmits, or disseminates analysis of evidence collected in connection with a sexual abuse related crime.

2. The manufacturer or distributor of a kit shall enter information relating to new, unused kits into the kit tracking system within five business days upon receipt of a kit. The manufacturer or distributor of a kit shall provide a health care provider with a new, unused kit upon request and shall document dissemination of each kit to a health care provider in the kit tracking system within forty-eight hours of dissemination to the health care provider.

3. A health care provider shall enter information relating to each new kit into the kit tracking system within forty-eight hours of receipt of the kit.

4. When a reported victim of sexual abuse consents to undergo a forensic medical examination and to having the evidence from the examination preserved, the health care provider conducting the forensic medical examination shall utilize a kit. The health care provider conducting the forensic medical examination shall contact the law enforcement agency under whose jurisdiction the sexual abuse offense occurred within forty-eight hours after the evidence was collected from a victim to notify the law enforcement agency to collect and store the kit. The health care provider shall document which law enforcement agency the kit is transferred to in the kit tracking system within forty-eight hours of collection of the evidence.

5. The law enforcement agency collecting the evidence shall obtain the kit from a health care provider and properly store the kit to ensure the chain of custody is complete and sufficient. The law enforcement agency shall document receipt of the kit from the health care provider in the kit tracking system within seventy-two hours of obtaining the kit.

6. The law enforcement agency shall store the kit in a clean, dry location for a minimum of fifteen years, or in the case of a minor victim for a minimum of fifteen years after the minor reaches the age of majority, even if the reported victim of sexual abuse has not filed a criminal complaint.

7. Prior to the disposal of a kit by a law enforcement agency, the law enforcement agency shall notify the reported victim of the intended date of disposal of the kit, the reason for disposal of the kit, and the options that remain available for retention and analysis of the kit, if any. The law enforcement agency shall obtain written approval from the appropriate county attorney and retain that approval in the victim’s case file prior to disposal. Any kit disposed of shall be documented by a law enforcement agency in the kit tracking system within forty-eight hours of disposal.

8. The law enforcement agency transferring a kit to a laboratory for analysis shall document the transfer of the kit in the kit tracking system within seventy-two hours of transferring the kit.

9. The laboratory shall document receipt of the kit in the kit tracking system within seventy-two hours of logging the kit into its evidence management system.

10. When an analysis of the evidence collected from a victim’s forensic medical examination is complete, the laboratory shall enter the results of the analysis into the kit tracking system and return the kit to the appropriate law enforcement agency. The law enforcement agency shall document receipt of the kit within seventy-two hours of receipt and shall store the kit in accordance with this section.

11. a. A health care provider shall provide a victim of sexual abuse with a consent form created by the department of justice prior to a forensic medical examination. The consent form shall include information allowing the victim to document the victim’s consent or refusal to the collection and storage of the evidence collected from the victim’s forensic medical examination, to release such evidence to a laboratory for analysis, and to make a report to law enforcement. The consent form shall also include information that the victim is not required to participate in the criminal justice system; to participate in an interview with law enforcement; to undergo a forensic medical examination; or to allow an analysis of the evidence collected; that the victim may withdraw consent for the collection of the

victim's evidence or an analysis of the evidence at any time; and that if the victim does not initially consent to make a report to a law enforcement agency or to allow an analysis of the evidence collected, the victim may choose to provide a report to a law enforcement agency or may consent to an analysis of the evidence at any time within the required kit retention period specified in subsection 6.

b. The consent form shall provide notice to the victim of the victim's statutory rights pursuant to section 709.22.

c. A copy of the victim's consent form shall be maintained by the health care provider in the victim's records and in the kit with the evidence collected.

d. A copy of the consent form shall be provided to the victim.

e. A copy of the consent form shall accompany the health care provider's billing statement for the health care provider's exam fee submitted to the crime victim assistance division of the department of justice. The health care provider shall submit a copy of the consent form to the crime victim assistance division of the department of justice even if there are no charges associated with the health care provider's examination.

12. The rights of a victim pursuant to chapter 915 attach when the victim consents to participate in an interview with law enforcement, to a forensic medical examination, and to allow an analysis of the evidence collected.

13. If a reported victim does not want the victim's name recorded on the kit, the kit shall be deemed an anonymous kit and a case number or the number assigned to the kit by the kit tracking system shall be used in place of the name of the reported victim and entered into the kit tracking system by the health care provider within forty-eight hours of receipt of the kit. An anonymous kit shall not be submitted for analysis until a victim has provided law enforcement with a criminal report and has consented to an analysis of the evidence collected from the victim's forensic medical examination. A law enforcement agency in possession of an anonymous kit may dispose of the kit thirty days after the fifteen-year retention period required under subsection 6.

14. A victim who initially chooses not to participate in an interview with a law enforcement agency may, at any point during the time period provided in subsection 6, contact the law enforcement agency to agree to an interview with the law enforcement agency and to consent to an analysis of the evidence collected from the victim's forensic medical examination.

15. A victim who decides to participate in the investigation of a reported sexual abuse or in a forensic medical examination may choose to cease participation at any time and shall not be compelled to continue participating in the investigation or a forensic medical examination. If the analysis of the evidence collected from a victim's forensic medical examination indicates a connection with another reported sexual abuse offense, the victim shall not be compelled to participate in the criminal or civil proceedings of the related case.

Sec. 3. Section 915.11, Code 2021, is amended to read as follows:

915.11 ~~Initial notification~~ Notifications by law enforcement.

1. A local police department or county sheriff's department shall advise a victim of the right to register with the county attorney, and shall provide a request-for-registration form to each victim. A local police department or county sheriff's department shall provide a telephone number and internet site to each victim to register with the automated victim notification system established pursuant to section 915.10A.

2. a. If a victim of a reported sexual abuse requests the results of an analysis of the evidence collected from the victim's forensic medical examination pursuant to section 709.10 and such analysis was completed, a local police department or county sheriff's department shall inform the victim of the results, including whether the analysis produced a DNA profile as defined in section 81.1 or a DNA match, either to the named alleged perpetrator of the sexual abuse or to a suspect already in the DNA database.

b. Prior to the disposal of a kit by a law enforcement agency, the law enforcement agency shall notify the reported victim of the intended date of disposal of the kit, the reason for disposal of the kit, and the options that remain available for retention and analysis of the kit, if any. For purposes of this paragraph, "kit" means the same as defined in section 915.53.

Sec. 4. Section 915.41, Code 2021, is amended to read as follows:

915.41 Medical examination costs.

1. The cost of a medical examination of a victim for the purpose of gathering evidence and the cost of treatment of a victim for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94.

2. If a sexual abuse evidence collection kit is collected pursuant to section 709.10, payment for the health care provider's fee and the medical or clinical laboratory fee, if any, shall not be made until the department of justice verifies that the status of the sexual abuse evidence collection kit has been updated by the health care provider utilizing the kit tracking system established pursuant to section 915.53.

Sec. 5. Section 915.52, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. An office, agency, or department may satisfy a notification obligation to registered victims required by this subchapter through participation in the kit tracking system established pursuant to section 915.53 to the extent information is available for dissemination through the kit tracking system. This section¹ shall not relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the kit tracking system.

Sec. 6. **NEW SECTION. 915.53 Automated tracking system — sexual abuse evidence collection kits.**

1. As used in this section:

a. “Forensic medical examination” means the same as defined in section 709.10.

b. “Kit” means the same as defined in section 709.10.

c. “Kit tracking system” means the automated sexual abuse evidence collection kit tracking system established pursuant to this section.

d. “Laboratory” means the same as defined in section 709.10.

2. The department of justice shall establish an automated sexual abuse evidence collection kit tracking system within the crime victim assistance division of the department of justice to assist public officials in tracking and reporting the location and status of sexual abuse evidence collection kits.

3. The kit tracking system shall have the ability to do all of the following:

a. Track the location of a kit, including the initial dissemination of a kit to a health care provider by the manufacturer or distributor of the kit, the collection of evidence collected by a health care provider from a victim's forensic medical examination, the receipt and storage of the kit by a law enforcement agency, the receipt and analysis of the kit by a laboratory, the storage of the kit after analysis, and the disposal of the kit.

b. Allow a health care provider performing a forensic medical examination, a law enforcement agency, a county attorney, a laboratory, and other entities with custody of a sexual abuse evidence collection kit to update and track the status and location of a kit.

c. Allow a victim of sexual abuse to anonymously track the status and location of a kit or to receive notifications regarding the status of a kit.

d. Utilize an internet platform allowing for continuous access to the kit tracking system.

4. A law enforcement agency shall participate in the kit tracking system according to the implementation schedule established by the department of justice.

5. A health care provider performing a forensic medical examination shall participate in the kit tracking system according to the implementation schedule established by the department of justice. A health care provider shall inform the victim of the number assigned to the kit.

6. The kit tracking system shall not contain any personally identifying information about a victim of a reported sexual abuse.

7. An office, agency, or department may satisfy a notification obligation to a victim as required by section 915.52 through participation in the kit tracking system to the extent information is available for dissemination through the kit tracking system. This section²

¹ See chapter 174, §30 herein

² See chapter 174, §31 herein

shall not relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the kit tracking system.

8. Information contained in the kit tracking system shall not be subject to discovery in a criminal case resulting from a reported sexual abuse for which a kit has been collected and information about the kit is maintained in the kit tracking system.

Sec. 7. Section 915.80, subsection 8, Code 2021, is amended to read as follows:

8. “*Survivor of a deceased victim*” means a survivor who, at the time of the crime, is a spouse, former spouse, child, foster child, parent, legal guardian, foster parent, stepparent, sibling, or foster sibling of a victim, or a person cohabiting with, or otherwise related by blood or affinity to, a victim, if the victim dies as a result of a crime, a good faith effort to prevent the commission of a crime, or a good faith effort to apprehend a person suspected of committing a crime.

Approved May 19, 2021

CHAPTER 108

SEXUAL ASSAULT FORENSIC EXAMINER PROGRAM

H.F. 603

AN ACT establishing the sexual assault forensic examiner program.

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

Section 1. Section 13.31, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 8. Administer the sexual assault forensic examiner program established pursuant to section 915.46 for training and providing technical assistance to sexual assault examiners and sexual assault nurse examiners.

Sec. 2. NEW SECTION. **915.46 Sexual assault forensic examiner program.**

1. As used in this section:

a. “*Federally qualified health center*” means a facility as defined in 42 U.S.C. §1396d(1)(2)(B) that provides primary care or sexual health services.

b. “*Medical forensic services*” include but are not limited to, taking a medical history, performing photographic documentation, performing a physical examination, assessing a patient for evidence collection, collection of evidence using a sexual abuse evidence collection kit, assessing a patient for drug-facilitated or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and HIV, pregnancy risk evaluation and care, and discharge and follow-up health care planning.

c. “*Pediatric treatment facility*” means a treatment facility that provides treatment relating to the development, care, and diseases of infants, children, and adolescents and that meets the accreditation requirements described in subsection 3.

d. “*Sexual assault examiner*” means a medical practitioner who is trained to provide services that include but are not limited to the following:

- (1) Taking a medical history.
- (2) Performing photographic documentation.
- (3) Performing a physical examination.
- (4) Assessing a patient for evidence collection.
- (5) Collecting evidence using a sexual abuse evidence collection kit.
- (6) Assessing a patient for drug-facilitated or alcohol-facilitated sexual assault.
- (7) Providing an evaluation of care for sexually transmitted infection and HIV, pregnancy risk evaluation, and care.
- (8) Providing discharge follow-up health care planning.

e. “*Sexual assault nurse examiner*” means a registered nurse, an advanced registered nurse practitioner, or an advanced practice registered nurse, licensed pursuant to chapter 152 or 152E who has completed a sexual assault forensic examiner program that meets the sexual assault nurse examiner education guidelines established by the international association of forensic nurses.

f. “*Sexual assault survivor*” means a person who seeks medical forensic services in relation to injuries or trauma resulting from a sexual assault.

g. “*Treatment facility*” means a hospital, clinic, or pediatric treatment facility that provides medical forensic services to sexual assault survivors who seek medical forensic services for a sexual assault within seven days of a sexual assault, or who have disclosed a past sexual assault by a specific person.

2. A sexual assault forensic examiner program is established within the department of justice. The sexual assault forensic examiner program shall maintain a list of sexual assault examiners and sexual assault nurse examiners who have completed didactic and clinical training approved by the department of justice and consistent with the sexual assault forensic examiner education guidelines established by the international association of forensic nurses.

3. In order to qualify as a treatment facility under this section, a pediatric treatment facility shall meet the accreditation standards for children’s advocacy centers adopted by the national children’s alliance including any of the following medical provider eligibility or training requirements:

a. Child abuse pediatric sub-board eligibility or certification.

b. A minimum of sixteen hours of formal didactic training in the medical evaluation of child sexual abuse for a physician without board certification or board eligibility in child abuse pediatrics, an advanced practice registered nurse, or a physician assistant.

c. A minimum of forty hours of coursework specific to the medical evaluation of child sexual abuse followed by a competency-based clinical preceptorship.

d. A pediatric treatment facility shall not exclude the presence of or interfere with the activities of a victim counselor as defined in section 915.20A.

4. a. By July 1, 2022, the sexual assault forensic examiner program shall develop and make available to treatment facilities two hours of online sexual assault training for sexual assault examiners and sexual assault nurse examiners. Notwithstanding any other law regarding ongoing licensure requirements, such training shall apply toward the continuing medical education and continuing nursing education credits for physicians, physician assistants, registered nurses, advanced registered nurse practitioners, and advanced practice registered nurses.

b. The sexual assault forensic examiner program shall provide didactic and clinical training opportunities consistent with the sexual assault forensic examiner education guidelines established by the international association of forensic nurses, in collaboration with the Iowa department of public health and the Iowa coalition against sexual assault, in sufficient numbers and geographical locations across the state to assist treatment facilities with training sexual assault examiners and sexual assault nurse examiners.

c. Sexual assault training provided under this subsection may be provided in person or online and shall include but is not limited to information concerning all of the following:

(1) The provision of medical forensic services.

(2) The use of a sexual abuse evidence collection kit.

(3) Sexual assault epidemiology, the neurobiology of trauma, drug-facilitated sexual assault, child sexual abuse, and Iowa sexual assault-related laws.

(4) The treatment facility’s sexual assault-related policies and procedures.

5. The sexual assault forensic examiner program, in collaboration with qualified medical providers, the Iowa department of public health, and the Iowa coalition against sexual assault, shall create uniform materials that all treatment facilities and federally qualified health centers are required to provide to patients and non-offending parents or legal guardians, if applicable, regarding medical forensic examination procedures, laws regarding consent relating to medical forensic services, and the benefits and risks of evidence collection, including recommended time frames for evidence collection pursuant to evidence-based research. These materials shall be made available on the department of justice’s internet site to all treatment facilities and federally qualified health centers.

6. The sexual assault forensic examiner program, in collaboration with qualified medical providers, the Iowa department of public health, and the Iowa coalition against sexual assault, shall create and update statewide sexual assault examiner and sexual assault nurse examiner protocols, shall provide technical assistance upon request to health care professionals, and shall provide expertise on best practices to health care professionals relating to sexual assault forensic examinations.

7. *Advisory committee.*

a. The department of justice shall establish an advisory committee to support the sexual assault forensic examiner program implemented in accordance with this section. The duties of the committee shall include but are not limited to the following:

(1) Advising the department of justice regarding the training programs developed for the sexual assault forensic examiner program.

(2) Reviewing the implementation and effectiveness of the sexual assault forensic examiner program.

(3) Recommending to the department of justice changes in legislation and administrative rules concerning the sexual assault forensic examiner program.

b. Members of the advisory committee shall include staff members of the department of justice managing the sexual assault forensic examiner program; representatives from the department of public health as determined by the director to be appropriate, the Iowa coalition against sexual assault, the board of nursing, and other constituencies as determined by the department of justice with an interest in sexual assault forensic examinations; and the hospital medical staff person involved with emergency services pursuant to section 915.82.

Sec. 3. Section 915.94, Code 2021, is amended to read as follows:

915.94 Victim compensation fund.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, to support the sexual assault forensic examiner program established in section 915.46, for the award of funds to programs that provide services and support to victims of domestic abuse as provided in chapter 236, to victims of sexual abuse as provided in chapter 236A, to victims under section 710A.2, for reimbursement to the Iowa law enforcement academy for domestic abuse and human trafficking training, and for the support of an automated victim notification system established in section 915.10A. For each fiscal year, the department may also use up to three hundred thousand dollars from the fund to provide training for victim service providers, to provide training for related professionals concerning victim service programming, and to provide training concerning homicide, domestic assault, sexual assault, stalking, harassment, and human trafficking as required by section 710A.6. 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.

Approved May 19, 2021

CHAPTER 109**SUBSTITUTE TEACHER AUTHORIZATION STANDARDS***H.F. 675*

AN ACT relating to rules adopted by the board of educational examiners establishing standards for substitute teacher authorizations.

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

Section 1. Section 272.31, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The board shall issue a substitute authorization that allows an individual to substitute in grades prekindergarten through twelve for no more than ten consecutive days in a thirty-day period in one job assignment for a regularly assigned teacher who is absent, except in the driver's education classroom. A school district administrator may file a written request with the board for an extension of the ten-day limit in one job assignment in a thirty-day period on the basis of documented need and benefit to the instructional program. The executive director or appointee shall review the request and provide a written decision either approving or denying the request. A substitute teacher authorization shall require not less than the successful completion of an associate degree or not less than sixty undergraduate semester hours, or the equivalent, from a college or university accredited by an institutional accrediting agency recognized by the United States department of education.

Approved May 19, 2021

CHAPTER 110**LOCAL FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE PROVIDERS GRANT PROGRAM***H.F. 761*

AN ACT relating to the local fire protection and emergency medical service providers grant program.

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

Section 1. Section 100.19, subsection 7, paragraph b, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

b. The state fire marshal shall establish a local fire protection and emergency medical service providers grant program to provide grants in the following order of priority:

(1) Local fire protection service providers and local emergency medical service providers to establish or provide fireworks safety education programming to members of the public, and for the purchase of necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.

(2) Local volunteer fire protection service providers for the purchase of necessary enforcement, protection, or emergency response equipment.

Approved May 19, 2021

CHAPTER 111**PRACTITIONERS LICENSED BY THE BOARD OF EDUCATIONAL EXAMINERS —
LICENSURE RENEWAL REQUIREMENTS***H.F. 770*

AN ACT relating to licensure renewal requirements adopted by rule by the board of educational examiners.

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

Section 1. Section 272.2, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Rules adopted pursuant to this subsection establishing licensure renewal requirements shall provide that up to half of the units needed for licensure renewal may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator or by successful completion of professional development courses or programs offered by a professional development program licensed by the board, or by a practitioner preparation institution or area education agency approved by the state board of education.

Approved May 19, 2021

CHAPTER 112**CHARTER SCHOOL PROGRAMS***H.F. 813*

AN ACT modifying and establishing charter school programs and making appropriations.

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

Section 1. NEW SECTION. **256E.1 Establishment of charter schools — purpose.**

1. Charter schools shall be part of the state's program of public education.
2. A charter school may be established by either of the following methods:
 - a. A school board may create a founding group to apply to the state board for approval to establish and operate a charter school within and as a part of the school district by establishing a new attendance center, creating a new school within an existing attendance center, or by converting an existing attendance center to charter status.
 - b. A founding group may apply to the state board for approval to establish and operate a charter school within the boundaries of the state that operates as a new attendance center independently from a public school district.
3. The purpose of a charter school established pursuant to this chapter shall be to accomplish the following:
 - a. Improve student learning, well-being, and postsecondary success.
 - b. Increase learning opportunities for students in areas of need in this state, including but not limited to science, technology, engineering, and math (STEM), and science, technology, engineering, arts, and math (STEAM).
 - c. Increase opportunities for work-based learning, early literacy intervention, and serving at-risk populations.
 - d. Accelerating student learning to prevent learning loss during the COVID-19 pandemic and other significant disruptions to student learning.
 - e. Encourage the use of evidence-based practices in innovative environments.

f. Require the measurement and evaluation of program implementation and learning outcomes.

g. Establish models of success for Iowa schools.

h. Create new professional opportunities for teachers and other educators.

i. Investigate and establish different organizational structures for schools to use to implement a multi-tiered system of supports for students.

j. Allow greater flexibility to meet the education needs of a diverse student population and changing workforce needs.

k. Allow for the flexible allocation of resources through implementation of specialized school budgets for the benefit of the schools served.

l. Allow greater flexibility for districts and schools to focus on closing gaps in student opportunity and achievement for all students from preschool through postsecondary preparation.

4. The state board of education shall be the only authorizer of charter schools under this chapter.

Sec. 2. NEW SECTION. **256E.2 Definitions.**

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

1. “*Attendance center*” means a school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

2. “*Charter school*” means a school established in accordance with this chapter.

3. “*Department*” means the department of education.

4. “*Education service provider*” means an education management organization, charter school management organization, or other person with whom a charter school contracts for educational program implementation or comprehensive management.

5. “*Founding group*” means a person, group of persons, or education service provider that develops and submits an application for a charter school to the state board under this chapter.

6. “*Governing board*” means the independent board of a charter school whose members are elected or selected pursuant to the charter school contract, subject to the requirements of section 256E.7, subsection 10.

7. “*School board*” means a board of directors regularly elected by the registered voters of an accredited public school district.

8. “*State board*” means the state board of education.

Sec. 3. NEW SECTION. **256E.3 Department — duty to monitor.**

The department shall monitor the effectiveness of charter schools and shall implement the applicable provisions of this chapter.

Sec. 4. NEW SECTION. **256E.4 School board-state board model.**

1. A school board may create a founding group to apply to the state board for approval to establish and operate a charter school within and as a part of the school district by establishing a new attendance center, creating a new school within an existing attendance center, or by converting an existing attendance center. The application shall demonstrate the founding group’s academic and operational vision and plans for the proposed charter school, demonstrate the founding group’s capacity to execute the vision and plans, and provide the state board a clear basis for assessing the founding group’s plans and capacity.

2. The state board shall adopt rules to establish appropriate application timelines and deadlines for the submission of charter school applications under this section.

3. The instructions for completing an application shall include or otherwise inform applicants of all of the following:

a. The performance framework adopted by the state board for charter school oversight and evaluation requirements in accordance with sections 256E.9 and 256E.10.

b. The criteria the state board will use in evaluating applications.

c. The requirements concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

4. An application submitted under this section shall also include all of the following items related to the proposed charter school:

- a. An executive summary.
- b. The mission and vision of the proposed charter school, including identification of the targeted student population and the community the charter school intends to serve.
- c. The location of the proposed charter school or the proposed geographic area within the school district where the school is proposed to be located.
- d. Identification of the grades to be served each school year during the duration of the charter school contract.
- e. Minimum, planned, and maximum enrollment per grade for each school year during the duration of the charter school contract.
- f. Evidence of need and community support for the proposed charter school.
- g. Background information on the members of the founding group and background information on the governing board, administration, and management personnel of the proposed charter school, if available.
- h. The charter school's proposed operations calendar and sample daily schedule.
- i. A description of the academic program and identification of ways the program aligns with state academic standards.
- j. A description of the charter school's instructional model, including the type of learning environment, class size and structure, curriculum overview, and teaching methods.
- k. The charter school's plan for using internal and external assessments to measure and report student progress on the performance framework in accordance with section 256E.9.
- l. Plans for identifying and serving students with disabilities, students who are limited English proficient, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.
- m. A description of cocurricular and extracurricular programs and how the programs will be funded and delivered.
- n. Plans and timelines for student recruitment, enrollment, and transfers, including enrollment preferences and procedures for conducting transparent admissions selections, including admissions lotteries.
- o. The proposed code of student conduct, including applicable procedures and disciplinary sanctions for both general students and special education students.
- p. A chart or description of the charter school's organizational structure and the duties and powers of each position or group, including the delineation of authority and reporting between the governing board, administration, staff, and any related bodies or external organizations that have a role in managing the charter school.
- q. A staffing chart for the charter school's first year and a staffing plan for the duration of the charter school contract.
- r. Plans for recruiting and developing school administrators, staff, and governing board members and the charter school's employment policies, including performance evaluation plans.
- s. Proposed governing bylaws for the charter school.
- t. Identification and explanation of any partnerships or contractual relationships with the founding group or any of the founding group or school board's members that are related to the charter school's operations or mission.
- u. The charter school's plans for providing transportation services, food service, and all other operational or ancillary services.
- v. Proposed opportunities and expectations for parent involvement.
- w. A detailed school start-up plan and five-year plan, including all relevant assumptions used, identifying timelines for charter school finances, budget, and insurance coverage, facility construction, preparation, and contingencies, and the identification of persons or positions responsible for each such item.
- x. Evidence of anticipated fundraising contributions, if any.
- y. Evidence of the founding group's success in serving student populations similar to that which is proposed in the application and if the founding group operates other charter schools, evidence of past performance of such other charter schools and evidence of the founding group's capacity for an additional charter school.

z. A description of the proposed charter school's staff performance evaluation measures and compensation structure, methods of contract oversight and dispute resolution, investment disclosures, and conflicts of interest.

aa. A proposed duration and outline of the charter school contract, including designation of roles, authority, and duties of the governing board and the charter school staff.

ab. The specific statutes and administrative rules with which the charter school does not intend to comply. The department shall provide technical assistance to the applicant concerning statutes and administrative rules that may be waived under the charter school contract in order to facilitate the goals of the charter school.

5. If the founding group proposes to establish a charter school by converting an existing attendance center of the school district, the state board shall not approve the application unless the founding group submits evidence that the attendance center's teachers and parents or guardians of students enrolled at the existing attendance center voted in favor of the conversion. A vote in favor of conversion under this subsection requires the support of a majority of the teachers employed at the school on the date of the vote and a majority of the parents or guardians voting whose children are enrolled at the school, provided that a majority of the parents or guardians eligible to vote participate in the ballot process. The state board shall establish procedures by rule for voting under this subsection. A parent or guardian voting in accordance with this subsection must be a resident of this state.

6. In reviewing and evaluating charter school applications, the state board shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for reviewing charter school applications. Each application review shall include thorough evaluation of the written application, an in-person interview with the founding group, and an opportunity in a public forum for local residents to learn about and provide input on each application.

7. Following review of a charter school application and completion of the process required under subsection 6, the state board shall do all of the following:

a. Approve a charter school application only if the founding group has demonstrated competence in each element of the approval criteria and if the founding group is likely to open and operate a successful charter school.

b. Make application decisions on documented evidence collected through the application review process.

c. Adhere to the policies and criteria that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.

8. The state board shall approve a charter school application if the application satisfies the requirements of this chapter. The state board shall approve or deny a charter school application no later than seventy-five calendar days after the application is received. If the state board denies an application, the state board shall provide notice of denial to the founding group in writing within thirty days after the state board's action. The notice shall specify the exact reasons for denial and provide documentation supporting those reasons. An approval decision may include, if appropriate, reasonable conditions that the founding group must meet before a charter school contract may be executed pursuant to section 256E.6. An approved charter application shall not serve as a charter school contract.

9. A decision of the state board relating to an application under this section is not appealable.

10. An unsuccessful applicant under this section may subsequently reapply to the state board.

Sec. 5. NEW SECTION. 256E.5 Founding group-state board model.

1. A founding group may apply to the state board for approval to establish and operate a charter school within the boundaries of the state that operates as a new attendance center independently from a public school district. The application shall demonstrate the founding group's academic and operational vision and plans for the proposed charter school, demonstrate the founding group's capacity to execute the vision and plans, and provide the state board a clear basis for assessing the founding group's plans and capacity.

2. The state board shall adopt rules to establish appropriate application timelines and deadlines for the submission of charter school applications under this section.

3. The instructions for completing an application shall include or otherwise inform applicants of all of the following:

a. The performance framework adopted by the state board for charter school oversight and evaluation requirements in accordance with sections 256E.9 and 256E.10.

b. The criteria the state board will use in evaluating applications.

c. The requirements concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

4. The applications submitted under this section shall also include all of the following items related to the proposed charter school:

a. An executive summary.

b. The mission and vision of the proposed charter school, including identification of the targeted student population and the community the school intends to serve.

c. The location of the proposed charter school or the proposed geographic area within the state where the school is proposed to be located.

d. Identification of the grades to be served each school year during the duration of the charter school contract.

e. Minimum, planned, and maximum enrollment per grade for each school year during the duration of the charter school contract.

f. Evidence of need and community support for the proposed charter school.

g. Background information on the members of the founding group and background information on the governing board, administration, and management personnel of the proposed charter school, if available.

h. The charter school's proposed operations calendar and sample daily schedule.

i. A description of the academic program and identification of ways the program aligns with state academic standards.

j. A description of the charter school's instructional model, including the type of learning environment, class size and structure, curriculum overview, and teaching methods.

k. The charter school's plan for using internal and external assessments to measure and report student progress on the performance framework in accordance with section 256E.9.

l. Plans for identifying and serving students with disabilities, students who are limited English proficient, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.

m. A description of cocurricular and extracurricular programs and how the programs will be funded and delivered.

n. Plans and timelines for student recruitment, enrollment, and transfers, including enrollment preferences and procedures for conducting transparent admissions selections, including admissions lotteries.

o. The proposed code of student conduct, including applicable procedures and disciplinary sanctions for both general students and special education students.

p. A chart or description of the charter school's organizational structure and the duties and powers of each position or group, including the delineation of authority and reporting between the governing board, staff, and any related bodies or external organizations that have a role in managing the charter school.

q. A staffing chart for the charter school's first year and a staffing plan for the duration of the charter school contract.

r. Plans for recruiting and developing school administrators, staff, and governing board members and the charter school's employment policies, including performance evaluation plans.

s. Proposed governing bylaws for the charter school.

t. Identification and explanation of any partnerships or contractual relationships with an education service provider that are related to the charter school's operations or mission.

u. The charter school's plans for providing transportation services, food service, and all other operational or ancillary services.

v. Proposed opportunities and expectations for parent involvement.

w. A detailed school start-up plan and five-year plan, including all relevant assumptions used, identifying timelines for charter school finances, budget, and insurance coverage,

facility construction, preparation, and contingencies, and the identification of persons or positions responsible for each such item.

x. Evidence of anticipated fundraising contributions, if any.

y. If the application includes a proposal that the governing board contracts with an education service provider, evidence of the education service provider's success in serving student populations similar to that which is proposed in the application and if the education service provider operates other charter schools, evidence of past performance of such other charter schools and evidence of the education service provider's capacity for growth.

z. If the application includes a proposal that the governing board contracts with an education service provider, a description of the education service provider's staff performance evaluation measures and compensation structure, methods of contract oversight and dispute resolution, investment disclosures, and conflicts of interest.

aa. A proposed duration and outline of the charter school contract, including designation of roles, authority, and duties of the governing board and the charter school staff.

ab. The specific statutes and administrative rules with which the charter school does not intend to comply. The department shall provide technical assistance to the applicant concerning statutes and administrative rules that may be waived under the charter school contract in order to facilitate the goals of the charter school.

5. In reviewing and evaluating charter school applications, the state board shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for reviewing charter school applications. Each application review shall include thorough evaluation of the written application, an in-person interview with the applicant, and an opportunity in a public forum for local residents of the public school district within which the applicant proposes to locate the charter school to learn about and provide input on each application.

6. Following review of a charter school application and completion of the process required under subsection 5, the state board shall do all of the following:

a. Approve a charter school application only if the applicant has demonstrated competence in each element of the state board's published approval criteria and the applicant is likely to open and operate a successful charter school.

b. Make application decisions on documented evidence collected through the application review process.

c. Adhere to the policies and criteria that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.

7. A charter school application under this section shall not be approved if the founding group has another pending application under this section.

8. The state board shall approve a charter school application if the application satisfies the requirements of this chapter. The state board shall approve or deny a charter school application no later than seventy-five calendar days after the application is received. If the state board denies an application, the state board shall provide notice of denial to the applicant in writing within thirty days after board action. The notice shall specify the exact reasons for denial and provide documentation supporting those reasons. An approval decision may include, if appropriate, reasonable conditions that the applicant must meet before a charter school contract may be executed pursuant to section 256E.6. An approved charter application shall not serve as a charter school contract.

9. An unsuccessful charter school applicant may subsequently reapply to the state board.

10. A decision of the state board relating to an application under this section is not appealable.

Sec. 6. NEW SECTION. 256E.6 Charter school contract.

1. Within the later of thirty days following approval of a charter school application or upon the satisfaction of all reasonable conditions imposed on the applicant in the charter school approval, if any, an enforceable and renewable charter school contract shall be executed between the founding group and the state board setting forth the academic and operational performance expectations and measures by which the charter school will be evaluated pursuant to sections 256E.9 and 256E.10 and the other rights and duties of the parties.

2. An initial charter school contract shall be granted for a term of five school budget years. The charter school contract shall include the beginning and ending dates of the charter school contract term. An approved charter school may delay its opening for a period of time not to exceed one school year in order to plan and prepare for the charter school's opening. If the charter school requires an opening delay of more than one school year, the charter school may request an extension from the state board.

3. Each charter school contract shall be signed by the president of the state board and the president or appropriate officer of the governing body of the founding group.

4. Within fifteen days of the execution of a charter school contract entered into by the state board, the state board shall notify the department and the department of management of the name of the charter school and any applicable education service provider, the proposed location of the charter school, and the charter school's first year projected enrollment.

5. A charter school approved under this chapter shall not commence operations without a valid charter school contract executed in accordance with this section and approved in an open session of the state board.

6. The contract may provide for requirements or conditions to govern and monitor the start-up progress of an approved charter school prior to the opening of the charter school including but not limited to conditions to ensure that the charter school meets all building, health, safety, insurance, and other legal requirements.

7. A charter school contract may be amended to govern multiple charter schools operated by the same applicant and approved by the state board. However, each charter school that is part of a charter school contract shall be separate and distinct from any other charter school governed by the contract.

Sec. 7. NEW SECTION. 256E.7 General operating powers and duties.

1. In order to fulfill the charter school's public purpose, a charter school established under this chapter shall be organized as a nonprofit education organization and shall have all the powers necessary for carrying out the terms of the charter school contract including but not limited to the following, as applicable:

- a. Receive and expend funds for charter school purposes.
- b. Secure appropriate insurance and enter into contracts and leases.
- c. Contract with an education service provider for the management and operation of the charter school so long as the governing board retains oversight authority over the charter school.
- d. Incur debt in anticipation of the receipt of public or private funds.
- e. Pledge, assign, or encumber the charter school's assets to be used as collateral for loans or extensions of credit.
- f. Solicit and accept gifts or grants for charter school purposes unless otherwise prohibited by law or by the terms of its charter school contract.
- g. Acquire from public or private sources real property for use as a charter school or a facility directly related to the operations of the charter school.
- h. Sue and be sued in the charter school's own name.
- i. Operate an education program that may be offered by any noncharter public school or school district.

2. A charter school established under this chapter is exempt from all state statutes and rules and any local rule, regulation, or policy, applicable to a noncharter school, except that the charter school shall do all of the following:

- a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability. If approved under section 256E.4, the charter school shall be subject to any court-ordered desegregation in effect for the school district at the time the charter school application is approved, unless otherwise specifically provided for in the desegregation order.
- b. Operate as a nonsectarian, nonreligious school.
- c. Be free of tuition and application fees to Iowa resident students between the ages of five and twenty-one years.
- d. Be subject to and comply with chapters 216 and 216A relating to civil and human rights.

e. Provide special education services in accordance with chapter 256B.

f. Be subject to the same financial audits, audit procedures, and audit requirements as a school district. The audit shall be consistent with the requirements of sections 11.6, 11.14, 11.19, and 279.29, and section 256.9, subsection 20, except to the extent deviations are necessary because of the program at the school. The department, the auditor of state, or the legislative services agency may conduct financial, program, or compliance audits.

g. Be subject to and comply with the requirements of section 256.7, subsection 21, and the educational standards of section 256.11, unless specifically waived by the state board during the application process.

h. Provide instruction for at least the number of days or hours required by section 279.10, subsection 1, unless specifically waived by the state board as part of the application process.

i. Comply with the requirements of this chapter.

2A. The governing board's meetings shall be conducted in a manner that is open to the public and the governing board shall be a governmental body for purposes of chapter 21.

3. A charter school shall employ or contract with teachers as defined in section 272.1, who hold valid licenses with an endorsement for the type of instruction or service for which the teachers are employed or under contract.

4. A charter school shall not discriminate in its student admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, or status as a person with a disability. However, a charter school may limit admission to students who are within a particular range of ages or grade levels or on any other basis that would be legal if initiated by a school district. Enrollment priority shall be given to the siblings of students enrolled in a charter school.

5. A charter school shall enroll an eligible student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted by lot. Upon enrollment of an eligible student, the charter school shall notify the public school district of residence not later than March 1 of the preceding school year.¹

6. Each charter school governing board shall be required to adopt a conflict of interest policy and a code of ethics for all board members and employees.

7. Each charter school governing board shall adopt a policy regarding the hiring of family members to avoid nepotism in hiring and supervision. The policy shall include but is not limited to a disclosure to the governing board of potential nepotism in hiring and supervision. Any person subject to the policy with a conflict shall not be involved in the hiring decision or supervision of a potential employee.

8. Individuals compensated by an education service provider are prohibited from serving as a voting member on the governing board of any charter school unless the state board waives such prohibition.

9. If the charter school is operated by an education service provider, the governing board of the charter school shall have access to all records of the education service provider that are necessary to evaluate any provision of the contract or evaluate the education service provider's performance under the contract.

10. A majority of the membership of each charter school's governing board shall be residents of the geographic area served by the charter school. Each member of the governing board who is not a resident of the geographic area served by the charter school must be a resident of this state.

11. The governing board shall post the charter school's annual budget on the charter school's internet site for public viewing within ten days of approval of the budget. Each posted budget shall continue to be accessible for public viewing on the internet site for all subsequent budget years.

Sec. 8. NEW SECTION. 256E.8 Funding.

1. Each student enrolled in a charter school established under this chapter shall be counted, for state school foundation purposes, in the student's district of residence pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (9), including any applicable

¹ See chapter 139, §35 herein

amounts under section 256B.9. For purposes of this section, residence means a residence under section 282.1.

2. *a.* The school district of residence shall pay to the charter school in which the student is enrolled in the manner required under section 282.18, and pursuant to the timeline in section 282.20, subsection 3, an amount equal to the sum of the state cost per pupil for the previous school year plus the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9 plus any moneys received for the student as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If a student is an eligible pupil under section 261E.6, the charter school shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

b. For a student requiring special education, the school district of residence shall pay to the charter school the actual costs incurred in providing the appropriate special education.

c. For each student enrolled in the charter school who was not included in the actual enrollment of the district of residence under section 257.6, subsection 1, in the previous school year, the amount otherwise required to be paid under paragraph “a” or “b” shall instead be paid by the department to the charter school for the student’s initial year of enrollment in the charter school.

d. There is appropriated annually from the general fund of the state to the department of education an amount necessary to pay all applicable amounts to charter schools under paragraph “c”.

3. The charter school shall complete and provide to the students’ school districts of residence all documentation necessary to seek Medicaid reimbursement for eligible services.

4. If necessary, and pursuant to rules adopted by the state board, funding amounts required under this section for the first school year of a new charter school shall be based on enrollment estimates for the charter school included in the charter school contract. Initial amounts paid using estimated enrollments shall be reconciled during the subsequent payment based on actual enrollment of the charter school during the first school year.

Sec. 9. NEW SECTION. 256E.9 Performance framework.

1. The performance provisions within the charter school contract shall be based on a performance framework adopted by the state board that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the evaluation of the charter school by the state board, without compromising individual student privacy. The performance framework shall include but is not limited to indicators, measures, and metrics for all of the following:

- a.* Student academic proficiency.
- b.* Student academic growth.
- c.* Achievement gaps in both proficiency and growth between specified populations or groups of students, including groups based on gender, race, poverty, special education status, limited English proficiency, and gifted status.
- d.* Attendance.
- e.* Enrollment attrition.
- f.* Postsecondary readiness for students in grades nine through twelve.
- g.* Goals specified in the charter school’s mission.
- h.* Financial performance and sustainability.
- i.* Governing board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.

2. Annual performance targets shall be agreed upon between each charter school and the state board. Such performance targets shall be contained in the charter school contract and shall be designed to help each charter school meet applicable federal, state, and local standards. The performance targets contained in the charter school contract may be amended by mutual agreement after the charter school is operating and has collected initial achievement data for the charter school’s students.

3. The state board is responsible for collecting, analyzing, and reporting all data from state assessments and other state data sources in accordance with the performance framework.

However, all efforts shall be made by all parties to the charter school contract to eliminate or reduce duplicative data reporting requirements.

4. Multiple charter schools operating under a single charter school contract shall be required to report their performance data as separate, individual schools, with each charter school held independently accountable for performance.

5. Each charter school established under this chapter shall be evaluated and graded by the department pursuant to the attendance center performance ranking system developed and adopted by the department.

Sec. 10. NEW SECTION. 256E.10 Oversight — corrective action — contract renewal — revocation.

1. The state board shall monitor the performance and compliance of each charter school the state board approves, including collecting and analyzing data according to the charter school contract in order to meet the requirements of this chapter. Such oversight may include inquiries and investigation of the charter school so long as the activities are consistent with the intent of this chapter, adhere to the terms of the charter school contract, and do not unduly inhibit the autonomy granted to the charter school. Any performance report resulting from an inquiry or investigation under this section shall, upon conclusion of such action, be included in the annual report required under section 256E.12.

2. As part of the charter school contract, the charter school may be required to² submit an annual report to assist the state board in evaluating the charter school's performance and compliance with the performance framework.

3. If a charter school's performance under the charter school contract or compliance with applicable laws or rules is unsatisfactory, the state board shall notify the charter school of the perceived problem and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation, in which case the revocation provisions of this section apply.

4. The state board may take appropriate corrective actions or impose sanctions, other than revocation, in response to deficiencies in the charter school's performance or compliance with applicable laws and rules. Such actions or sanctions may include requiring the charter school to develop and execute a corrective action plan within a specified time period.

5. A charter school contract may be renewed for periods of time not to exceed an additional five years.

6. Annually, by June 30, the state board shall issue a charter school performance report and charter school contract renewal application guidance to each charter school whose charter school contract will expire during the following school budget year. The performance report shall summarize the charter school's performance record to date based on the data required by the charter school contract and by this chapter and shall identify concerns that may jeopardize renewal of the charter school contract if not remedied. The charter school shall have sixty days to respond to the performance report and submit any corrections or clarifications for the report.

7. The renewal application guidance shall, at a minimum, include the criteria that will be used when assessing charter school contract renewal decisions and provide an opportunity for the charter school to:

a. Present additional evidence, beyond the data contained in the performance report.

b. Describe improvements undertaken or planned for the charter school.

c. Describe the charter school's plans, including any proposed modifications, for the next charter school contract term.

8. No later than October 1, the governing board of a charter school seeking renewal shall submit a renewal application to the state board pursuant to the renewal application guidance. A renewal or denial shall be approved by resolution of the state board within sixty days following the filing of the renewal application.

9. Unless eligible for expedited renewal under subsection 13, when reviewing a charter school contract renewal application, the state board shall do all of the following:

² See chapter 139, §36 herein

a. Use evidence of the school's performance over the term of the charter school contract in accordance with the applicable performance framework.

b. Ensure that data used in making renewal decisions is available to the charter school and the public.

c. Provide a report summarizing the evidence that served as a basis for the decision.

10. A charter school contract may be revoked at any time or not renewed if the state board determines that the charter school did any of the following:

a. Committed a material violation of any of the terms, conditions, standards, or procedures required under the charter school contract or this chapter.

b. Failed to meet or make sufficient progress toward the performance expectations set forth in the charter school contract.

c. Failed to meet generally accepted standards of fiscal management.

d. Violated a provision of law from which the charter school was not exempted.

11. The state board shall develop charter school contract revocation and nonrenewal standards and procedures that do all of the following:

a. Provide the charter school with a timely notice of the possibility of revocation or nonrenewal and of the reasons therefor.

b. Allow the charter school a reasonable period of time in which to prepare a response to any notice received.

c. Provide the charter school an opportunity to submit documents and give testimony challenging the decision to revoke the charter school contract or the decision to not renew the contract.

d. Allow the charter school the opportunity to hire legal representation and to call witnesses.

e. Permit the audio or video recording of such proceedings described in paragraphs "c" and "d".

f. Require a final decision to be conveyed in writing to the charter school.

12. A decision to revoke or to not renew a charter school contract shall be by resolution of the state board and shall clearly state the reasons for the revocation or nonrenewal.

13. If a charter school has been evaluated and graded to be in the exceptional category, or the highest rated category under a succeeding evaluation system, under the evaluation and grading required under section 256E.9, subsection 5, for the immediately preceding two school years, and the charter school is in compliance with the current charter school contract and all provisions of this chapter, the charter school's application renewal under subsection 8 shall be renewed for an additional period of time equal to the length of the original charter school contract or the most recent renewal of the contract, whichever is longer, unless the state board provides written notice to the charter school of the state board's rejection of the expedited renewal within sixty days of the filing of the application. The state board shall not reject an expedited renewal application unless the state board finds exceptional circumstances for the rejection or seeks material changes to the charter school contract.

Sec. 11. NEW SECTION. 256E.11 Procedures for charter school closure — student enrollment.

1. Prior to any charter school closure decision, the state board shall develop a charter school closure protocol to ensure timely notice to parents and guardians, provide for the orderly transition of students and student records to new schools, and to provide proper disposition of school funds, property, and assets in accordance with the requirements of this chapter. The protocol shall specify required actions and timelines and identify responsible parties for each such action.

2. In the event of a charter school closure, the assets of the charter school shall be used first to satisfy outstanding payroll obligations for employees of the school, then to creditors of the school, then to the public school district in which the charter school operated, if applicable, and then to the state general fund. If the assets of the charter school are insufficient to pay all obligations of the charter school, the prioritization of the distribution of assets shall be consistent with this subsection and otherwise determined by the district court.

Sec. 12. NEW SECTION. 256E.12 Reports.

1. Each charter school shall prepare and file an annual report with the department. The department shall prescribe by rule the required contents of the report, but each such report shall include information regarding student achievement, including annual academic growth and proficiency, graduation rates, and financial performance and sustainability. The reports are public records and the examination, publication, and dissemination of the reports are governed by the provisions of chapter 22.

2. The state board shall prepare and file with the general assembly by December 1, annually, a comprehensive report with findings and recommendations relating to the charter school program in the state and whether the charter school program under this chapter is meeting the goals and purposes of the program. The report also shall contain, for each charter school, a copy of the charter school's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and the number and qualifications of teachers and administrators.

Sec. 13. Section 256F.3, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 8A. The state board shall not approve a new charter school under this chapter on or after July 1, 2021.

Sec. 14. NEW SECTION. **256F.12 Operation of existing charter schools.**

Charter schools established under this chapter prior to July 1, 2021, shall continue to operate under and be subject to the requirements of this chapter and shall not be subject to chapter 256E.

Sec. 15. Section 257.6, subsection 1, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Resident pupils enrolled in a charter school under chapter 256E or 256F.

Sec. 16. Section 257.31, subsection 5, paragraph d, Code 2021, is amended to read as follows:

d. The closing of a nonpublic school, wholly or in part, or the opening or closing of a ~~pilot~~ charter school.

Sec. 17. Section 282.9, subsection 1, Code 2021, is amended to read as follows:

1. Notwithstanding sections ~~275.55A~~, 256E.7, 256F.4, ~~275.55A~~, and 282.18, or any other provision to the contrary, prior to knowingly enrolling an individual who is required to register as a sex offender under chapter 692A, but who is otherwise eligible to enroll in a public school, the board of directors of a school district shall determine the educational placement of the individual. Upon receipt of notice that a student who is enrolled in the district is required to register as a sex offender under chapter 692A, the board shall determine the educational placement of the student. The tentative agenda for the meeting of the board of directors at which the board will consider such enrollment or educational placement shall specifically state that the board is considering the enrollment or educational placement of an individual who is required to register as a sex offender under chapter 692A. If the individual is denied enrollment in a school district under this section, the school district of residence shall provide the individual with educational services in an alternative setting.

Sec. 18. Section 282.18, subsection 4, paragraph b, Code 2021, is amended to read as follows:

b. For purposes of this section, "good cause" means a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, a change in the status of a child's resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section ~~256E.10~~ or 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement or the rejection of a current whole

grade sharing agreement, or reorganization plan. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

Approved May 19, 2021

CHAPTER 113

ACCESS TO BIRTH CERTIFICATE INFORMATION BY ADOPTED OR ENTITLED PERSONS

H.F. 855

AN ACT relating to access to a copy of an original birth certificate by an adoptee or an entitled person, providing for fees, and including effective date provisions.

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

Section 1. Section 144.24, Code 2021, is amended to read as follows:

144.24 Substituting new for original birth certificates — inspection.

1. If a new certificate of birth is established, the actual place and date of birth shall be shown on the certificate. The certificate shall be substituted for the original certificate of birth. ~~Thereafter,~~

2. Following substitution of the original certificate of birth with a new certificate of birth, the original certificate and the evidence of adoption, paternity, legitimation, or sex change shall not be subject to inspection except under order of a court of competent jurisdiction, including but not limited to an order issued pursuant to section 600.16A, as provided in section 144.24A, or as provided by administrative rule for statistical or administrative purposes only. ~~However,~~

3. Notwithstanding subsection 2, the state registrar shall, upon the application of an adult adopted person, a biological parent, an adoptive parent, or the legal representative of the adult adopted person, the biological parent, or the adoptive parent, inspect the original certificate and the evidence of adoption and reveal to the applicant the date of the adoption and the name and address of the court which issued the adoption decree.

Sec. 2. NEW SECTION. 144.24A Access to original certificate of birth — application — contact preference form — medical history form — fees.

1. Notwithstanding any provision of law to the contrary, an adopted person who was born in this state and whose original certificate of birth was substituted with a new certificate of birth pursuant to section 144.24 based upon the adoption, or an entitled person, may apply for and obtain a noncertified copy of the original certificate of birth of the adopted person who is the subject of the original certificate of birth in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph "a", subparagraph (4).

a. (1) If an adopted person who is the subject of the original certificate of birth is submitting the application, the adopted person shall be at least eighteen years of age at the time the application is filed.

(2) If an entitled person is submitting the application, the adopted person who is the subject of the original certificate of birth shall be deceased at the time the application is filed.

b. The adopted person or the entitled person shall file a written application with the state registrar on a form and in the manner prescribed by the state registrar requesting a noncertified copy of the original certificate of birth.

c. Upon receipt of the written application, proof of identification, and payment of a fee, the state registrar shall issue a noncertified copy of the original certificate of birth to the

applicant in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph “a”, subparagraph (4). At the time of such issuance, the state registrar shall also provide to the applicant any contact preference form or medical history form completed and submitted to the state registrar pursuant to subsections 2 and 3 in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph “a”, subparagraph (4), and subsection 3, paragraph “a”, subparagraph (4).

2. a. The state registrar shall develop a contact preference form on which a biological parent may state a preference regarding contact by an adopted person or an entitled person following application for and issuance of the noncertified copy of the original certificate of birth under this section. The preferences available to the biological parent shall include all of the following, from which the biological parent may choose only one:

(1) “I would like to be contacted. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contact preference form with the state registrar.”

(2) “I would prefer to be contacted only through an intermediary. I would like the following named individual or entity to act as an intermediary. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contact preference form with the state registrar.”

(3) “I do not want to be contacted; however, my personally identifiable information may be released if requested in accordance with Iowa Code section 144.24A. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contact preference form with the state registrar.”

(4) “I do not want to be contacted. I request that my personally identifiable information be redacted from the noncertified copy of the original certificate of birth and my contact preference form. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contract preference form with the state registrar.”

b. The contact preference form shall also state that regardless of whether a contact preference form is completed by the biological parent, a noncertified copy of the original certificate of birth shall be issued to an adopted person or an entitled person who applies for a noncertified copy of an original certificate of birth in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph “a”, subparagraph (4).

c. The contact preference form shall be provided to the biological parent in accordance with section 600A.4. A contact preference form may be completed or updated by the biological parent at any time at the request of the biological parent.

3. a. The state registrar shall develop a medical history form on which a biological parent may provide the medical history of the biological parent and any blood relatives. The options available to the biological parent shall include all of the following from which the biological parent may choose only one:

(1) “I am not aware of any medical history of any significance.”

(2) “I prefer not to provide any medical information at this time.”

(3) “I wish to provide the following medical information included on the attached form.”

(4) “I wish to provide the following medical information included in the attached form. However, I request that my personally identifiable information be redacted from the medical information form prior to its release under Iowa Code section 144.24A.”

b. The medical history form shall be provided to the biological parent in accordance with section 600A.4. A medical history form may be completed or updated by the biological parent at any time at the request of the biological parent.

4. Upon receipt of a completed contact preference form or medical history form, the state registrar shall attach any such completed form to the original certificate of birth.

5. For the purposes of this section, “*entitled person*” means the spouse of the adopted person who is deceased or an adult related to the adopted person who is deceased within the second degree of consanguinity.

6. The state registrar shall adopt rules pursuant to chapter 17A to administer this section including rules relating to all of the following:

a. Establishment, collection, and deposit of fees in accordance with section 144.46 for issuance of a noncertified copy of the original certificate of birth under this section. The fee established shall not exceed the fee established for issuance of a certified copy of a certificate of birth.

b. The application form and proof of identification requirements relative to an application for a noncertified copy of an original certificate of birth.

c. The contact preference form and the medical history form.

7. a. The department shall implement a public awareness and notification period to promote awareness of the provisions of this section and to allow time for a biological parent to file contact preference and medical history forms.

b. An application may be submitted under this section by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth in accordance with this section, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1971.

c. Beginning January 1, 2022, an application may be submitted under this section by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth in accordance with this section, notwithstanding the date of birth of the adopted person who is the subject of the original certificate of birth prescribed under paragraph "b".

Sec. 3. Section 600.13, subsection 5, Code 2021, is amended to read as follows:

5. a. An interlocutory or a final adoption decree shall be entered with the clerk of court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the juvenile court or court and any other facts considered to be relevant by the juvenile court or court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree.

b. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, at no charge, one copy of any adoption decree to the department and any adoption service provider who placed a minor person for adoption, at no charge, and one ~~certification~~ certified copy of any adoption decree, and any contact preference form or medical history form associated with the certified copy of any adoption decree for the purposes of section 144.24A, to the state registrar of vital statistics to prepare a certificate of adoption birth as prescribed in section 144.19 to the state registrar of vital statistics at no charge.

c. Upon receipt of the ~~certification~~ certified copy of the adoption decree, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and shall do one of the following, as applicable:

(1) Deliver to the parents named in the decree a copy of the new birth certificate along with a document, developed and furnished by the department, listing all postadoption services available to adoptive families in the state.

(2) Deliver to any adult person adopted by the decree a copy of the new birth certificate.

d. The parents shall pay the fee prescribed in section 144.46.

e. Upon receipt of the certified copy of the adoption decree, the state registrar shall also attach a copy of any contact preference form or medical history form included with the certified copy to the original certificate of birth for the purposes of section 144.24A.

~~e.~~ f. If the person adopted was born outside this state but in the United States, the state registrar shall forward the ~~certification~~ certified copy of the adoption decree to the appropriate agency in the state of birth.

~~f.~~ g. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a ~~certification~~ certified copy of the adoption decree is delivered and the birth certificate was originally prepared.

Sec. 4. Section 600.16A, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

All With the exception of access to the original certificate of birth as provided in section 144.24A, all of the papers and records pertaining to a termination of parental rights under chapter 600A and to an adoption shall not be open to inspection and the identity of the

biological parents of an adopted person shall not be revealed except under any of the following circumstances:

Sec. 5. Section 600A.4, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* Shall be accompanied by a contact preference form or medical history form completed by the biological parent of the person to be adopted and attached to the original certificate of birth as provided in section 144.24A. The contact preference form or medical history form shall be attached to any termination of parental rights order issued pursuant to section 600A.9.

Sec. 6. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 144.24A, subsection 7, paragraph “a”, requiring the department of public health to implement a public awareness and notification period to promote awareness and to allow time for a biological parent to file contact preference and medical history forms.

2. The section of this Act enacting section 144.24A, subsection 7, paragraph “b”, providing for the submission of an application by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1971.

Approved May 19, 2021

CHAPTER 114

IOWA LAW ENFORCEMENT ACADEMY — STUDY AND TRAINING PROGRAM STANDARDS — POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT COMPLIANCE

S.F. 387

AN ACT relating to courses of study and training programs of the Iowa law enforcement academy and veterans educational assistance benefits, and including effective date provisions.

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

Section 1. Section 80B.11B, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The director of the academy, subject to the approval of the Iowa state approving agency of the department of education, shall amend its administrative rules pursuant to chapter 17A to require that the academy’s courses of study and training programs meet the requirements of nondegree programs under the Post-9/11 Veterans Educational Assistance Act of 2008, 38 U.S.C. §3301 et seq., as amended.

Sec. 2. IOWA LAW ENFORCEMENT ACADEMY — APPLICATION TO IOWA STATE APPROVING AGENCY. The director of the Iowa law enforcement academy shall, within thirty days of the effective date of this Act, apply to the Iowa state approving agency of the department of education for approval of the academy’s courses of study and training programs as nondegree programs under the Post-9/11 Veterans Educational Assistance Act of 2008.

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

Approved May 20, 2021

CHAPTER 115

PERSONS COMPLETING APPRENTICESHIP PROGRAMS — LICENSURE

S.F. 424

AN ACT relating to the licensure of persons completing an apprenticeship, and including effective date provisions.

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

Section 1. **NEW SECTION. 272C.16 Apprenticeships — licensure.**

1. Notwithstanding any provision of law to the contrary, except as provided in chapters 100C, 100D, 103, and 105, beginning on the effective date of this Act, a board shall grant a license to a person who completes an apprenticeship program in the relevant occupation or profession and submits an application pursuant to this section.

2. A board may require an applicant to pass an examination prior to licensure if the board requires an applicant who has completed an educational program to pass an examination prior to licensure. A board shall not require an applicant to receive a higher score on the examination than the score required of an applicant who completes an educational program.

3. A board may require an applicant to pay a licensing fee if the board requires an applicant who has completed an educational program to pay a licensing fee. A board shall not impose a licensing fee greater than the licensing fee imposed on an applicant who completes an educational program.

4. A board shall not require an applicant to complete an apprenticeship program of a greater duration than is required by federal law for that program.

5. For the purposes of this section, “*apprenticeship program*” means the same as defined in section 15B.2.

6. *a.* A board shall adopt rules to implement this section upon receipt of a petition for rulemaking submitted pursuant to section 17A.7.

b. A board shall not grant a license pursuant to this section prior to the effective date of rules adopted by the board to implement this section.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2022.

Approved May 20, 2021

CHAPTER 116**ELECTRONIC TRANSACTIONS — DISTRIBUTED LEDGER TECHNOLOGY AND SMART CONTRACTS****S.F. 541**

AN ACT relating to electronic transactions by permitting the use of distributed ledger technology and smart contracts and including effective date provisions.

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

Section 1. Section 554D.103, subsections 4, 7, and 8, Code 2021, are amended to read as follows:

4. “*Contract*” means the total legal obligation resulting from the parties’ agreement as affected by this chapter and other applicable law. “*Contract*” includes any contract secured through distributed ledger technology and a smart contract.

7. “*Electronic record*” means a record created, generated, sent, communicated, received, or stored by electronic means. “*Electronic record*” includes any record secured through distributed ledger technology.

8. “*Electronic signature*” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. “*Electronic signature*” includes a signature that is secured through distributed ledger technology.

Sec. 2. Section 554D.103, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. “*Distributed ledger technology*” means an electronic record of transactions or other data to which all of the following apply:

a. The electronic record is uniformly ordered.

b. The electronic record is redundantly maintained or processed by one or more computers or machines to guarantee the consistency or nonrepudiation of the recorded transactions or other data.

NEW SUBSECTION. 14A. “*Smart contract*” means an event-driven program or computerized transaction protocol that runs on a distributed, decentralized, shared, and replicated ledger that executes the terms of a contract. For purposes of this subsection, “*executes the terms of a contract*” may include taking custody over and instructing the transfer of assets.

Sec. 3. **NEW SECTION. 554D.106A Use of distributed ledger technology.**

A person who, in engaging in or affecting interstate or foreign commerce, uses distributed ledger technology to secure information that the person owns or has the right to use retains the same rights of ownership or use with respect to such information as before the person secured the information using distributed ledger technology. This section does not apply to the use of distributed ledger technology to secure information in connection with a transaction to the extent that the terms of the transaction expressly provide for the transfer of rights of ownership or use with respect to such information.

Sec. 4. Section 554D.108, subsection 2, Code 2021, is amended to read as follows:

2. A contract shall not be denied legal effect or enforceability solely because an electronic record was used in its formation or because the contract is a smart contract or contains a smart contract provision.

Sec. 5. **EFFECTIVE DATE.** This Act takes effect January 1, 2022.

Approved May 20, 2021

CHAPTER 117**HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM — PROGRAM EXPANSION***H.F. 196*

AN ACT expanding the health care professional recruitment program.

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

Section 1. Section 261.115, subsections 1 and 2, Code 2021, are amended to read as follows:

1. A health care professional recruitment program is established to be administered by the college student aid commission for ~~Des Moines university — osteopathic medical center~~ students who graduate from an academic program at an eligible institution that leads to licensure as a health care professional. The program shall consist of a loan repayment program for health care professionals. The commission shall regularly adjust the service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit for each period of service required.

2. A health care professional shall be eligible for the loan repayment program if the health care professional agrees to practice in an eligible rural community in this state. ~~Des Moines university — osteopathic medical center~~ Eligible institutions offering academic programs that lead to licensure as a health care professional shall recruit and place health care professionals in rural communities which have agreed to provide additional funds for the recipient's loan repayment. The contract for the loan repayment shall stipulate the time period the recipient shall practice in an eligible rural community in this state. In addition, the contract shall stipulate that the recipient repay any funds paid on the recipient's loan by the commission if the recipient fails to practice in an eligible rural community in this state for the required period of time.

Sec. 2. Section 261.115, subsection 5, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. "Eligible institution" means an institution of higher learning governed by the state board of regents or an accredited private institution as defined in section 261.9.

Sec. 3. Section 261.115, subsection 5, paragraph b, Code 2021, is amended to read as follows:

b. "Health care professional" means a an athletic trainer, occupational therapist, physician, physician assistant, podiatrist, or physical therapist who is licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

Approved May 20, 2021

CHAPTER 118**MUSIC THERAPIST CERTIFICATION STANDARDS AND REQUIREMENTS***H.F. 285*

AN ACT relating to professional standards for the certification or designation of music therapists and providing penalties.

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

Section 1. NEW SECTION. 154G.1 Definitions.

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

1. “*Music therapist*” means a person who holds an active music therapist board-certified credential granted by the certification board for music therapists.

2. “*Music therapy*” means the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship by a music therapist.

Sec. 2. NEW SECTION. 154G.2 Practice or use of title.

1. A person shall not profess to be a music therapist or board-certified music therapist or use the initials “MT-BC” or any other words, letters, abbreviations, or insignia indicating or implying that the person is a music therapist unless the person holds and maintains the music therapist board-certified credential granted by the certification board for music therapists.

2. This chapter does not prohibit a person from using music in the performance of the person’s profession or occupation if the person does not represent that the person is a music therapist.

3. A person who recklessly, knowingly, or intentionally violates this section is guilty of a simple misdemeanor.

Approved May 20, 2021

CHAPTER 119

PERSONAL DELIVERY DEVICES

H.F. 304

AN ACT relating to personal delivery devices, providing penalties, and making penalties applicable.

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

Section 1. Section 321.1, subsection 90, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. Any personal delivery device operated pursuant to chapter 321O.

Sec. 2. Section 321.519, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 3. Sections 321.514 through 321.518 and this section do not apply to personal delivery devices operated pursuant to chapter 321O.

Sec. 3. NEW SECTION. 321O.1 Definitions.

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

1. “*Agent*” means any officer, director, or employee of a business entity, or any other person who is authorized to act on behalf of a business entity.

2. “*Business entity*” means a corporation, sole proprietorship, association, partnership, limited liability company, limited liability partnership, or other legal entity, that is formed for the purpose of making a profit.

3. “*Pedestrian area*” means an area intended to be used by any person afoot, including a sidewalk, crosswalk, or safety zone, as those terms are defined in section 321.1.

4. “*Personal delivery device*” or “*device*” means a device to which all of the following apply:

a. The device is manufactured for transporting cargo and goods in a pedestrian area or supplementary area.

b. The device is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a natural person.

c. The weight of the device is not greater than five hundred fifty pounds, excluding cargo and goods.

Sec. 4. NEW SECTION. 3210.2 **Applicable law.**

1. The operation of a personal delivery device is governed exclusively by this chapter and any applicable ordinance regulating personal delivery devices adopted by a local authority, as defined in section 321.1, that is not inconsistent with this chapter.

2. For the purposes of this title, a personal delivery device operated in compliance with this chapter shall not be considered a vehicle.

3. A claim for personal injury or property damage arising from the operation of a personal delivery device shall be subject to the laws applicable to such claims arising from the conduct of pedestrians.

Sec. 5. NEW SECTION. 3210.3 **Operators.**

1. A business entity may operate a personal delivery device under this chapter only if a natural person who is an agent of the business entity has the capability to monitor and remotely exercise physical control over the navigation and operation of the device while the device is engaged.

2. Except as provided by subsection 3, when a personal delivery device operated by a business entity is engaged, the business entity is considered to be the operator of the device solely for the purpose of assessing compliance with this chapter and laws made applicable to the operation of the device under this chapter.

3. When a personal delivery device operated by a business entity is engaged and an agent of the business entity exercises control over the device in a manner that is outside the scope of the agent's office or employment, the agent is considered to be the operator of the device solely for the purpose of assessing compliance with this chapter and laws made applicable to the operation of the device under this chapter.

4. A person is not considered to be the operator of a personal delivery device solely because the person requests a delivery or service provided by the device or dispatches the device.

Sec. 6. NEW SECTION. 3210.4 **Operation.**

1. The operator of a personal delivery device shall ensure that, while engaged, the device does all of the following:

a. Operates in a manner that complies with the provisions of chapter 321 applicable to pedestrians, other than section 321.326, unless the provision of chapter 321 cannot by its nature apply to the device.

b. Yields the right-of-way to all other traffic, including pedestrians.

c. Operates in a manner that does not unreasonably interfere with other traffic, including pedestrians.

d. Complies with any ordinance regulating personal delivery devices adopted by a local authority, as defined in section 321.1, that is not inconsistent with this chapter.

e. Is monitored or controlled by an agent of the business entity operating the device.

f. Operates in a manner that allows the device to come to a controlled stop in a reasonably safe time and distance.

2. The operator of a personal delivery device shall ensure that, while engaged, the device does not do any of the following:

a. Obstructs the right-of-way of any other traffic, including pedestrians.

b. Transports any hazardous material regulated by section 321.450 or 49 U.S.C. ch. 51 that is required to be placarded.

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 9B.

Sec. 7. NEW SECTION. 3210.5 **Areas of operation.**

1. A personal delivery device may operate on any of the following:

a. A pedestrian area at a speed not to exceed six miles per hour.

b. A road, provided that the speed limit on the road is forty miles per hour or less, under all of the following conditions:

(1) The device operates as far to the right from the center of the road as is practicable.

(2) The device does not exceed twenty miles per hour, or the speed limit on the road, whichever is lower.

2. The operator of a personal delivery device that violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5.

Sec. 8. NEW SECTION. 321O.6 Equipment.

1. A personal delivery device operated under this chapter must be equipped with all of the following:

a. A marker that clearly states the name and contact information of the business entity operating the device and a unique identification number.

b. A braking system that enables the device to come to a controlled stop in a reasonably safe time and distance.

2. A personal delivery device operated at the times specified in section 321.384 must be equipped with and display a lighted lamp on the front and rear of the device, including one or more lighted lamps visible on all sides of the device, which lamps must be recognizable in clear weather conditions from a distance of five hundred feet from the device when the device is directly in front of a motor vehicle's headlamps displaying the lowermost distribution of light as discussed in section 321.409, subsection 1, paragraph "b".

3. The operator of a personal delivery device that violates subsection 1 commits a simple misdemeanor punishable by a fine of at least one hundred dollars but not more than one thousand dollars for each violation.

4. The operator of a personal delivery device that violates subsection 2 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 9B. However, the citation shall first provide for a seventy-two-hour period within which the operator charged with the violation shall replace or repair the lamp as described in section 321.385A. If the operator complies with the directive to replace or repair the lamp, the citation shall be expunged.

Sec. 9. NEW SECTION. 321O.7 Regulation by local authorities.

1. A local authority, as defined in section 321.1, in the interest of public safety, may prohibit the operation of personal delivery devices on certain roads and pedestrian areas within its jurisdiction if operation in those areas would constitute a safety hazard.

2. Except as authorized under subsection 1, a local authority shall not regulate the operation, equipment, licensing, registration, or taxation of a personal delivery device in a manner inconsistent with this chapter, including but not limited to imposing additional taxes, fees, assessments, surcharges, licenses, registrations, or certifications, or by imposing additional restrictions or requirements relating to hours or areas of operation, equipment, or the types of cargo or goods that may be transported.

3. This section does not affect the power of a local authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery device.

Sec. 10. NEW SECTION. 321O.8 Insurance.

A business entity that operates a personal delivery device under this chapter shall maintain an insurance policy that includes general liability coverage of not less than five hundred thousand dollars for damages arising from the operation of the device.

Sec. 11. Section 805.8A, subsection 5, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

For excessive speed violations in excess of the limit under section 321.236, subsections 5 and 11, section 321.285, section 321.383, subsection 5, section 321O.5, subsection 1, and section 461A.36, the scheduled fine shall be the following:

Sec. 12. Section 805.8A, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 9B. *Personal delivery device violations.*

a. For violations under section 321O.4, the scheduled fine is thirty-five dollars.

b. For violations under section 321O.6, subsection 2, the scheduled fine is forty-five dollars.

CHAPTER 120**TAX-EXEMPT ORGANIZATIONS — PERSONAL INFORMATION — PUBLIC AGENCY
DISCLOSURE AND ACCESS***H.F. 309*

AN ACT restricting public agency disclosure of and access to certain personal information related to tax-exempt organizations, and providing penalties.

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

Section 1. Section 22.7, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 74. Personal information as defined in section 22A.1.

Sec. 2. NEW SECTION. **22A.1 Definitions.**

1. “*Personal information*” means any list, record, register, registry, roll, roster, or other compilation of data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code. “*Personal information*” does not include information reportable to the secretary of state pursuant to chapter 504 or information provided to the attorney general or state auditor pursuant to chapter 504 or 537, or section 714.16.

2. “*Public agency*” means all of the following:

- a. A state or municipal governmental unit, including but not limited to the state of Iowa, and a department, agency, office, commission, board, or division of the state.
- b. A political subdivision of the state, including but not limited to a county, city, township, village, school district, or community college merged area.
- c. An agency, authority, council, board, or commission of a political subdivision of the state.
- d. A state or local court, tribunal, or other judicial or quasi-judicial body.

Sec. 3. NEW SECTION. **22A.2 Personal information protected.**

1. A public agency shall not do any of the following:

- a. Require an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code to provide the public agency with personal information.
- b. Release, publicize, or otherwise disclose personal information in the possession of the public agency without the express, written permission of every member, supporter, volunteer, and donor of the tax-exempt entity identified in the information and the tax-exempt entity.
- c. Request or require a current or prospective contractor with the public agency to provide the public agency with a list of entities exempt from taxation under section 501(c) of the federal Internal Revenue Code to which the contractor has provided financial or nonfinancial support.

2. This section does not prohibit any of the following:

- a. Disclosure of personal information pursuant to a lawful warrant issued by a court of competent jurisdiction.
- b. Disclosure of personal information pursuant to a lawful request for discovery if all of the following requirements are met:
 - (1) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence.
 - (2) The requestor obtains a protective order barring disclosure of personal information to any person not directly involved in the litigation.
- c. Disclosure of personal information pursuant to an agreement between a public agency and an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code.
- d. Disclosure of personal information included in judicial proceedings that are public pursuant to section 602.1601. However, upon petition of an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code, the court shall seal a case file that is otherwise public pursuant to section 602.1601 to protect the personal information contained in that file.

Sec. 4. **NEW SECTION. 22A.3 Civil penalties.**

1. A person alleging a violation of this chapter, section 504.1604, subsection 5, or section 504.1605, subsection 5, may bring a civil action for injunctive relief, damages, or both. Damages may include either of the following:

a. Not less than two thousand five hundred dollars in compensatory damages for injury and loss for each violation.

b. For an intentional violation, not more than three times the amount described in paragraph "a" for each violation.

2. A court may, in its discretion, award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

Sec. 5. **NEW SECTION. 22A.4 Criminal penalties.**

A person who knowingly violates a provision of this chapter, section 504.1604, subsection 5, or section 504.1605, subsection 5, is guilty of a serious misdemeanor punishable by imprisonment for not more than ninety days or a fine of not more than one thousand dollars, or both.

Sec. 6. **NEW SECTION. 22A.5 Campaign disclosure Act not affected.**

This chapter shall not affect any provision of chapter 68A.¹

Sec. 7. Section 504.1604, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If the court orders inspection of records containing personal information as defined in section 22A.1, such inspection shall be made under seal from public disclosure. A person who violates this subsection is subject to civil penalties under section 22A.3. A person who knowingly violates this subsection is subject to criminal penalties under section 22A.4.

Sec. 8. Section 504.1605, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. To obtain personal information as defined in section 22A.1. A person who violates this subsection is subject to civil penalties under section 22A.3. A person who knowingly violates this subsection is subject to criminal penalties under section 22A.4.

Approved May 20, 2021

CHAPTER 121

DRIVER EDUCATION — DISTRACTED DRIVING INSTRUCTION

H.F. 380

AN ACT requiring approved driver education courses to include instruction concerning distracted driving.

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

Section 1. Section 321.178, subsection 1, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) A minimum of four hours of instruction concerning substance abuse and distracted driving.

¹ See chapter 151, §16 herein

Sec. 2. Section 321.178A, subsection 3, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) Four hours of classroom instruction concerning substance abuse and distracted driving.

Approved May 20, 2021

CHAPTER 122

DRIVER'S LICENSE AND NONOPERATOR'S IDENTIFICATION CARD HOLDERS — EMERGENCY CONTACT INFORMATION

H.F. 435

AN ACT relating to emergency contact information for use by the department of transportation and law enforcement, and including effective date provisions.

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

Section 1. NEW SECTION. **321.197 Emergency contact information.**

1. The department shall include in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information a collection of emergency contact information for persons who are issued a driver's license or nonoperator's identification card. Emergency contact information in the database shall be confidential and accessible only by employees of the department or a law enforcement agency in the performance of the employee's official duties, and shall not be considered a public record under chapter 22.

2. *a.* At the time a person applies for issuance, replacement, or renewal of a driver's license or nonoperator's identification card, the department shall request that the applicant voluntarily submit emergency contact information for inclusion in the database. A person may provide the emergency contact information along with or separate from an application for issuance, replacement, or renewal of a driver's license or nonoperator's identification card. The department shall not require a person to submit emergency contact information as part of the driver's license or nonoperator's identification card issuance, replacement, or renewal process. The department shall accept submitted information without payment of a fee.

b. The department shall allow a person to provide the name, address, telephone number, and relationship to the person of no more than two emergency contacts whom the person wishes to be contacted if the person is involved in a motor vehicle accident or emergency situation and the person dies or is seriously injured or rendered unconscious and is unable to communicate with the emergency contact. The department shall accept the emergency contact information provided by a person, but has no duty to verify any of the information provided.

c. The emergency contact need not be the next of kin of the person, except that if the person is under eighteen years of age and is not emancipated, the person shall include a parent, guardian, or custodian of the person as an emergency contact.

3. In the event of a motor vehicle accident or emergency situation in which a person dies or is seriously injured or rendered unconscious and is unable to communicate with the emergency contact specified in the database, an employee of a law enforcement agency shall make a good-faith effort to notify the emergency contact of the situation based on information in the database, but the department, the law enforcement agency, and the employee shall not be liable if the employee is not able to notify the emergency contact.

4. The department shall adopt rules pursuant to chapter 17A necessary to administer this section, including but not limited to rules relating to all of the following:

a. The methods whereby a person who has submitted the information of an emergency contact for inclusion in the database may make changes to that entry.

b. The methods whereby a person may opt out of being listed as an emergency contact in the database.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2022.

Approved May 20, 2021

CHAPTER 123

MASSAGE THERAPY, COSMETOLOGY, AND HUMAN TRAFFICKING — ENFORCEMENT ACTIVITIES

H.F. 452

AN ACT relating to certain civil and criminal enforcement activities involving the practice of massage therapy and cosmetology, and human trafficking, and providing penalties.

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

Section 1. NEW SECTION. **152C.5B License and government-issued identification — peace officer request.**

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

a. “Government-issued identification” means any of the following:

(1) An unexpired driver’s license issued by any state, territory, or district of the United States.

(2) An unexpired identification card issued by any state, territory, or district of the United States.

(3) An unexpired United States passport.

(4) A naturalization certificate issued by the United States citizenship and immigration services.

(5) An unexpired permanent resident card, also known as a green card, issued by the United States citizenship and immigration services.

(6) An unexpired employment authorization document issued by the United States citizenship and immigration services.

b. “Peace officer” means any of the following:

(1) Sheriffs and their regular deputies who are subject to mandated law enforcement training.

(2) Marshals and police officers of cities.

(3) Peace officer members of the department of public safety as defined in chapter 80.

(4) Special security officers employed by board of regents institutions as set forth in section 262.13.

(5) Such employees of the department of transportation as are designated “peace officers” by resolution of the department under section 321.477.

(6) Employees of an aviation authority designated as “peace officers” by the authority under section 330A.8, subsection 16.

2. A person licensed or who purports to be licensed under this chapter shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person’s valid Iowa massage therapist license and a government-issued identification to the peace officer. A person who violates this subsection commits a serious misdemeanor.

Sec. 2. NEW SECTION. **152C.5C Announcements to the public.**

1. For purposes of this section, “*announcement to the public*” means the use of any print media, broadcast media, subscription internet site, internet site available to the public, or any other means to do any of the following:

- a. Advertise or market massage therapy services.
 - b. Provide a site for clients to post reviews.
 - c. Offer a virtual marketplace at which goods or services may be offered or clients may be solicited.
2. A person shall not do any of the following in an announcement to the public:
- a. Represent that another person is licensed under this chapter when the person knows, or has reason to know, that the other person is not licensed.
 - b. Falsely represent the person’s self as licensed under this chapter.
 - c. Offer the services of massage therapy if paragraph “a” or “b” of this subsection applies.
 - d. Offer, or imply the offer of, services that violate state law.
3. A person who violates subsection 2 commits a serious misdemeanor.

Sec. 3. NEW SECTION. 157.4A License and government-issued identification — peace officer request.

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

- a. “*Government-issued identification*” means any of the following:
 - (1) An unexpired driver’s license issued by any state, territory, or district of the United States.
 - (2) An unexpired identification card issued by any state, territory, or district of the United States.
 - (3) An unexpired United States passport.
 - (4) A naturalization certificate issued by the United States citizenship and immigration services.
 - (5) An unexpired permanent resident card, also known as a green card, issued by the United States citizenship and immigration services.
 - (6) An unexpired employment authorization document issued by the United States citizenship and immigration services.
- b. “*Peace officer*” means any of the following:
 - (1) Sheriffs and their regular deputies who are subject to mandated law enforcement training.
 - (2) Marshals and police officers of cities.
 - (3) Peace officer members of the department of public safety as defined in chapter 80.
 - (4) Special security officers employed by board of regents institutions as set forth in section 262.13.
 - (5) Such employees of the department of transportation as are designated “*peace officers*” by resolution of the department under section 321.477.
 - (6) Employees of an aviation authority designated as “*peace officers*” by the authority under section 330A.8, subsection 16.

2. A person licensed or who purports to be licensed under this chapter shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person’s valid license issued pursuant to this chapter and a government-issued identification to the peace officer.

Sec. 4. NEW SECTION. 157.4B Announcements to the public.

1. For purposes of this section, “*announcement to the public*” means the use of any print media, broadcast media, subscription internet site, internet site available to the public, or any other means to do any of the following:

- a. Advertise or market cosmetology services.
 - b. Provide a site for clients to post reviews.
 - c. Offer a virtual marketplace at which goods or services may be offered or clients may be solicited.
2. A person shall not do any of the following in an announcement to the public:
- a. Represent that another person is licensed under this chapter when the person knows, or has reason to know, that the other person is not licensed.

- b. Falsely represent the person's self as licensed under this chapter.
- c. Offer, or imply the offer of, services that violate state law.
3. A person who violates subsection 2 commits a serious misdemeanor.

Sec. 5. Section 710A.1, subsection 3, Code 2021, is amended to read as follows:

3. "*Forced labor or services*" means labor or services that are performed or provided by another person and that are obtained or maintained through any of the following:

- a. Causing or threatening to cause serious physical injury to any person.
- b. Physically restraining or threatening to physically restrain another person.
- c. Abusing or threatening to abuse the law or legal process.
- d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.
- e. Knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to another person in order to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services.
- f. Knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to produce such license or government identification to a peace officer upon request of the peace officer pursuant to section 152C.5B or 157.4A.
- g. Knowingly forcing, coercing, intimidating, or compelling another person to perform an act in violation of state or federal law through the use of debt bondage or servitude or as a condition of being allowed to remain in the United States.

Sec. 6. Section 710A.2, subsection 6, Code 2021, is amended to read as follows:

6. A person who knowingly engages in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of a victim another person is guilty of a class "D" felony, except that if that other person is under the age of eighteen, the person is guilty of a class "C" felony.

Sec. 7. Section 710A.2, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. A person who knowingly engages in human trafficking by knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification to another person, to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services is guilty of an aggravated misdemeanor, except if that other person is under the age of eighteen, the person is guilty of a class "D" felony.

NEW SUBSECTION. 7B. A person who knowingly engages in human trafficking by knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to produce such license or government identification upon request of a peace officer pursuant to section 152C.5B or 157.4A, is guilty of an aggravated misdemeanor, except if that other person is under the age of eighteen, the person is guilty of a class "D" felony.

NEW SUBSECTION. 9. A person who is found guilty, enters a plea of guilty, receives a deferred judgment, or receives a deferred or suspended sentence for a violation of this chapter shall be ineligible for a license pursuant to chapter 152C or 157 for a period of not less than five years from the date of conviction, plea, judgment, or sentence.

Sec. 8. **NEW SECTION. 710A.2B Premises used for human trafficking.**

1. A person who owns, rents, leases, or uses any part of a building, structure, boat, trailer, or other place offering shelter or seclusion, and who knows, or has reason to know, that the building, structure, boat, trailer, or other place offering shelter or seclusion is being used for the purposes of human trafficking, commits a class "D" felony.

2. It shall be an affirmative defense to a prosecution of a person pursuant to subsection 1, if immediately upon acquiring knowledge that the building, structure, boat, trailer, or other place offering shelter or seclusion is used for the purposes of human trafficking, the person notifies a law enforcement agency with jurisdiction and fully cooperates with any subsequent investigation.

3. *a.* If a law enforcement agency notifies a person who owns, rents, leases, or uses any part of a building, structure, boat, trailer, or other place offering shelter or seclusion of an investigation pursuant to chapter 152C or 157 that may involve the building, structure, boat, trailer, or other place offering shelter or seclusion, the person shall have an affirmative duty to fully cooperate with the investigation.

b. A person who fails to fully cooperate with an investigation pursuant to paragraph “a” commits a serious misdemeanor.

Sec. 9. Section 710A.3, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

710A.3 Affirmative defense.

It shall be an affirmative defense, in addition to any other affirmative defenses for which a defendant may be eligible, to a prosecution for a criminal violation of section 152C.5B, 152C.5C, 157.4A, 157.4B, 710A.2, 710A.2A, or 710A.2B, that the violation directly resulted from the defendant’s status as a victim of any human trafficking crime under chapter 710A.

Sec. 10. Section 710A.4, Code 2021, is amended to read as follows:

710A.4 Restitution — restorative expenses.

1. For purposes of this section, “*restorative expenses*” means the projected costs of education, vocational training, medical health, mental health, transportation, housing, child care, or other projected costs that will aid in a victim’s recovery.

2. The gross income of the a defendant or the value of labor or services performed by the a victim to of the defendant shall be considered when determining the amount of restitution pursuant to chapter 910. For purposes of this section, restitution may include restorative expenses for a period not to exceed three years as approved and ordered by the court.

3. A defendant’s ability to pay shall not be a factor in the court’s decision to order restorative expenses.

4. A defendant’s obligation to pay court-ordered restorative expenses shall not be dischargeable in any proceeding under the federal Bankruptcy Act of 1898, as amended.

Sec. 11. NEW SECTION. **710A.7 Peace officer referral.**

If during the course of an investigation or prosecution under this chapter a peace officer has reason to believe that a person who purports to be licensed pursuant to chapter 152C or 157 does not possess a valid license or is in violation of any other state or federal laws, the peace officer may report such noncompliance to the appropriate licensing board under the professional licensure division within the department of public health, and to the appropriate state or federal authorities.

Approved May 20, 2021

CHAPTER 124**LIMITATION ON STATE REGULATORY OR REPORTING REQUIREMENTS ON
NONPROFIT CORPORATIONS***H.F. 453*

AN ACT prohibiting the imposition of certain requirements on nonprofit corporations by state agencies or state officials.

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

Section 1. NEW SECTION. **504.103 Limitation on requirements imposed on corporations.**

A state agency or state official shall not impose any regulation or reporting requirement on corporations, as defined in section 504.141, that exceeds the requirements of state or federal law.

Approved May 20, 2021

CHAPTER 125**REGULATION OF LOW-SPEED ELECTRIC BICYCLES***H.F. 493*

AN ACT relating to low-speed electric bicycles, providing penalties, making penalties applicable, and including applicability provisions.

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

Section 1. Section 308A.1, subsection 1, Code 2021, is amended to read as follows:

1. The department of natural resources, in consultation with the state transportation commission, is hereby authorized to establish recreational bikeways within this state for the use, enjoyment, and participation of the public in nonmotorized bicycling, not including the use of motorized bicycles as defined in section 321.1. The routes established for such bikeways shall be designed to maximize the safety of cyclists and motorists and may utilize secondary roads when the normal flow of motor vehicle traffic will not be hindered, as well as other infrequently traveled roads, streets, parkways, and appropriate thoroughfares. Such bikeways shall be routed, wherever possible, to allow the enjoyment of scenic views and points of historical interest, and may connect state parks and other recreational areas throughout the state.

Sec. 2. Section 321.1, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 036A. “*Low-speed electric bicycle*” means a device having a saddle or seat for the use of a rider, two or three wheels equipped with fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirements of one of the following classes:

a. “*Class 1 low-speed electric bicycle*” means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more.

b. “*Class 2 low-speed electric bicycle*” means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty miles per hour or more.

c. “*Class 3 low-speed electric bicycle*” means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases

to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more.

Sec. 3. Section 321.1, subsection 40, Code 2021, is amended to read as follows:

40. a. “*Motorcycle*” means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor, an autocycle, a low-speed electric bicycle, and a motorized bicycle.

b. “*Motorized bicycle*” means a motor vehicle having a saddle or a seat for the use of a rider, designed to travel on not more than three wheels in contact with the ground, and not capable of operating at a speed in excess of thirty-nine miles per hour on level ground unassisted by human power, but excluding a low-speed electric bicycle.

c. “*Bicycle*” means either of the following:

(1) A device having two or three wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

(2) ~~A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour~~ A low-speed electric bicycle.

Sec. 4. Section 321.1, subsection 90, paragraph a, Code 2021, is amended to read as follows:

a. Any device moved by human power, including a low-speed electric bicycle.

Sec. 5. NEW SECTION. 321.235B Low-speed electric bicycles — labels — operation.

1. A manufacturer or distributor of low-speed electric bicycles shall apply a label that is permanently affixed in a prominent location to each of the manufacturer’s or distributor’s low-speed electric bicycles. The label shall contain all of the following information printed in arial font with a font size not less than nine point type:

a. A classification number for the low-speed electric bicycle that corresponds with a class defined in section 321.1, subsection 036A.

b. The low-speed electric bicycle’s top assisted speed.

c. The low-speed electric bicycle’s motor wattage.

2. A person shall not knowingly modify the speed capability or engagement of a low-speed electric bicycle such that the low-speed electric bicycle does not qualify for a class defined in section 321.1, subsection 036A. If a person has modified the speed capability or engagement of a low-speed electric bicycle, the person shall affix a new label containing the information listed in subsection 1 to the modified low-speed electric bicycle.

3. A low-speed electric bicycle shall be manufactured and equipped in compliance with 16 C.F.R. pt. 1512.

4. A low-speed electric bicycle shall be manufactured to operate in such a manner that when the rider stops pedaling, applies the brakes, or the electric motor is disengaged, the electric motor assist ceases to function.

5. A class 3 low-speed electric bicycle shall not be operated unless it is equipped with a speedometer that displays its speed in miles per hour.

6. A person under the age of sixteen shall not operate a class 3 low-speed electric bicycle. A person under the age of sixteen may ride as a passenger on a class 3 low-speed electric bicycle in compliance with section 321.234, subsection 4.

7. A person operating a low-speed electric bicycle on a highway is subject to the provisions of this chapter applicable to a rider of a bicycle on a highway and has all the rights and duties under this chapter applicable to a rider of a bicycle, except those provisions of this chapter which by their nature can have no application, or except as otherwise provided in this section.

8. Except for provisions of the Code made specifically applicable to low-speed electric bicycles in this section, low-speed electric bicycles are not subject to provisions of the Code applicable to vehicles, including provisions relating to all of the following:

a. Licensure, registration, titling, inspection, and proof of financial liability coverage.

b. Possession of a driver’s license or permit.

9. a. A low-speed electric bicycle may be operated in any place where a bicycle is allowed to operate, including but not limited to streets, highways, roadways, shoulders, bicycle lanes, bikeways, and bicycle or multi-use paths.

b. A person shall not operate a class 3 low-speed electric bicycle on a bicycle lane or multi-use path in excess of the posted or applicable speed limit, or if there is no posted or applicable speed limit, twenty miles per hour.

Sec. 6. Section 322D.1, subsection 8, Code 2021, is amended to read as follows:

8. "Motorcycle" means a motor vehicle as defined in section 321.1 other than an all-terrain vehicle, which has a saddle or seat for the use of a rider and that is designed to travel on not more than two wheels in contact with the ground, but excluding a motorized bicycle, a low-speed electric bicycle, or autocycle as defined in section 321.1.

Sec. 7. Section 805.8A, subsection 9A, Code 2021, is amended to read as follows:

9A. ~~Electric personal assistive mobility device violations.~~ For electric device violations under ~~section 321.235A~~ the following sections, the scheduled fine is ~~twenty-five dollars.~~ is as follows:

a. Section 321.235A.....	\$25
b. Section 321.235B.....	\$25

Sec. 8. APPLICABILITY. Section 321.235B, subsections 1 and 2, as enacted in this Act, apply to low-speed electric bicycles manufactured or distributed on or after January 1, 2022.

Sec. 9. APPLICABILITY. Section 321.235B, subsections 3 and 4, as enacted in this Act, apply to low-speed electric bicycles manufactured or distributed on or after the effective date of this Act.

Approved May 20, 2021

CHAPTER 126

COUNTY LAND RECORD INFORMATION SYSTEM AGREEMENTS

H.F. 527

AN ACT relating to the authority of county boards of supervisors to amend an agreement between the counties to implement the county land record information system.

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

Section 1. Section 331.604, subsection 3, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The county land record information system agreement may be amended by a vote of the boards of supervisors on behalf of the respective county recorders, pursuant to the terms of the agreement, to provide for the ongoing implementation of the county land record information system. As used in this paragraph, "county land record information system agreement" means the agreement entered under chapter 28E between the counties as required by 2005 Iowa Acts, ch. 179, §101, as amended by this Act.

Sec. 2. 2005 Iowa Acts, chapter 179, section 101, subsection 1, is amended to read as follows:

1. The board of supervisors of each county, on behalf of each county recorder, shall execute a chapter 28E agreement with the ~~Iowa county recorders association~~ other counties for the implementation of the county land record information system. ~~Such agreement shall require the Iowa county recorders association to execute contracts necessary for implementation~~

~~of the county land record information system. The Iowa county recorders association shall submit to the general assembly on or before November 1, 2005, a long-range business plan for implementing and maintaining the county land record information system, including a plan for integrating the system with electronic government and internet applications of other governmental entities.~~

Approved May 20, 2021

CHAPTER 127

PREREQUISITES FOR INITIATION OF ORTHODONTIC TREATMENT ON NEW PATIENTS

H.F. 685

AN ACT relating to requirements for licensees under the purview of the dental board relating to orthodontia services.

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

Section 1. NEW SECTION. **153.24 Orthodontia-related services.**

1. A licensee under the purview of the board who provides treatment for the correction of malpositions of human teeth or the initial use of orthodontic appliances shall not begin orthodontic treatment on a new patient unless one of the following conditions is met:

a. The licensee performs an initial in-person or teledentistry examination of the teeth and supporting structures of the new patient prior to beginning orthodontic treatment.

b. The new patient provides the licensee with the portion of the dental record taken within the prior six months of an in-person or teledentistry examination of the teeth and supporting structures of the new patient prior to the licensee beginning orthodontic treatment.

2. The examination required pursuant to subsection 1 shall include any appropriate conventional or digital radiographs or digital imaging that are necessary to develop a suitable orthodontic diagnosis and treatment plan.

3. For the purposes of this section, “*new patient*” means a person whom a licensee has not examined, for whom a licensee has not provided care, or for whom a licensee has not otherwise provided consultation during the two-year period immediately prior to the patient’s most recent appointment.

Approved May 20, 2021

CHAPTER 128

CRIMINAL PROSECUTIONS — MINOR PROSECUTING WITNESSES — PRETRIAL CONTACT WITH DEFENDANT

H.F. 709

AN ACT relating to pretrial contact between a prosecuting witness who is a minor and the defendant.

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

Section 1. NEW SECTION. **915.36A Minor prosecuting witness — pretrial contact.**

A prosecuting witness who is a minor shall have the right to have the interview or deposition taken outside of the presence of the defendant. The interview or deposition may be televised by closed-circuit equipment to a room where the defendant can view the interview or deposition or in a manner that ensures that the defendant shall not have contact with the minor. The defendant shall be allowed to communicate with the defendant's counsel in the room where the minor is being interviewed or deposed by an appropriate electronic method.

Approved May 20, 2021

CHAPTER 129

TEACH IOWA SCHOLAR PROGRAM FUNDING — FUNDS TRANSFER FROM TEACHER SHORTAGE FORGIVABLE LOAN AND LOAN FORGIVENESS REPAYMENT FUNDS

H.F. 722

AN ACT relating to the transfer, deposit, and appropriation of moneys to the teach Iowa scholar fund from the teacher shortage forgivable loan repayment fund and the teacher shortage loan forgiveness repayment fund.

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

Section 1. Section 261.110, subsection 6, Code 2021, is amended to read as follows:

6. A teach Iowa scholar fund is established in the state treasury. The fund shall be administered by the commission and shall consist of moneys appropriated by the general assembly and any other moneys received by the commission for deposit in the fund, including payments collected by the commission pursuant to section 261.111, subsection 7. The moneys in the fund are appropriated to the commission for the teach Iowa scholar program. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the teach Iowa scholar program for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 2. Section 261.111, subsection 7, Code 2021, is amended to read as follows:

~~7. A teacher shortage forgivable loan repayment fund is created for~~ The commission shall deposit of payments made by forgivable loan recipients who do not fulfill the conditions of the forgivable loan program and any other moneys appropriated to or received by the commission for deposit in the fund. Notwithstanding section 8.33, moneys deposited in the fund shall not revert to the general fund of the state at the end of any fiscal year but shall remain in the forgivable loan repayment fund and be continuously available to make additional loans under the program in the teach Iowa scholar fund established pursuant to section 261.110, subsection 6, to be used for the purposes of the teach Iowa scholar program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 3. Section 261.112, subsection 5, Code 2021, is amended by striking the subsection.

Sec. 4. TEACHER SHORTAGE FORGIVABLE LOAN REPAYMENT FUND AND TEACHER SHORTAGE LOAN FORGIVENESS REPAYMENT FUND — MONEYS TRANSFERRED AND APPROPRIATED.

1. Any unencumbered or unobligated moneys remaining on June 30, 2021, in the teacher shortage forgivable loan repayment fund created pursuant to section 261.111, subsection 7, are transferred and appropriated to the college student aid commission for deposit in the teach Iowa scholar fund, established pursuant to section 261.110, subsection 6, to be used for purposes of the teach Iowa scholar program.

2. Any unencumbered or unobligated moneys remaining on June 30, 2021, in the teacher shortage loan forgiveness repayment fund created pursuant to section 261.112, subsection 5, are transferred and appropriated to the college student aid commission for deposit in the teach Iowa scholar fund, established pursuant to section 261.110, subsection 6, to be used for purposes of the teach Iowa scholar program.

Approved May 20, 2021

CHAPTER 130

FIRST AMENDMENT RIGHTS TRAINING, PROHIBITIONS, AND REQUIREMENTS — PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION

H.F. 744

AN ACT providing for training, prohibitions, and requirements relating to first amendment rights at school districts and public institutions of higher education.

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

Section 1. Section 261H.2, Code 2021, is amended to read as follows:

261H.2 Policy adoption Public institutions of higher education — duties.

1. The state board of regents and the board of directors of each community college shall adopt a policy that includes all of the following statements:

1. a. That the primary function of an institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. This statement shall provide that, to fulfill this function, the institution must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the first amendment to the Constitution of the United States.

~~2. a.~~ b. (1) That it is not the proper role of an institution of higher education to shield individuals from speech protected by the first amendment to the Constitution of the United States, which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive.

b. (2) That it is the proper role of an institution of higher education to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the first amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of first amendment rights.

3. c. That students and faculty have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the first amendment to the Constitution of the United States, and subject to reasonable time, place, and manner restrictions that are consistent with established first amendment principles.

4. d. That the outdoor areas of campus of an institution of higher education are public forums, open on the same terms to any invited speaker subject to reasonable time, place, and manner restrictions that are consistent with established principles of the first amendment to the Constitution of the United States.

2. The state board of regents shall develop materials, programs, and procedures to ensure that those persons who are responsible for discipline, instruction, or administration of the campus community, or who have oversight of student government organizations, or distribute activity fee funds, including but not limited to presidents, vice-presidents, deans, department directors, administrators, campus police officers, residence life officials, faculty, and members of student government organizations, understand the policies, regulations, and duties of the institution regarding free expression on campus consistent with this chapter.

3. a. Each public institution of higher education shall protect the first amendment rights of the institution's students, staff, and faculty and shall establish and publicize policies that prohibit institutional restrictions and penalties based on protected speech, including political speech, to the fullest extent required by the first amendment to the Constitution of the United States. A public institution of higher education shall not retaliate against a member of the campus community who files a complaint for a violation of this subsection pursuant to section 261H.5.

b. If it is determined, after exhaustion of all available administrative and judicial appeals, that a faculty member knowingly and intentionally restricts the protected speech or otherwise penalizes a student in violation of this subsection, the faculty member shall be subject to discipline by the institution through the normal disciplinary processes of the institution, and such discipline may include termination depending on the totality of the facts. If the faculty member is licensed by the board of educational examiners under chapter 272, the board of educational examiners shall conduct a hearing pursuant to section 272.13, and the faculty member may be subject to disciplinary action by the board.

Sec. 2. NEW SECTION. 261H.6 Training — first amendment to the Constitution of the United States.

Each public institution of higher education shall provide training on free speech under the first amendment to the Constitution of the United States to all students, faculty, and staff on an annual basis, which elected officials and staff shall be permitted to attend.

Sec. 3. NEW SECTION. 261H.7 Student government organizations — student fees — appeals — liability.

1. Each institution of higher education governed by the state board of regents shall make a student government organization's access to and authority over any moneys disbursed to the student government organization by the institution contingent upon the student government organization's compliance with the first amendment to the Constitution of the United States and the provisions of this chapter.

2. If, after exhaustion of all administrative appeals, it is determined that a student government organization knowingly and intentionally violated the first amendment rights of a member of the campus community or that an action or decision of a student government organization is in violation of this section, the institution shall suspend the student government organization's authority to manage and disburse student fees for a period of one year. During this period of suspension, such student fees shall be managed and disbursed by the institution.

Sec. 4. Section 272.2, subsection 14, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. 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 the person knowingly and intentionally discriminated against a student in violation of section 261H.2, subsection 3, or section 279.73.

Sec. 5. NEW SECTION. 279.73 Intellectual freedom — protection — complaints.

1. The board of directors of each school district shall protect the intellectual freedom of the school district's students and practitioners and shall establish and publicize policies that protect students and faculty from discrimination based on speech. A person shall not retaliate against a person who files a complaint for a violation of this section. If the person who files a complaint for a violation of this section is an employee of the school district, the provisions of section 70A.29 shall apply.

2. If the board of directors of the school district or a court finds that an employee of the school district who holds a license, certificate, statement of recognition, or authorization issued by the board of educational examiners under chapter 272 discriminated against a student or employee in violation of this section, the employee found to be in violation under this section shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action and the employee's employment may be terminated.

Sec. 6. Section 280.22, subsections 4 and 5, Code 2021, are amended to read as follows:

4. Each board of directors of a public school shall adopt rules in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its jurisdiction. The code shall incorporate all of the provisions of this section. The board shall make the code available to the students and their parents.

5. Student editors of official school publications shall assign and edit the news, editorial, and feature content of their publications subject to the limitations of this section. Journalism advisers of students producing official school publications shall supervise the production of the student staff, in order to maintain professional standards of English and journalism, and to comply with this section.

Sec. 7. Section 280.22, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A public school employee or official, acting within the scope of the person's professional ethics, if any, shall not be dismissed, suspended, disciplined, reassigned, transferred, subject to termination or nonrenewal of a teaching contract issued under section 279.13 or an extracurricular contract issued under section 279.19A, or otherwise retaliated against for acting to protect a student for engaging in conduct authorized under this section, or refusing to infringe upon student conduct that is protected by this section, the first amendment to the Constitution of the United States, or Article I, section 7, of the Constitution of the State of Iowa.

Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved May 20, 2021

CHAPTER 131

HOMICIDE BY VEHICLE — OPERATION AT EXCESSIVE SPEED

H.F. 753

AN ACT relating to unintentionally causing the death of a person by operating a motor vehicle at an excessive speed, providing penalties, and making penalties applicable.

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

Section 1. Section 707.6A, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Exceeding a speed limit established or lawfully posted pursuant to section 262.68, section 321.236, subsection 5 or 11, section 321.236, subsection 13, paragraph "a", section 321.285, section 321.288, subsection 2, paragraph "f", or section 321.289, 321.290, 321.293, 321.295, or 461A.36, by twenty-five miles per hour or more, if the violation is the proximate cause of the death of the other person. This paragraph does not apply to a member of a public safety agency, as defined in section 34.1, performing official duties.

Approved May 20, 2021

CHAPTER 132**LOCAL GOVERNMENT NOTICES AND INFORMATION — DELIVERY BY ELECTRONIC MEANS***H.F. 765*

AN ACT relating to providing certain local government notices and other information to persons by electronic means.

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

Section 1. Section 331.305, Code 2021, is amended to read as follows:

331.305 Publication of notices.

1. Unless otherwise provided by state law, if notice of an election, hearing, or other official action is required by this chapter, the board shall publish the notice at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action, in one or more newspapers which meet the requirements of section 618.14. Notice of an election shall also comply with section 49.53.

2. a. If the board is required or authorized by law to publish a notice or any other information regarding the county budget or a county property tax levy, the county shall also provide the notice or information by electronic means to all persons who have by electronic or other means authorized the receipt of such items under this subsection.

b. An authorization to receive notices or other information by electronic means under this subsection shall continue until revoked in writing by the person. Such revocation may be provided to the board electronically in a manner approved by the board.

c. Electronic means includes delivery to an electronic mail address or by other electronic means reasonably calculated to apprise the person of the information that is being provided, as designated by the authorizing person.

d. Information compiled or possessed by the board for the purposes of complying with authorizations for delivery by electronic means including but not limited to taxpayer electronic mail addresses, post office addresses, revocations, and passwords or other methods of protecting taxpayer information are not public records and are not subject to disclosure under chapter 22.

Sec. 2. Section 441.28A, subsections 1 and 6, Code 2021, are amended to read as follows:

1. If the assessor is required or authorized by this title to send any assessment, notice, or any other information to persons by regular mail, the assessor ~~may shall~~ instead provide the assessment, notice, or other information by electronic means if the person entitled to receive the assessment, notice, or information has by electronic or other means, authorized the assessor to provide the assessment, notice, or other information in that manner. ~~An authorization to receive assessments, notices, or other information by electronic means does not require the assessor to provide such items by electronic means and does not prohibit an assessor from providing such items by regular mail.~~

6. Information compiled or possessed by the assessor for the purposes of complying with authorizations for delivery by electronic means under this title, including but not limited to taxpayer post office addresses, electronic mail addresses, waivers, waiver requests, waiver revocations, and passwords or other methods of protecting taxpayer information are not public records and are not subject to disclosure under chapter 22.

Approved May 20, 2021

CHAPTER 133**NATIVE DISTILLERIES, BEER MANUFACTURERS, NATIVE BREWERIES, AND NATIVE WINE MANUFACTURERS — LICENSING — SALES PERMITS***H.F. 768*

AN ACT concerning licensing of and sales by native distilleries, beer manufacturers, native breweries, and native wine manufacturers.

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

Section 1. Section 123.43A, subsection 6, Code 2021, 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~~ two class “C” native distilled spirits liquor control license ~~licenses~~. 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. 2. Section 123.45, subsection 3, Code 2021, is amended to read as follows:

3. 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~~ two class “B” beer permit ~~permits~~ 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. 3. Section 123.130, subsection 2, Code 2021, is amended to read as follows:

2. Pursuant to section 123.45, subsection 3, a native brewery may be granted not more than ~~one~~ two class “B” beer permit ~~permits~~ as defined in section 123.124 for the purpose of selling beer at retail for consumption on or off the premises of the manufacturing facility.

Sec. 4. Section 123.176, subsection 5, Code 2021, is amended to read as follows:

5. Notwithstanding any other provision of this chapter, a person engaged in the business of manufacturing native wine may sell native wine at retail for consumption on the premises of the manufacturing facility by applying for a class “C” native wine permit as provided in section 123.178B. A manufacturer of native wine may be granted not more than ~~one~~ two class “C” native wine permit ~~permits~~. A manufacturer of native wine may be issued a class “C” native wine permit regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license.

CHAPTER 134**EDUCATIONAL STANDARDS — PHYSICAL EDUCATION REQUIREMENTS — JUNIOR RESERVE OFFICERS' TRAINING CORPS ENROLLMENT AND COMPLETION***H.F. 793*

AN ACT relating to participation in and credit for physical education under the educational standards.

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

Section 1. Section 256.11, subsection 5, paragraph g, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) A student who is enrolled in a junior reserve officers' training corps shall not be required to participate in physical education activities under subparagraph (1) or to meet the physical activity requirements of subsection 6, paragraph "b", subparagraph (2), but shall receive one-eighth unit of physical education credit for each semester, or the equivalent, of junior reserve officers' training corps the student completes.

Approved May 20, 2021

CHAPTER 135**COMMERCIAL DRIVER'S LICENSE DRIVING SKILLS TESTS — FEES***H.F. 828*

AN ACT relating to commercial driver's license driving skills tests, providing fees, and including effective date provisions.

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

Section 1. Section 321.145, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Revenues derived from trailer registration fees collected pursuant to sections 321.105 and 321.105A, fees charged for driver's licenses and nonoperator's identification cards, fees charged for commercial driver's license driving skills tests pursuant to section 321.187A, fees charged for the issuance of a certificate of title, the certificate of title surcharge collected pursuant to section 321.52A, and revenues credited pursuant to section 423.43, subsection 2, and section 423C.5 shall be deposited in a fund to be known as the statutory allocations fund under the control of the department and credited as follows:

Sec. 2. Section 321.186, subsection 1, Code 2021, is amended to read as follows:

1. The department may examine every new applicant for a driver's license or any person holding a valid driver's license when the department has reason to believe that the person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify the examination. The department shall make every effort to accommodate a functionally illiterate applicant when the applicant is taking a knowledge test. ~~The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be adequately tested when requested by a person representing ten or more drivers requiring driving skills testing.~~

Sec. 3. Section 321.186, subsection 2, Code 2021, is amended by striking the subsection.

Sec. 4. Section 321.187, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. The driving skills test is the same as that which would otherwise be administered by the state. The fees for administering a commercial driver's license driving skills test as provided in sections 321.187A and 321M.6A shall not apply to a driving skills test administered by a third-party tester under this section.

Sec. 5. NEW SECTION. 321.187A Commercial driver's license driving skills tests — fees.

1. The department shall make every effort to accommodate a commercial driver's license applicant's need to arrange an appointment for a driving skills test at an established test site other than where the applicant passed the required knowledge test. The department shall report to the governor and the general assembly on any problems, extraordinary costs, and recommendations regarding the appointment scheduling process.

2. The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be adequately tested when requested by a person representing ten or more drivers requiring driving skills testing.

3. a. The driving skills test for a commercial driver's license shall consist of three parts that must be completed in the following order:

- (1) The pre-trip vehicle inspection test.
- (2) The basic vehicle control skills test.
- (3) The on-road driving skills test.

b. If the applicant fails one part of the test, the applicant shall not continue to the next part of the test, in accordance with 49 C.F.R. pt. 383, subpts. E, G, and H.

4. The department may charge a scheduling fee not to exceed twenty-five dollars to a commercial driver's license applicant for the pre-trip vehicle inspection test. The department shall not charge a fee to schedule or administer the basic vehicle control or on-road driving skills tests. The department shall not charge a fee under this section to an applicant who is an employee or volunteer of a government agency, as defined in section 553.3, and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency.

5. Fees authorized under this section are nonrefundable. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled. This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee.

6. All fees authorized in this section are in addition to any other fees imposed by law.

7. The department shall remit all fees collected pursuant to this section monthly to the treasurer of state for deposit in the statutory allocations fund.

8. The department may adopt rules pursuant to chapter 17A to administer this section.

Sec. 6. NEW SECTION. 321M.6A Commercial driver's license driving skills tests — fees.

1. A county certified to issue commercial driver's licenses under section 321M.6 may charge any of the following fees to a commercial driver's license applicant related to the administration of a driving skills test:

- a. A fee not to exceed twenty-five dollars to administer the pre-trip vehicle inspection test.
- b. A fee not to exceed twenty-five dollars to administer the basic vehicle control skills test.
- c. A fee not to exceed twenty-five dollars to administer the on-road driving skills test.

2. Fees authorized under this section may be assessed for each test and any fees collected are nonrefundable. The fee to administer the pre-trip vehicle inspection test is due at the time the appointment is scheduled. All other fees are due upon the completion of the test for which the fee was assessed. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled and no other fees shall be due. If the applicant fails one part of the driving skills test, no fees shall be due for subsequent parts of the test. A county shall not charge a fee under this section, other than the fee to administer the pre-trip vehicle inspection test, to an applicant who is an employee or volunteer of a government agency,

as defined in section 553.3, and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency, or that the fee is paid by the government agency. This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee.

3. All fees authorized in this section are in addition to any other fees imposed by law.

Sec. 7. Section 321M.9, subsection 1, Code 2021, is amended to read as follows:

1. *Fees to counties.*

a. 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 all of the following:

(1) 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.

(2) Twenty-five dollars of fees collected for each part of a commercial driver's license driving skills test pursuant to section 321M.6A.

(3) The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321J.17 shall be retained for deposit in the county general fund.

b. The county treasurer shall remit the balance of fees and all civil penalties to the department.

Sec. 8. EFFECTIVE DATE. This Act takes effect January 1, 2022.

Approved May 20, 2021

CHAPTER 136

PERSONS WITH DISABILITIES — TRUSTS AND TRUST FUND MONEYS

H.F. 835

AN ACT relating to trusts for persons with disabilities.

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

Section 1. Section 12I.1, subsection 2, paragraphs b and g, Code 2021, are amended to read as follows:

b. "Account owner" means an individual who ~~enters into~~ is the designated beneficiary under a participation agreement under this chapter for the payment of qualified disability expenses on behalf of a the designated beneficiary.

g. "Participation agreement" means an agreement ~~between the account owner and establishing an account with the trust entered into under this chapter.~~

Sec. 2. Section 12I.2, subsection 7, Code 2021, is amended to read as follows:

7. Enter into participation agreements ~~with account owners.~~

Sec. 3. Section 12I.3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

On or after July 1, 2016, the trust may enter into participation agreements ~~with account owners~~ pursuant to the following terms and agreements:

Sec. 4. Section 12I.3, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. Unless otherwise permitted under section 529A of the Internal Revenue Code, the account owner must also be the designated beneficiary of the account. ~~However, a trustee or legal guardian may be designated as custodian of an account for a designated beneficiary~~

~~who is a minor or who lacks capacity to enter into a participation agreement if such designation is not prohibited under section 529A of the Internal Revenue Code. A person other than the account owner may enter into a participation agreement and have signature authority over the account on behalf of the account owner in accordance with section 529A of the Internal Revenue Code and regulations promulgated under that section.~~

Sec. 5. Section 12I.3, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Any funds retained in a medical assistance special needs trust pursuant to chapter 633C, or in a supplemental needs trust pursuant to chapter 634A, may be transferred to the Iowa ABLE savings plan trust account of a designated beneficiary who is also the beneficiary of any such trust, in accordance with the applicable provisions of chapters 633C, 634A, and this chapter.

Sec. 6. Section 12I.4, subsection 3, Code 2021, is amended to read as follows:

3. Moneys in the account of a designated beneficiary ~~may~~ shall not be claimed by the Iowa Medicaid program as ~~provided~~ authorized in section 529A(f) of the Internal Revenue Code ~~and subject to limitations imposed by the treasurer of state unless such claim is required to maintain qualified ABLE program status under section 529A of the Internal Revenue Code.~~

Sec. 7. Section 249A.53, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Following the death of an individual who is a designated beneficiary of an account established under a participation agreement pursuant to chapter 12I, all of the following shall apply to the extent permitted pursuant to chapter 12I and under federal law including section 529A of the Internal Revenue Code:

(1) The department shall not seek recovery of any account balance remaining in the designated beneficiary's account for medical assistance paid to or on behalf of the designated beneficiary on or after the date the participation agreement was entered into and the account established for the designated beneficiary.

(2) The department shall not file a claim for payment under section 529A(f) of the Internal Revenue Code.

(3) Any account balance remaining in the designated beneficiary's account may be transferred to an account for another eligible individual specified by the designated beneficiary, or if another eligible beneficiary is not so designated, then the account balance shall be transferred to the estate of the designated beneficiary or to the successor as defined in section 633.356.

b. For the purposes of this section, "*designated beneficiary*", "*Internal Revenue Code*", and "*participation agreement*" mean the same as defined in section 12I.1.

c. For the purposes of this section, "*eligible individual*" means the same as defined in section 529A of the Internal Revenue Code.

Sec. 8. Section 633C.2, Code 2021, is amended to read as follows:

633C.2 Disposition of medical assistance special needs trusts.

Any income or assets added to or received by and any income or principal retained in a medical assistance special needs trust shall be used in accordance with a standard that is no more restrictive than specified under federal law. All distributions from a medical assistance special needs trust shall be for the sole benefit of the beneficiary to enhance the quality of life of the beneficiary, and the trustee shall have sole discretion regarding such disbursements to ensure compliance with beneficiary eligibility requirements. Any funds retained in the medical assistance special needs trust of a beneficiary who is also a designated beneficiary as defined in section 12I.1 may be transferred to the Iowa ABLE savings plan trust account of the designated beneficiary in accordance with this chapter and chapter 12I. Any distinct disbursement in excess of one thousand dollars shall be subject to review by the district court sitting in probate. The department shall adopt rules pursuant to chapter 17A for the establishment and disposition of medical assistance special needs trusts in accordance with this section.

Sec. 9. Section 634A.2, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 8. Any funds retained in a supplemental needs trust of a beneficiary who is also a designated beneficiary as defined in section 12I.1 may be transferred to the Iowa ABLE savings plan trust account of the designated beneficiary in accordance with this chapter and chapter 12I.

Approved May 20, 2021

CHAPTER 137

SECURITIES REGULATION — FINANCIAL EXPLOITATION OF CERTAIN ELDERLY OR DEPENDENT ADULTS

H.F. 839

AN ACT relating to the financial exploitation of designated eligible adults.

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

Section 1. Section 502.607, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A record obtained by the administrator or by law enforcement under section 502.809.

Sec. 2. Section 502.607, subsection 3, Code 2021, is amended to read as follows:

3. *Administrator discretion to disclose.* If disclosure is for the purpose of a civil, administrative, or criminal investigation, action, or proceeding or to a person specified in section 502.608, subsection 1, the administrator may disclose a record obtained in connection with an audit or inspection under section 502.411, subsection 4, or a record obtained in connection with an investigation under section 502.602 or section 502.809.

Sec. 3. NEW SECTION. 502.801 Definitions.

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

1. “*Eligible adult*” means any of the following:

- a. A person sixty-five years of age or older.
- b. A dependent adult as defined in section 235B.2.

2. “*Financial exploitation*” means any act or omission taken by a person to wrongfully and knowingly deprive an eligible adult of money, assets, or property, or to obtain control over or otherwise use, convert, or divert the benefits, property, resources, or assets of the eligible adult by intimidation, deception, coercion, fraud, extortion, or undue influence.

3. “*Permissible third party*” means any of the following:

a. A person the eligible adult previously designated to receive the notification described in section 502.804.

b. A person otherwise permitted to receive the notification described in section 502.804 by any state or federal law or any rule issued by the financial industry regulatory authority.

4. “*Qualified individual*” means any of the following:

a. An agent who has received training pursuant to section 502.808.

b. An investment adviser representative who has received training pursuant to section 502.808.

c. A person who has received training pursuant to section 502.808 and who serves in a supervisory, compliance, senior investor protection, or legal capacity for any of the following:

- (1) A broker-dealer.
- (2) An investment adviser.

Sec. 4. NEW SECTION. 502.802 Notification to administrator.

If a broker-dealer, investment adviser, or qualified individual reasonably believes financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, the broker-dealer, investment adviser, or qualified individual may promptly notify the administrator. The administrator may adopt rules regarding the form and manner of the notification under this section.

Sec. 5. NEW SECTION. 502.803 Notification to administrator — immunity.

A broker-dealer, investment adviser, or qualified individual who, acting reasonably and in good faith, makes a disclosure of information to the administrator pursuant to this article shall be immune from administrative or civil liability that might otherwise arise from such disclosure or for any failure to notify the eligible adult of the disclosure. Other than matters related to the reporting of the financial exploitation of an eligible adult pursuant to this section, this section shall not abrogate or modify any existing statutory or common law privileges or immunities.

Sec. 6. NEW SECTION. 502.804 Notification to permissible third party.

1. If a broker-dealer, investment adviser, or qualified individual reasonably believes financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, the broker-dealer, investment adviser, or qualified individual may notify a permissible third party. The administrator may adopt rules regarding the form and manner of the notification under this section.

2. Broker-dealers, investment advisers, and qualified individuals shall not notify a permissible third party the broker-dealer, investment adviser, or qualified individual reasonably suspects of financial exploitation or other abuse of the eligible adult.

Sec. 7. NEW SECTION. 502.805 Notification to permissible third party — immunity.

A broker-dealer, investment adviser, or qualified individual who, acting reasonably and in good faith, complies with section 502.804 shall be immune from any administrative or civil liability that might otherwise arise from such disclosure.

Sec. 8. NEW SECTION. 502.806 Disbursements or transactions — delay.

1. If a broker-dealer, investment adviser, or qualified individual reasonably believes a disbursement or transaction will likely result in or contribute to the financial exploitation of an eligible adult, the broker-dealer, investment adviser, or qualified individual shall initiate an internal review of the requested disbursement or transaction.

2. A broker-dealer or investment adviser may delay a disbursement or transaction from an eligible adult's account or an account on which an eligible adult is a beneficiary if all of the following apply:

a. The broker-dealer, investment adviser, or qualified individual reasonably believes, after initiating the internal review referenced in subsection 1, that the requested disbursement or transaction will likely result in or contribute to the financial exploitation of an eligible adult.

b. Immediately, but in no event more than two business days after the disbursement or transaction is delayed, the broker-dealer or investment adviser provides written notification of the delay and the reason for the delay to all persons authorized to transact business on the account. Broker-dealers, investment advisers, and qualified individuals shall not notify a person authorized to transact business on the account if the broker-dealer, investment adviser, or qualified individual reasonably believes the person has committed financial exploitation, attempted financial exploitation, or other abuse of the eligible adult.

c. Immediately, but in no event more than two business days after the disbursement or transaction is delayed, the broker-dealer or investment adviser notifies the administrator of the delay and provides to the administrator the reason for the delay, including the results of the internal review referenced in subsection 1.

d. The broker-dealer or investment adviser continues the internal review of the suspected or attempted financial exploitation of the eligible adult, as necessary, and provides the administrator with updates upon request.

3. Any delay of a disbursement or transaction authorized by this section will expire upon the first to occur of any of the following:

a. A determination by the broker-dealer or investment adviser that the disbursement or transaction will not result in or contribute to financial exploitation of the eligible adult.

b. Fifteen business days after the date on which the broker-dealer or investment adviser first delayed disbursement of the funds or transaction, unless the administrator requests the broker-dealer or investment adviser to extend the delay, in which case the delay shall expire no more than twenty-five business days after the date on which the broker-dealer or investment adviser first delayed the disbursement of the funds or the transaction.

4. Notwithstanding subsection 3, upon the petition of the administrator, the broker-dealer or investment adviser who initiated the delay pursuant to this section, or another interested party, a court of competent jurisdiction may enter an order terminating, extending, or modifying the delay of the disbursement or transaction and may order other protective relief.

5. The administrator may adopt rules regarding the form and manner of the notifications under this section.

Sec. 9. NEW SECTION. 502.807 Disbursements of transactions — delay — immunity.

A broker-dealer or investment adviser who, acting reasonably and in good faith, complies with section 502.806 shall be immune from any administrative or civil liability that might otherwise arise from such delay in a disbursement or transaction.

Sec. 10. NEW SECTION. 502.808 Training requirements.

1. A broker-dealer or investment adviser shall provide to its qualified individuals training appropriate to the job responsibilities of a qualified individual. The training shall include all of the following:

a. Instruction on how to identify the suspected or attempted exploitation of an eligible adult, including common signs indicating the financial exploitation of an eligible adult, and how to provide notification regarding the suspected or attempted exploitation of an eligible adult.

b. Instruction regarding privacy and confidentiality requirements.

2. A broker-dealer or investment adviser shall provide the training required by this section as soon as reasonably practicable, but at least within one year after the date the qualified individual begins employment with or becomes affiliated or associated with a broker-dealer or investment adviser.

3. The administrator may adopt rules specifying the content and method of the training required by this section.

Sec. 11. NEW SECTION. 502.809 Records.

A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the administrator, either as part of a notification to the administrator pursuant to section 502.802, or upon the request of the administrator. The records may include historical records as well as records relating to the most recent transactions that may comprise financial exploitation of an eligible adult. The administrator may share the records with law enforcement if the administrator determines it is necessary or appropriate in the public interest and for the protection of the eligible adult. All records made available to the administrator or law enforcement pursuant to this section shall be considered confidential public records under chapter 22 and shall not be available for examination by the public pursuant to section 22.2. Nothing in this section shall limit or otherwise impede the authority of the administrator or law enforcement to access or examine the books and records of broker-dealers and investment advisers as otherwise provided by law.

Sec. 12. NEW SECTION. 502.810 Financial exploitation — reporting.

Annually, on or before January 15 of each year, the insurance division shall submit a report to the governor and the general assembly concerning the notifications the insurance division received related to the potential financial exploitation of eligible adults, and the insurance division's investigation of the notifications, during the preceding calendar year. The report shall include the number of notifications the insurance division received, the amount of time

employees of the insurance division spent investigating the notifications, and the number of incidents of founded financial exploitation of eligible adults.

Approved May 20, 2021

CHAPTER 138

TITLE FEES FOR SNOWMOBILES, ALL-TERRAIN VEHICLES, AND VESSELS — WAIVER FOR SURVIVING SPOUSES

H.F. 846

AN ACT relating to title fees for snowmobiles, all-terrain vehicles, and vessels of surviving spouses.

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

Section 1. Section 321G.31, subsection 1, Code 2021, is amended to read as follows:

1. If ownership of a snowmobile is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the snowmobile, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fee.

Sec. 2. Section 321I.33, subsection 1, Code 2021, is amended to read as follows:

1. If ownership of an all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the all-terrain vehicle, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fee.

Sec. 3. Section 462A.82, subsection 1, Code 2021, is amended to read as follows:

1. If ownership of a vessel is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, execution sale, or in compliance with section 578A.7, the transferee, within thirty days after acquiring the right to possession of the vessel by operation of law, shall mail or deliver to the county recorder satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee. A title tax is not required on these transactions. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fee.

Approved May 20, 2021

CHAPTER 139**SCHOOLS, SCHOOL ADMINISTRATION, FUNDING, AND EDUCATIONAL PROGRAMS
— TAX CREDITS AND DEDUCTIONS — FACIAL COVERING POLICIES OF CITIES,
COUNTIES, AND SCHOOLS***H.F. 847*

AN ACT modifying provisions relating to city and county powers and educational programs, requirements, funding, tax credits and deductions, open enrollment, supplementary weighting, and including effective date, applicability, and retroactive applicability provisions.

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

**DIVISION I
EDUCATION PROGRAM STANDARDS AND FUNDING**

Section 1. Section 256.11, subsection 8, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. The state board shall establish a flexible student and school support program to be administered by the director. Under the program, upon request of the board of directors of a public school district or the authorities in charge of an accredited nonpublic school, the director may, for a period not to exceed three years, grant the applicable board of directors or the authority in charge of the nonpublic school the ability to use the flexible student and school support program to implement evidence-based practices in innovative ways to enhance student learning, well-being, and postsecondary success.

b. Approval to participate in the flexible student and school support program shall exempt the school district or nonpublic school from one or more of the requirements of the educational program specified in subsection 3, 4, or 5, subsection 6, paragraph “b” or “c”, subsection 7, paragraph “b” or “c”, or the minimum school calendar requirements in section 279.10, subsection 1. An exemption shall be granted only if the director deems that the request made is an essential part of an educational program to support student learning, well-being, and postsecondary success; is necessary for the success of the program; and is broadly consistent with the intent of the requirements of the educational program specified in subsection 3, 4, or 5, subsection 6, paragraph “b” or “c”, subsection 7, paragraph “b” or “c”, or the minimum school calendar requirements in section 279.10, subsection 1.

c. Approval to participate in the flexible student and school support program shall include authority for a school district to use funds from the school district’s flexibility account under section 298A.2, subsection 2, to implement all or part of the flexible student and school support program.

d. The application for the flexible student and school support program shall include all of the following and be submitted on forms and in a format prescribed by the department:

(1) A description of the proposed educational program, including evidence used to design the program and evidence of involvement of board members, parents, students, community members, and staff in development of the program.

(2) Program goals and measures of program effectiveness and success, including student success and performance.

(3) A plan for program administration, including the use of personnel, facilities, and funding.

(4) A plan for evaluation of the proposed program on at least an annual basis, including a plan for program revisions, if necessary.

(5) The estimated financial impact of the program on the school district or nonpublic school.

e. Approval to participate in the program does not exempt the school district or nonpublic school from federal law or any other requirements of state law that are not specifically exempted by the director.

f. Each school district or nonpublic school approved to participate in the flexible student and school support program shall file an annual report with the department on the status of the program on forms and in a format prescribed by the department.

g. Participation in the flexible student and school support program may be renewed for additional periods of years, each not to exceed three years. The director may revoke approval of all or part of any application or approved education program if the annual report or any other information available to the department indicates that conditions no longer warrant use of an exemption or funding from the school district's flexibility account under section 298A.2, subsection 2. Notice of revocation must be provided by the director to the school district or nonpublic school prior to the beginning of the school year for which participation is revoked.

Sec. 2. Section 257.10, subsection 12, paragraph d, Code 2021, is amended to read as follows:

d. For the budget year beginning July 1, 2014, and succeeding budget years, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.15. The funds shall be used only to increase the payment for a teacher assigned to a leadership role pursuant to a framework or comparable system approved pursuant to section 284.15; to increase the percentages of teachers assigned to leadership roles; to increase the minimum teacher starting salary to thirty-three thousand five hundred dollars; to cover the costs for the time mentor and lead teachers are not providing instruction to students in a classroom; for coverage of a classroom when an initial or career teacher is observing or co-teaching with a teacher assigned to a leadership role; for professional development time to learn best practices associated with the career pathways leadership process; and for other costs associated with a framework or comparable system approved by the department of education under section 284.15 with the goals of improving instruction and elevating the quality of teaching and student learning. If all requirements for the school district for the use of funds calculated under this subsection are met and funds received under this subsection remain unexpended and unobligated at the end of a fiscal year beginning on or after July 1, 2020, the school district may transfer all or a portion of such unexpended and unobligated funds for deposit in the school district's flexibility account established under section 298A.2, subsection 2.

Sec. 3. Section 284.3A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding any other provision of law to the contrary, if a school district has funds received for any fiscal year beginning before July 1, 2022, under section 257.10, subsection 9, or section 257.37A, subsection 1, that remain unexpended and unobligated at the conclusion of the fiscal year beginning July 1, 2021, the portion of such unexpended and unobligated funds that exceeds an amount equal to five percent of the amount received by the school district under section 257.10, subsection 9, or section 257.37A, subsection 1, for the fiscal year beginning July 1, 2021, shall be allocated and paid to the school district employees otherwise eligible to receive funds under this section on a per employee basis determined based on each eligible employee's full-time or part-time employment status. This subsection is repealed July 1, 2023.

Sec. 4. Section 298A.2, subsection 2, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Teacher leadership supplement funds received under section 257.10, subsection 12.

Sec. 5. Section 298A.2, subsection 2, paragraph c, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) An approved flexible student and school support program under section 256.11, subsection 8.

DIVISION II
EDUCATION TAX CREDITS AND DEDUCTIONS

Sec. 6. Section 422.7, subsection 55, Code 2021, is amended to read as follows:

55. A taxpayer who is an eligible educator as defined in section 62(d)(1) of the Internal Revenue Code is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, ~~as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes in excess of the amount of the taxpayer's deduction for certain expenses of elementary and secondary school teachers for federal tax purposes allowed under section 62(a)(2)(D) of the Internal Revenue Code, but not to exceed five hundred dollars.~~

Sec. 7. Section 422.12, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. "*Private instruction*" means independent private instruction as defined in section 299A.1, subsection 2, paragraph "b", competent private instruction under section 299A.2, or private instruction provided to a resident of this state by a nonlicensed person under section 299A.3.

Sec. 8. Section 422.12, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. A tuition credit equal to twenty-five percent of the first ~~one~~ two thousand dollars which the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition and textbooks of each dependent in who is receiving private instruction or who is attending an elementary or secondary school situated in Iowa, which school is accredited or approved under section 256.11, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216. Notwithstanding any other provision, all other credits allowed under this subsection shall be deducted before the tuition credit under this paragraph. The department, when conducting an audit of a taxpayer's return, shall also audit the tuition tax credit portion of the tax return.

Sec. 9. 2018 Iowa Acts, chapter 1161, section 118, is amended to read as follows:

SEC. 118. Section 422.7, subsections 3, 7, 8, 9, 10, 11, 14, 15, 16, 20, 22, 24, 25, 26, 30, 35, 36, 37, 39, 39B, 40, 43, 45, 49, 53, ~~55~~, 56, 57, and 58, Code 2018, are amended by striking the subsections.

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

Sec. 11. RETROACTIVE APPLICABILITY. The following apply retroactively to January 1, 2021, for tax years beginning on or after that date:

1. The section of this division of this Act amending section 422.7, subsection 55.
2. The section of this division of this Act amending section 422.12, subsection 1.
3. The section of this division of this Act amending section 422.12, subsection 2, paragraph "b".

DIVISION III
OPEN ENROLLMENT

Sec. 12. Section 256.46, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. If the child's former school or school district, if located in this state, was unable to participate in varsity interscholastic sports as the result of a decision or implementation of a decision of the school board or superintendent.

Sec. 13. Section 282.18, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten or for prekindergarten students enrolled in special education programs and included in the school district's basic enrollment under section 257.6, subsection 1, paragraph "a", subparagraph (1), the parent or guardian shall send notification 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 a public school in another school district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline specified in this subsection, the procedures of subsection 4 apply.

Sec. 14. Section 282.18, subsection 4, paragraph b, Code 2021, is amended to read as follows:

b. For purposes of this section, ~~"good cause"~~:

(1) "Good cause" means a change in a child's residence due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, initial placement of a prekindergarten student in a special education program requiring specially designed instruction, or participation in a substance abuse or mental health treatment program, a change in the status of a child's resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement, or the rejection of a current whole grade sharing agreement, or reorganization plan, or if the child's assigned attendance center in the district of residence is identified as in significant need for improvement. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

(2) "Significant need for improvement" means a school attendance center designated by the department of education under the priority category under the Iowa school performance profiles for two or more of the immediately preceding school years or identified for comprehensive support and improvement under the federal Every Student Succeeds Act, Pub. L. No. 114-95, or an equivalent objective federal standard, for two or more of the immediately preceding school years.

Sec. 15. Section 282.18, subsection 5, Code 2021, is amended to read as follows:

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district. A decision of either board to deny an application filed under this subsection involving repeated acts of harassment of the student that the resident district cannot adequately address, a consistent failure of the resident district to reasonably respond to a student's failure to meet basic academic standards after notice provided by a parent or guardian, or a serious health condition of the student that the resident district cannot adequately address is subject to appeal under section 290.1. The state board shall adopt by rule the criteria for determining a resident district's consistent failure to reasonably respond to a student's failure to meet basic academic standards and shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

Sec. 16. Section 282.18, subsection 9, paragraphs a, b, and c, Code 2021, are amended to read as follows:

a. If a parent or guardian of a child, who is participating in open enrollment under this section, moves to a different school district during the course of either district's academic year, the child's first district of residence as determined on the date specified in section 257.6, subsection 1, shall be responsible for payment of the cost per pupil plus weightings or special education costs to the receiving school district for the balance of the school year in which the move took place. The new district of residence shall be responsible for the payments during succeeding years.

b. If a request to transfer is due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve or who is a prekindergarten student enrolled in a special education program at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's ~~kindergarten through grade twelve~~ educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7 or 8, as applicable, until the start of the first full year of enrollment of the child.

c. The receiving district shall bill the ~~first~~ resident district determined under paragraph "a" according to the timeline in section 282.20, subsection 3. Payments shall be made to the receiving district in a timely manner.

Sec. 17. Section 282.18, subsection 10, paragraph c, Code 2021, is amended to read as follows:

c. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. The economic eligibility requirements established by the department of education and state board of education shall minimally include those pupils with household incomes of two hundred percent or less of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold, from the district cost per pupil amount that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

Sec. 18. Section 282.18, subsection 11, paragraph a, Code 2021, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause under subsection 4, paragraph "b".

NEW SUBPARAGRAPH. (9) If the board of directors or superintendent of the district of residence issues or implements a decision that results in the discontinuance or suspension of varsity interscholastic sports activities in the district of residence.

NEW SUBPARAGRAPH. (10) If the board of directors of the district of residence and the board of directors of the receiving district both agree to waive the ineligibility period.

NEW SUBPARAGRAPH. (11) For open enrollment applications approved for the school year beginning July 1, 2021, if the pupil's district of residence had a voluntary diversity plan in effect on January 1, 2021, and applicable to the school year beginning July 1, 2021.

Sec. 19. Section 282.18, subsection 11, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. If a pupil is declared ineligible for interscholastic athletic contests and athletic competitions in the pupil's district of residence due to the pupil's academic performance, upon participating in open enrollment, in addition to any other period of ineligibility under this subsection, the pupil shall be ineligible in the receiving district for the remaining period of ineligibility declared by the district of residence.

Sec. 20. **EXTRACURRICULAR INELIGIBILITY.** In addition to the circumstances enumerated under section 256.46, subsection 1, and section 282.18, subsection 11, for which the ineligibility period for extracurricular interscholastic contests or competitions shall not apply, and notwithstanding any provision of law or rule of the state board of education to the contrary, for determinations of eligibility for the school year beginning July 1, 2020, and the school year beginning July 1, 2021, a child may participate immediately in varsity interscholastic contests or competitions upon enrollment in a school or school district, if the child was previously enrolled in the school or school district on the first day of the school calendar for the school year beginning July 1, 2020, then enrolls in a different school or school district for a portion of the school year beginning July 1, 2020, and then, before July 1, 2021, reenrolls in the school or school district in which the child was initially enrolled.

Sec. 21. **EFFECTIVE DATE.** The following, being deemed of immediate importance, take effect upon enactment:

1. The portion of the section of this division of this Act enacting section 282.18, subsection 11, paragraph "a", subparagraph (9).
2. The portion of the section of this division of this Act enacting section 282.18, subsection 11, paragraph "a", subparagraph (10).
3. The section of this division of this Act establishing an exception to the ineligibility period for extracurricular interscholastic contests or competitions for the school year beginning July 1, 2020, and the school year beginning July 1, 2021.

Sec. 22. **RETROACTIVE APPLICABILITY.** The following apply retroactively to July 1, 2020:

1. The section of this division of this Act enacting section 256.46, subsection 1, paragraph "i".
2. The portion of the section of this division of this Act enacting section 282.18, subsection 11, paragraph "a", subparagraph (9).
3. The section of this division of this Act establishing an exception to the ineligibility period for extracurricular interscholastic contests or competitions for the school year beginning July 1, 2020, and the school year beginning July 1, 2021.

DIVISION IV SCHOOL BOARD POWERS AND DUTIES

Sec. 23. Section 279.1, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A school corporation is entrusted with public funds for the purpose of improving student outcomes, including but not limited to student academic achievement and skill proficiency, and the board of directors of the school corporation is responsible for overseeing such improvement.

DIVISION V
SHARED OPERATIONAL FUNCTIONS

Sec. 24. Section 257.11, subsection 5, paragraph a, Code 2021, is amended to read as follows:

a. (1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a district that shares with a political subdivision one or more operational functions of a curriculum director, master social worker, independent social worker, work-based learning coordinator, special education director, or school counselor, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year shall be assigned a supplementary weighting for each shared operational function. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function. A school district that shares an operational function in the area of business management, human resources, transportation, or operation and maintenance shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director, a master social worker or an independent social worker licensed under chapters 147 and 154C, a work-based learning coordinator, special education director, or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The additional weighting shall be assigned for each discrete operational function shared. However, a school district may receive the additional weighting under this subsection for sharing the services of an individual with a political subdivision even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting under this subsection. In such case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection.

(2) For the purposes of this section, "~~political subdivision~~" paragraph "a":

(a) "Political subdivision" means a city, township, county, school corporation, merged area, area education agency, institution governed by the state board of regents, or any other governmental subdivision.

(b) "Work-based learning coordinator" means an appropriately trained individual responsible for facilitating authentic, engaging work-based learning experiences for learners and educators in partnership with employers and others to enhance learning by connecting the content and skills that are necessary for future careers.

Sec. 25. Section 257.11, subsection 5, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. (1) Notwithstanding paragraph "a", subparagraph (1), each operational function assigned a supplementary weighting of five pupils under paragraph "a", subparagraph (1), shall instead be assigned a supplementary weighting of four pupils for the school budget years beginning July 1, 2022, July 1, 2023, and July 1, 2024.

(2) Notwithstanding paragraph "a", subparagraph (1), each operational function assigned a supplementary weighting of three pupils under paragraph "a", subparagraph (1), shall instead be assigned a supplementary weighting of two pupils for the school budget years beginning July 1, 2022, July 1, 2023, and July 1, 2024.

Sec. 26. **APPLICABILITY.** This division of this Act applies to school budget years beginning on or after July 1, 2021, subject to the school budget year limitations of section 257.11, subsection 5.

DIVISION VI
PLEDGE OF ALLEGIANCE

Sec. 27. Section 280.5, Code 2021, is amended to read as follows:

280.5 Display of United States flag and Iowa state flag — pledge of allegiance.

1. The board of directors of each public school district and the authorities in charge of each nonpublic school shall provide and maintain a suitable flagstaff on each school site under its control, and the United States flag and the Iowa state flag shall be raised on all school days when weather conditions are suitable.

2. The board of directors of each public school district shall administer the pledge of allegiance in grades one through twelve each school day. Each classroom in which the pledge of allegiance is recited pursuant to this subsection shall display the United States flag during the recitation. A student shall not be compelled against the student's objections or those of the student's parent or guardian to recite the pledge.

DIVISION VII
FACIAL COVERING POLICIES — COUNTIES, CITIES, AND SCHOOLS

Sec. 28. NEW SECTION. **280.31 Facial coverings.**

The board of directors of a school district, the superintendent or chief administering officer of a school or school district, and the authorities in charge of each accredited nonpublic school shall not adopt, enforce, or implement a policy that requires its employees, students, or members of the public to wear a facial covering for any purpose while on the school district's or accredited nonpublic school's property unless the facial covering is necessary for a specific extracurricular or instructional purpose, or is required by section 280.10 or 280.11 or any other provision of law.

Sec. 29. Section 331.301, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 19. A county shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that requires the owner of real property to implement a policy relating to the use of facial coverings that is more stringent than a policy imposed by the state.

Sec. 30. Section 364.3, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 14. A city shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that requires the owner of real property to implement a policy relating to the use of facial coverings that is more stringent than a policy imposed by the state.

Sec. 31. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VIII
SCHOOL TUITION ORGANIZATION TAX CREDIT

Sec. 32. Section 422.11S, subsection 1, Code 2021, is amended to read as follows:

1. The taxes imposed under this subchapter, less the credits allowed under section 422.12, shall be reduced by a school tuition organization tax credit equal to ~~sixty-five~~ seventy-five percent of the amount of the voluntary cash or noncash contributions made by the taxpayer during the tax year to a school tuition organization, subject to the total dollar value of the organization's tax credit certificates as computed in subsection 8. The tax credit shall be claimed by use of a tax credit certificate as provided in subsection 7.

Sec. 33. Section 422.11S, subsection 8, paragraph a, subparagraph (2), Code 2021, 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, but before January 1, 2022, fifteen million dollars, and for calendar years beginning on or after January 1, 2022, twenty 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. 34. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2021, for tax years beginning on or after that date:

The section of this division of this Act amending section 422.11S, subsection 1.

DIVISION IX CHARTER SCHOOLS

Sec. 35. Section 256E.7, subsections 2A, 3, and 5, if enacted by 2021 Iowa Acts, House File 813,¹ are amended to read as follows:

2A. a. The governing board's meetings shall be conducted in a manner that is open to the public and the governing board shall be a governmental body for purposes of chapter 21.

b. The governing board shall be a government body for purposes of chapter 22 and all records, documents, and electronic data of the charter school and of the governing board shall be public records and shall be subject to the provisions of chapter 22 relating to the examination of public records.

3. a. A charter school shall employ or contract with teachers as defined in section 272.1, who hold valid licenses with an endorsement for the type of instruction or service for which the teachers are employed or under contract.

b. The chief administrator of the charter school shall be one of the following:

(1) An administrator who holds a valid license under chapter 272.

(2) A teacher who holds a valid license under chapter 272.

(3) An individual who holds an authorization to be a charter school administrator issued by the board of educational examiners under chapter 272. The board of educational examiners shall adopt rules for the issuance of such authorizations not later than December 31, 2021, and such authorizations shall only be valid for service or employment as a charter school administrator.

5. A charter school shall enroll an eligible student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted by lot. Upon enrollment of an eligible student, the charter school shall notify the public school district of residence not later than March 1 of the preceding school year preceding the school year of enrollment.

¹ Chapter 112 herein

Sec. 36. Section 256E.10, subsection 2, if enacted by 2021 Iowa Acts, House File 813,² is amended to read as follows:

2. As part of the charter school contract, the charter school ~~may be required to~~ shall submit an annual report to assist the state board in evaluating the charter school's performance and compliance with the performance framework.

Approved May 20, 2021

CHAPTER 140

VEHICLES OF EXCESSIVE WEIGHT AND TRANSPORTATION OF MILK — ANNUAL PERMIT

H.F. 869

AN ACT creating a permit allowing the operation of vehicles of excessive weight transporting fluid milk products, providing fees, and including effective date provisions.

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

Section 1. Section 321.463, subsection 3, Code 2021, is amended to read as follows:

3. Notwithstanding other provisions of this chapter to the contrary, indivisible loads operating under the permit requirements of sections 321E.7, 321E.8, 321E.9, ~~and 321E.29A, and 321E.29B~~, and divisible loads operating under the permit requirements of section 321E.26, shall be allowed a maximum of twenty thousand pounds per axle.

Sec. 2. Section 321E.14, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* Four hundred dollars for a fluid milk products annual permit issued pursuant to section 321E.29B.

Sec. 3. NEW SECTION. **321E.29B Fluid milk products annual permit.**

1. Notwithstanding section 321E.8, the department may issue annual permits for the operation of vehicles or combinations of vehicles transporting fluid milk products to or from a milk plant, receiving station, or transfer station, exceeding the weight limitation of section 321.463 but not exceeding a gross weight of ninety-six thousand pounds, on primary roads and primary road extensions in cities.

2. A vehicle or combination of vehicles for which a permit is issued under this section shall not exceed the maximum dimensions specified in sections 321.454 through 321.457.

3. For purposes of this section, "*fluid milk product*" means as defined in 7 C.F.R. §1000.15.

4. The department shall adopt rules pursuant to chapter 17A governing the issuance of permits under this section.

Sec. 4. **EFFECTIVE DATE.** This Act takes effect January 1, 2022.

Approved May 20, 2021

² Chapter 112 herein

CHAPTER 141**COVID-19 VACCINATION — DISCLOSURE RESTRICTIONS***H.F. 889*

AN ACT prohibiting the mandatory disclosure of whether a person has received a vaccination for COVID-19, disqualifying certain entities from receiving state grants or contracts, and including effective date provisions.

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

Section 1. NEW SECTION. 27B.1 Vaccine information on identification cards — prohibited.

The state or any political subdivision of the state shall not include on an identification card issued by the state or political subdivision information regarding whether the holder of the identification card has received a vaccination for COVID-19, as defined in section 686D.2.

Sec. 2. NEW SECTION. 27B.2 Proof of vaccination — denial of state grants or contracts.

1. Notwithstanding any provision of law to the contrary, a business or governmental entity shall not require a customer, patron, client, patient, or other person who is invited onto the premises of the business or governmental entity to furnish proof of having received a vaccination for COVID-19, as defined in section 686D.2, prior to entering onto the premises of the business or governmental entity. This section does not prohibit a business or governmental entity from implementing a COVID-19 screening protocol that does not require proof of vaccination for COVID-19.

2. Notwithstanding any provision of law to the contrary, grants or contracts funded by state revenue shall not be awarded to or renewed with respect to a business or governmental entity that violates subsection 1 on or after the effective date of this Act.

3. For the purposes of this section:

a. “*Business*” means a retailer required to obtain a sales tax permit pursuant to chapter 423, a nonprofit or not-for-profit organization, or an establishment which is open to the public at large or where entrance is limited by a cover charge or membership requirement, but does not include a health care facility as defined in section 686D.2.

b. “*Governmental entity*” means the state or any political subdivision of the state that owns, leases, or operates buildings under the control of the state or a political subdivision of the state, but does not include a health care facility as defined in section 686D.2.

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

Approved May 20, 2021

CHAPTER 142**APPROPRIATIONS — ADMINISTRATION AND REGULATION***H.F. 867*

AN ACT relating to and making appropriations and related statutory changes involving certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

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

DIVISION I
FY 2021-2022

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,603,404
.....	FTEs	48.57

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	4,104,239
.....	FTEs	1.00

Notwithstanding section 8.33, any excess moneys appropriated for utility costs in this lettered paragraph 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 of this lettered paragraph during the succeeding fiscal year.

c. For Terrace Hill operations, and for not more than the following full-time equivalent positions:

.....	\$	461,674
.....	FTEs	4.37

2. Any moneys and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2021, and ending June 30, 2022, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2 per contract on all health insurance plans administered by the department.

Sec. 4. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, 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:

.....	\$	986,193
.....	FTEs	98.00

2. The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

3. The auditor of state shall allocate moneys from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board 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 salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	720,710
.....	FTEs	7.00

Of the moneys appropriated in this section, an amount equal to the amount the Iowa ethics and campaign disclosure board secures as reimbursement for information technology-related expenses through the IowAccess revolving fund created in section 8B.33 prior to June 30, 2022, shall revert to the general fund of the state at the end of the fiscal year. The amount reverted shall not exceed \$12,598.

Sec. 6. OFFICE OF THE CHIEF INFORMATION OFFICER.

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, 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 empower rural Iowa broadband grant fund established under section 8B.11 for a broadband grant program:

.....	\$	100,000,000
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2. There is appropriated to the office of the chief information officer for the fiscal year beginning July 1, 2021, and ending June 30, 2022, from the revolving funds designated in chapter 8B and from internal service funds created by the office such amounts as the office deems necessary for the operation of the office consistent with the requirements of chapter 8B.

3. a. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the first \$750,000 collected and transferred to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess revolving fund created in section 8B.33 for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

b. All fees collected with respect to transactions involving IowAccess shall be deposited in the IowAccess revolving fund created under section 8B.33 and shall be used only for the support of IowAccess projects.

Sec. 7. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,075,454
.....	FTEs	18.10

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	360,856
.....	FTEs	11.00

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	12,468,015
.....	FTEs	80.00

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,260,005
.....	FTEs	15.00

c. INSURANCE DIVISION

(1) (a) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,367,094
.....	FTEs	120.10

(b) From the full-time equivalent positions authorized in this paragraph, the insurance division shall use 2.00 full-time equivalent positions for two fraud investigators.

(c) Except as provided in subparagraph division (b), the insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(d) The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(i) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(ii) Files with each of the entities named in subparagraph subdivision (i) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(2) (a) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	75,000
.....	FTEs	1.00

(b) The insurance division shall use the 1.00 full-time equivalent position authorized in this subparagraph for an employee whose sole responsibility is investigating complaints and notifications related to financial exploitation of eligible adults.

(c) Moneys appropriated in this subparagraph are contingent upon the enactment of 2021 Iowa Acts, Senate File 583, ¹ or House File 839, ² if enacted.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,945,727
.....	FTEs	70.00

(2) The utilities division may expend additional moneys, including moneys for additional personnel, if those additional expenditures are actual expenses which exceed the moneys budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the moneys budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

¹ Not enacted
² Chapter 137 herein

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

3. CHARGES. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services.

Sec. 8. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund created pursuant to section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes: \$ 62,317

Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,315,344
..... FTEs 25.00

2. TERRACE HILL QUARTERS

For the governor’s quarters at Terrace Hill, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 142,702
..... FTEs 1.93

Sec. 10. GOVERNOR’S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor’s office of drug control policy 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 salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

..... \$ 239,271
..... FTEs 4.00

Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 189,071
..... FTEs 5.64

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 956,894
..... FTEs 7.40

Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	546,312
.....	FTEs	10.65

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	625,827
.....	FTEs	23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,339,591
.....	FTEs	50.00

b. By December 1, 2021, the department, in coordination with the investigations division, shall submit a report to the general assembly concerning the division’s activities relative to fraud in public assistance programs for the fiscal year beginning July 1, 2020, and ending June 30, 2021. The report shall include but is not limited to a summary of the number of cases investigated, case outcomes, overpayment dollars identified, amount of cost avoidance, and actual dollars recovered.

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,866,882
.....	FTEs	115.00

b. The department shall, in coordination with the health facilities division, make the following information available to the public as part of the department’s development efforts to revise the department’s internet site:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division’s level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	38,912
.....	FTEs	11.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

c. The employment appeal board may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

6. CHILD ADVOCACY BOARD

a. For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,582,454
.....	FTEs	29.86

b. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

c. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

d. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

7. FOOD AND CONSUMER SAFETY

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	574,819
.....	FTEs	33.75

8. APPROPRIATION REALLOCATION. Notwithstanding section 8.39, the department of inspections and appeals, in consultation with the department of management, may reallocate moneys appropriated in this section as necessary to best fulfill the needs of the department provided for in the appropriation. However, the department of inspections and appeals shall not reallocate moneys appropriated to the child advocacy board in this section.

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS — LICENSE OR REGISTRATION FEES.

1. For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the department of inspections and appeals shall collect any license or registration fees or electronic transaction fees generated during the fiscal year as a result of licensing and registration activities under chapters 99B, 137C, 137D, and 137F.

2. From the fees collected by the department under this section on behalf of a municipal corporation with which the department has an agreement pursuant to section 137F.3, through a statewide electronic licensing system operated by the department, notwithstanding section 137F.6, subsection 2, the department shall remit the amount of those fees to the municipal corporation for whom the fees were collected less any electronic transaction fees collected by the department to enable electronic payment.

3. From the fees collected by the department under this section, other than those fees described in subsection 2, the department shall deposit the amount of \$800,000 into the general fund of the state prior to June 30, 2022.

4. From the fees collected by the department under this section, other than those fees described in subsections 2 and 3, the department shall retain the remainder of the fees for the purposes of enforcing the provisions of chapters 99B, 137C, 137D, and 137F. Notwithstanding section 8.33, moneys retained by the department pursuant to this subsection that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes of enforcing the provisions of chapters 99B, 137C, 137D, and 137F during the succeeding fiscal year. The department shall provide an annual report to the department of management and the legislative services agency on fees billed and collected and expenditures from the moneys retained by the department in a format as determined by the department of management in consultation with the legislative services agency.

Sec. 14. RACING AND GAMING COMMISSION — RACING AND GAMING REGULATION. There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals 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 salaries, support, maintenance, and miscellaneous purposes for regulation, administration, and enforcement of pari-mutuel racetracks, excursion boat gambling, gambling structure laws, sports wagering, and fantasy sports contests, and for not more than the following full-time equivalent positions:
..... \$ 6,869,938
..... FTEs 53.70

Sec. 15. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals 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 salaries, support, maintenance, and miscellaneous purposes:
..... \$ 1,623,897

Sec. 16. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource planning, providing for a salary model administrator, conducting performance audits, and the department’s LEAN process; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:
..... \$ 2,695,693
..... FTEs 20.00

Sec. 17. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management 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 salaries, support, maintenance, and miscellaneous purposes:
..... \$ 56,000

Sec. 18. IOWA PUBLIC INFORMATION BOARD. There is appropriated from the general fund of the state to the Iowa public information board for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, 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:
..... \$ 358,039
..... FTEs 3.00

Sec. 19. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, 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:
..... \$ 15,149,692
..... FTEs 142.90

2. From the moneys appropriated in subsection 1, the department shall use \$400,000 to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

3. The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 20. MOTOR VEHICLE FUEL TAX FUND APPROPRIATION. There is appropriated from the motor vehicle fuel tax fund created pursuant to section 452A.77 to the department of revenue 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 salaries, support, maintenance, and miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle fuel tax program:
..... \$ 1,305,775

Sec. 21. SECRETARY OF STATE. 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, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,124,870
..... FTEs 16.50

b. The state department or agency that provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

2. BUSINESS SERVICES

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,420,646
..... FTEs 16.00

Sec. 22. ADDRESS CONFIDENTIALITY PROGRAM REVOLVING FUND APPROPRIATION — SECRETARY OF STATE. There is appropriated from the address confidentiality program revolving fund created in section 9.8 to the office of the secretary of state 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 salaries, support, maintenance, and miscellaneous purposes:

..... \$ 195,400

Sec. 23. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 489.117, subsection 1, paragraphs “c” and “q”, section 490.122, subsection 1, paragraphs “a” and “s”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2021, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 24. TREASURER OF STATE.

1. There is appropriated from the general fund of the state to the office of treasurer of state 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 salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,017,442
..... FTEs 26.00

2. The office of treasurer of state shall supply administrative support for the executive council.

Sec. 25. ROAD USE TAX FUND APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state 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 enterprise resource management costs related to the distribution of road use tax funds: \$ 93,148

Sec. 26. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees’ retirement fund created in section 97B.7 to the Iowa public employees’ retirement system 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 salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees’ retirement system, and for not more than the following full-time equivalent positions:

..... \$ 18,113,022
..... FTEs 88.13

Sec. 27. IOWA PRODUCTS. As a condition of receiving an appropriation, any agency appropriated moneys pursuant to this division of this Act shall give first preference when purchasing a product to an Iowa product or a product produced by an Iowa-based business. Second preference shall be given to a United States product or a product produced by a business based in the United States.

DIVISION II
STANDING APPROPRIATIONS — LIMITATIONS

Sec. 28. LIMITATION OF STANDING APPROPRIATION — FY 2021-2022. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the amount appropriated from the general fund of the state pursuant to this section for the following designated purpose shall not exceed the following amount:

For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8: \$ 17,525

DIVISION III
SOCIOECONOMIC IMPACT STUDY

Sec. 29. RACING AND GAMING COMMISSION. Notwithstanding section 8.33, from moneys appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year ending June 30, 2021, any unencumbered or unobligated moneys that remain at the close of the fiscal year, not to exceed \$200,000, shall not revert but shall remain available for expenditure for the costs associated with the completion of the socioeconomic study on the impact of gambling on Iowans required in section 99F.4.

DIVISION IV
FEES CHARGED BY THE SECRETARY OF STATE

Sec. 30. Section 9.4, Code 2021, is amended to read as follows:

9.4 Fees.

The secretary of state shall collect all fees directed by law to be collected by the secretary of state, including the following:

- 1. ~~For certificate, with seal attached, three dollars.~~

~~2. For a fee to be determined by the secretary of state by rule adopted pursuant to chapter 17A for a copy of any law or record, upon the request of any person, a fee to be determined by the secretary of state by rule adopted pursuant to chapter 17A.~~

Sec. 31. Section 9F.3, Code 2021, is amended to read as follows:

9F.3 Certification — copies.

When certified by the secretary of state the census shall be in full force and effect throughout the state. ~~On payment of a fee of two dollars by a requesting party, the secretary of state shall furnish a certified copy of the whole or any part of such census report.~~

Sec. 32. REPEAL. Section 9C.6, Code 2021, is repealed.

Approved May 24, 2021

CHAPTER 143

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

H.F. 860

AN ACT relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection.

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

DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

GENERAL FUND APPROPRIATIONS

Section 1. GENERAL FUND — DEPARTMENT.

1. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	18,538,194
.....	FTEs	395.00

2. Of the amount appropriated in subsection 1, the following amount is transferred to Iowa state university of science and technology, to be used for the university’s midwest grape and wine industry institute:

.....	\$	288,000
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3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department’s administration, regulation, and programs.

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship 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 purposes of supporting the department’s administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 305,516

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. There is appropriated from the renewable fuel infrastructure fund created in section 159A.16 to the department of agriculture and land stewardship 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 purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 500,000

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 4. DAIRY REGULATION.

1. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade “A” milk and certifying the results to the secretary of agriculture:

..... \$ 189,196

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 to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 5. LOCAL FOOD AND FARM PROGRAM.

1. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the local food and farm program pursuant to chapter 267A:

..... \$ 75,000

2. The department shall enter into a cost-sharing agreement with Iowa state university of science and technology to support the local food and farm program coordinator position as part of the university’s cooperative extension service in agriculture and home economics pursuant to chapter 267A.

3. 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 to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 6. AGRICULTURAL EDUCATION.

1. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 25,000

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 to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 7. FOREIGN ANIMAL DISEASES AFFLICTING LIVESTOCK. 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, 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 foreign animal disease preparedness and response fund created in section 163.3B:

..... \$ 750,000

Sec. 8. FARMERS WITH DISABILITIES PROGRAM.

1. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting a program for farmers with disabilities:

..... \$ 180,000

2. The moneys appropriated in subsection 1 shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The moneys shall be used to support a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, and that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services.

3. 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. 9. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

1. 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, 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 loess hills development and conservation fund created pursuant to section 161D.2:

..... \$ 400,000

2. a. Of the amount appropriated to the loess hills development and conservation fund in subsection 1, \$360,000 shall be allocated to the fund’s hungry canyons account.

b. Not more than 10 percent of the moneys allocated to the fund’s hungry canyons account as provided in paragraph “a” may be used for administrative costs.

3. a. Of the amount appropriated to the loess hills development and conservation fund in subsection 1, \$40,000 shall be allocated to the fund’s loess hills alliance account.

b. Not more than 10 percent of the moneys allocated to the fund’s loess hills alliance account as provided in paragraph “a” may be used for administrative costs.

Sec. 10. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND.

1. 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, 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 southern Iowa development and conservation fund created pursuant to section 161D.12:

..... \$ 250,000

2. Not more than 10 percent of the moneys appropriated to the fund as provided in subsection 1 may be used for administrative costs.

Sec. 11. GRAIN REGULATION. 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, 2021, and ending June 30, 2022, 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. 12. VALUE ADDED AGRICULTURE GRANT PROGRAM. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the administration and execution of a value added agriculture grant program to identify, evaluate, and support programs and services which add value to agriculture products, enable new technology, and support marketing strategies:

..... \$ 250,000

DIVISION II
GENERAL FUND
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
WATER QUALITY INITIATIVE

Sec. 13. WATER QUALITY INITIATIVE — GENERAL.

1. 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, 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 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:

..... \$ 3,000,000

2. a. The moneys appropriated in subsection 1 shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, all of the following shall apply:

a. The demonstration projects shall utilize water quality practices as described in the Iowa nutrient reduction strategy as defined in section 455B.171.

b. The division shall implement demonstration projects as provided in paragraph “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 a demonstration project on a cost-share basis as determined by the division. However, 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 under section 22.7.

4. The moneys appropriated in subsection 1 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 subsection 1 may be used to contract with persons to coordinate the implementation of efforts provided in this section.

6. The moneys appropriated in subsection 1 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 subsection 1 to carry out the provisions of this section 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 section may be used to pay for the costs of administering and implementing the water quality initiative by the department’s division of soil conservation and water quality as provided in section 466B.42 and this section.

DIVISION III
DEPARTMENT OF NATURAL RESOURCES

Sec. 14. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources 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 purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	12,093,061
.....	FTEs	1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger or park manager positions within the department.

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department’s administration, regulation, and programs.

Sec. 15. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1. There is appropriated from the state fish and game protection fund created pursuant to section 456A.17 to the department of natural resources 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 purposes of supporting the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, including for administration, regulation, law enforcement, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 46,273,501

2. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022, as is necessary to fund salary adjustments for departmental employees for which the general assembly has made an operating budget appropriation in subsection 1.

Sec. 16. GROUNDWATER PROTECTION FUND — WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2021, and ending June 30, 2022, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s protection of the state’s groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 3,455,850

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 17. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources 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 purpose designated:

For purposes of administering and enforcing the state snowmobile programs:

..... \$ 100,000

Sec. 18. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANKS SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive petroleum underground storage tank fund board established pursuant to section 455G.4 to the department of natural resources 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 purpose designated:

For purposes of paying for administration expenses of the department’s underground storage tanks section:

..... \$ 200,000

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 19. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

1. There is appropriated from the general fund of the state to the department of natural resources 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 purpose designated:

For purposes of supporting floodplain management and dam safety:

..... \$ 1,510,000

2. Of the amount appropriated in subsection 1, up to \$400,000 may be used by the department to acquire or install stream gages for purposes of tracking and predicting flood events and for compiling necessary data to improve flood frequency analysis.

3. Notwithstanding section 8.33, moneys appropriated in subsection 1 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. 20. FORESTRY HEALTH MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of natural resources 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 purposes of providing for forestry health management programs:

..... \$ 500,000

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 to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 21. STATE PARK OPERATIONS. There is appropriated from the general fund of the state to the department of natural resources 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 supporting operations at state parks, including maintenance and repair of grounds and facilities:

..... \$ 1,000,000

MISCELLANEOUS PROVISIONS

Sec. 22. VISITOR PARKING AT STATE PARKS — STUDY. The department of natural resources shall conduct a study of the availability of visitor parking at state parks. The department shall identify any inadequacy in the availability of visitor parking at each state park during periods of high use. The department shall prepare a report which shall identify each state park that fails to provide adequate visitor parking and a recommendation to improve that state park to accommodate existing or expected visitor parking. The department shall submit the report to the governor and general assembly not later than December 10, 2021.

DIVISION IV
IOWA STATE UNIVERSITY
SPECIAL GENERAL FUND APPROPRIATIONS

Sec. 23. VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology 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 purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

..... \$ 4,400,000

..... FTEs 51.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university of science and technology's budget units.

3. If by June 30, 2022, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. 24. LIVESTOCK DISEASE RESEARCH. There is appropriated from the general fund of the state to Iowa state university of science and technology 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:

1. For deposit in the livestock disease research fund created in section 267.8:
..... \$ 170,390

2. Moneys appropriated to the fund under subsection 1 shall be used by Iowa state university of science and technology to support animal disease research in areas of importance to livestock producers.

DIVISION V
STATE UNIVERSITY OF IOWA
SPECIAL GENERAL FUND APPROPRIATION
AGRICULTURAL SAFETY AND HEALTH

Sec. 25. IOWA'S CENTER FOR AGRICULTURAL SAFETY AND HEALTH (I-CASH).

1. There is appropriated from the general fund of the state to the state university of Iowa 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 supporting the operations of Iowa's center for agricultural safety and health, as part of the university's college of public health, and in cooperation with the department of agriculture and land stewardship, to anticipate, recognize, and prevent occupational illness and injury among members of the agricultural community:

..... \$ 128,154

2. a. As a condition of the appropriation made in subsection 1, the state university of Iowa shall retain the director of Iowa's center for agricultural safety and health employed on the effective date of this division of this Act for at least the same number of hours for the fiscal year beginning July 1, 2021, as worked by the director during the fiscal year beginning July 1, 2020.

b. As a condition of the appropriation made in subsection 1, the state university of Iowa shall not reduce the amount allocated to support Iowa's center for agricultural safety from any other source due to the appropriation made in subsection 1.

3. If by June 30, 2022, the state university of Iowa fails to use the moneys appropriated in subsection 1 in accordance with the purposes and conditions of subsections 1 and 2, any unencumbered and unobligated moneys appropriated in subsection 1 for the fiscal year beginning July 1, 2021, and ending June 30, 2022, shall revert to the general fund of the state. In addition, if moneys are required to be reverted pursuant to section 8.33, the state university of Iowa shall transfer to the general fund from any otherwise unencumbered and unobligated moneys from any other general fund appropriation or from any moneys available from other funding sources an amount equal to the amount appropriated in subsection 1 less any amount reverted to the general fund of the state pursuant to section 8.33.

DIVISION VI
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS

Sec. 26. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

..... \$ 1,000,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Notwithstanding any other provision in law, the department may use moneys appropriated in this subsection, in combination with other appropriate environment first fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... \$ 900,000

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

3. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 900,000

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

4. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation:

..... \$ 8,325,000

b. (1) Of the amount appropriated in paragraph “a”, for transfer to the hungry canyons account of the loess hills development and conservation fund created in section 161D.2:

..... \$ 140,000

(2) Not more than 10 percent of the moneys transferred to the fund’s hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. Of the remaining amount appropriated in paragraph “a”, for use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation districts:

..... \$ 8,185,000

d. Of the amount appropriated in paragraph “c” that the department allocates to a soil and water conservation district, the first \$15,000 may be expended by the district for the purpose of providing financial incentives under section 161A.73 to establish management practices for the control of soil erosion on land that is row-cropped, including but not limited to nontill planting, ridge-till planting, and contouring strip-cropping. Of any remaining amount of that appropriation allocated by the department to a district, 30 percent may be expended by the district for that same purpose.

e. Not more than 5 percent of the moneys appropriated in paragraph “c” may be allocated for cost sharing to address complaints filed under section 161A.47.

f. Of the moneys appropriated in paragraph “c”, 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

g. The state soil conservation and water quality committee established by section 161A.4 may allocate moneys appropriated in paragraph “c” to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

h. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

i. Not more than 15 percent of the moneys appropriated in paragraph “c” may be used for costs of administration and implementation of soil and water conservation practices.

5. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 3,800,000

b. Of the moneys appropriated in paragraph “a”, \$150,000 is allocated to support field staff providing technical assistance.

Sec. 27. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance and operations of state parks and staff time associated with these activities:

..... \$ 6,235,000

2. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... \$ 195,000

3. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 2,955,000

4. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

..... \$ 500,000

5. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459, 459A, and 459B:

..... \$ 1,320,000

6. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

..... \$ 425,000

7. FLOODPLAIN MANAGEMENT AND DAM SAFETY

For supporting floodplain management and dam safety:

..... \$ 375,000

Sec. 28. STATE UNIVERSITY OF IOWA — IOWA GEOLOGICAL SURVEY. There is appropriated from the environment first fund created in section 8.57A to the state university of Iowa for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OPERATIONS

For purposes of supporting the operations of the Iowa geological survey of the state as created within the state university of Iowa pursuant to section 456.1, including but not limited to providing analysis; data maintenance, collection, and compilation; investigative programs; and information for water supply development and protection:

..... \$ 200,000

2. WATER RESOURCE MANAGEMENT

For purposes of supporting the Iowa geological survey in measuring, assessing, and evaluating the quantity of water sources in this state and assisting the department of natural resources in regulating water quantity as provided in chapter 455B, division III, part 4, pursuant to sections 455B.262B and 456.14:

..... \$ 495,000

Sec. 29. REVERSION.

1. a. Except as provided in paragraph “b”, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2021, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but instead shall remain available to be used for the purposes designated until the close of the succeeding fiscal year, or until the project for which the appropriation was made is completed, whichever is earlier.

b. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2021, in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the establishment of permanent soil and water conservation practices that remain unencumbered or unobligated at the close of the fiscal year shall not revert but instead shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2024.

2. Subsection 1 does not apply to moneys transferred pursuant to this division of this Act to the loess hills development and conservation fund created in section 161D.2 which shall not revert as provided in that section.

DIVISION VII
ENVIRONMENT FIRST FUND
SPECIAL APPROPRIATIONS

Sec. 30. WATER QUALITY INITIATIVE — DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

1. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship 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 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:

..... \$ 2,375,000

2. a. The moneys appropriated in subsection 1 shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, all of the following shall apply:

a. The demonstration projects shall utilize water quality practices as described in the Iowa nutrient reduction strategy as defined in section 455B.171.

b. The division shall implement demonstration projects as provided in paragraph “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 a demonstration project on a cost-share basis as determined by the division. However, 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 under section 22.7.

4. The moneys appropriated in subsection 1 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 subsection 1 may be used to contract with persons to coordinate the implementation of efforts provided in this section.

6. The moneys appropriated in subsection 1 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 subsection 1 to carry out the provisions of this section 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 section may be used to pay for the costs of administering and implementing the water quality initiative by the department’s division of soil conservation and water quality as provided in section 466B.42 and this section.

DIVISION VIII
IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND

Sec. 31. REAP — IN LIEU OF GENERAL FUND APPROPRIATION. In lieu of the standing appropriation in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and protection fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount, to be allocated as provided in section 455A.19:

..... \$ 12,000,000

Sec. 32. REAP — OPEN SPACES ACCOUNT — STATE PARK MAINTENANCE AND REPAIR. Notwithstanding section 455A.19, subsection 1, paragraph “a”, subparagraph (1), of the moneys allocated to the open spaces account of the Iowa resources enhancement and protection fund, up to \$1,000,000 may be used by the department of natural resources for state park maintenance and repair for the fiscal year beginning July 1, 2021, and ending on June 30, 2022.

DIVISION IX
CODE CHANGES

Sec. 33. Section 8.57, subsection 5, paragraph f, subparagraph (1), subparagraph division (c), subparagraph subdivision (i), Code 2021, is amended to read as follows:

(i) For each fiscal year of the period beginning July 1, 2020, and ending June 30, ~~2029~~ 2039, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next fifteen million dollars shall be deposited in the water quality infrastructure fund created in section 8.57B.

Sec. 34. Section 8.57, subsection 5, paragraph f, subparagraph (1), subparagraph division (c), subparagraph subdivision (ii), subparagraph part (B), Code 2021, is amended to read as follows:

(B) On July 1, ~~2029~~ 2039.

Sec. 35. Section 16.134A, subsection 2, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) This paragraph “a” is repealed on January 1, ~~2030~~ 2040.

Sec. 36. Section 16.134A, subsection 3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

For each fiscal year in the period beginning July 1, 2018, and ending June 30, ~~2029~~ 2039, there is appropriated the following percentages of the balance of the fund for the following purposes:

Sec. 37. NEW SECTION. 159A.17 Appropriation.

For the fiscal year beginning July 1, 2021, and ending June 30, 2022, and for each fiscal year thereafter, there is appropriated from the general fund of the state to the renewable fuel infrastructure fund created in section 159A.16 the amount of five million dollars.

Sec. 38. Section 423G.7, subsection 2, Code 2021, is amended to read as follows:
2. July 1, ~~2029~~ 2039.

Sec. 39. Section 455A.18, subsection 3, paragraph a, Code 2021, is amended to read as follows:

a. For each fiscal year of the fiscal period beginning July 1, 1997, and ending June 30, ~~2023~~ 2026, 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.

Sec. 40. NEW SECTION. 456.5A Long-range budget plan.

1. As used in this section, “*planning period*” means a period comprised of five consecutive fiscal years each beginning July 1 and ending June 30.

2. Not later than January 10, 2022, and not later than January 10 of each subsequent five-year period, the state geologist shall publish a new long-range budget plan for the next planning period. The long-range budget plan shall describe how moneys appropriated, expected to be appropriated, or otherwise available or expected to be available to the Iowa geological survey for each fiscal year of that planning period are to be expended in a manner that best allows the Iowa geographic¹ survey to exercise its powers and carry out its duties or functions. The long-range budget plan shall include any performance goals and measures required by law or established by the state geologist. The state geologist shall annually evaluate the Iowa geological survey’s progress in attaining those performance goals and shall revise the long-term budget plan as the state geologist determines necessary or desirable.

Sec. 41. Section 456.7, Code 2021, is amended to read as follows:

456.7 Annual report.

~~The On or before January 10 of each year, the state geologist shall, annually, at the time provided by law, make submit to the governor and the general assembly a full report of the work in of the Iowa geographic² survey performed during the preceding year, which. The report shall include a summary of its current long-range budget plan as provided in section 456.5A. The report may be accompanied by such other reports and papers documents as may be considered~~ the state geologist determines is necessary or desirable for publication.

Approved June 2, 2021

¹ According to Act; the word “geological” probably intended

² According to Act; the word “geological” probably intended

CHAPTER 144

CLASSIFICATION AND RECLASSIFICATION OF SECONDARY ROADS

S.F. 234

AN ACT relating to the classification and reclassification of certain secondary roads, and including applicability provisions.

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

Section 1. Section 309.57, Code 2021, is amended to read as follows:

309.57 Area service classification.

1. The county board of supervisors, after consultation with the county engineer, and for purposes of specifying levels of maintenance effort and access, may classify the area service system into three classifications termed area service “A”, area service “B”, and area service “C”. ~~The area~~

a. Area service “A” classification roads shall be maintained in conformance with applicable statutes.

b. Area service “B” classification roads may have a lesser level of maintenance as specified by the county board of supervisors, after consultation with the county engineer.

c. Area service “C” classification roads may have restricted access and a minimal level of maintenance as specified by the county board of supervisors after consultation with the county engineer.

~~2. (1) Roads within area service “B” and “C” classifications shall have appropriate signs, conforming to the Iowa state sign manual, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads. In addition, area~~ Area service “C” classification roads shall adequately warn the public that access is limited.

3. (2) Roads may only be classified as area service “C” by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road. Access to the road shall be restricted by means of a gate or other barrier.

(3) An area service “C” classification shall apply to the entire portion of a road between the road’s access points. The county board of supervisors shall not classify only part of a road between the road’s access points, or only a bridge on the road, as area service “C”. This subparagraph does not apply to a road that terminates in a dead end. For purposes of this subparagraph, “access point” includes but is not limited to a driveway as defined in section 306.19.

4. (4) Notwithstanding section 716.7, subsection 2, paragraph “b”, subparagraph (2), entering or remaining upon an area service “C” classification road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in section 716.7.

5. (5) A road with an area service “C” classification shall retain the classification until such time as a petition for reclassification is submitted to the board of supervisors. The petition shall be signed by one or more adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

6. 2. a. Roads within area service “B” and “C” classifications shall have appropriate signs, conforming to the manual of uniform traffic-control devices adopted by the department, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads.

b. The county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is

classified as area service “B” or “C” if the road has been maintained to the level required for roads classified as area service “B” or “C”.

Sec. 2. APPLICABILITY. All area service “C” classifications in effect on the effective date of this Act that are not in compliance with this Act shall be expanded or reclassified to meet the requirements of this Act on or before January 1, 2022.

Approved June 8, 2021

CHAPTER 145

FINANCIAL OBLIGATIONS — CONSUMER CREDIT TRANSACTIONS, CIVIL PENALTIES, COURT DEBT, CRIMINAL AND CIVIL SURCHARGES, AND RESTITUTION

S.F. 367

AN ACT relating to certain financial obligations, including under the consumer credit code, and including under the criminal and juvenile justice system by modifying criminal and civil surcharges, fines, fees, costs, and court debt, providing civil penalties, and including effective date and retroactive applicability provisions.

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

Section 1. Section 537.1301, subsection 12, Code 2021, is amended to read as follows:

12. “*Consumer credit transaction*” means a consumer credit sale or consumer loan, or a refinancing or consolidation thereof, or a consumer lease, or a consumer rental purchase agreement. “Consumer credit transaction” does not include goods, services, or any other benefits provided by or on behalf of the state or a state agency.

Sec. 2. Section 602.8105, subsection 2, paragraph h, Code 2021, is amended to read as follows:

~~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~~ June 25, 2020, a civil penalty of two hundred sixty dollars.

Sec. 3. Section 602.8107, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. “Court debt” means all restitution as defined in section 910.1, fees, and forfeited bail, and other debt paid to or collected by the clerk of the district court.

Sec. 4. Section 602.8107, subsection 3, Code 2021, is amended to read as follows:

3. *Collection by 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 department of revenue, unless the case has been assigned to the county attorney under paragraph “e” “d”.

(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. (1) ~~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 department of revenue if the installment agreement was executed with the 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~~ The department of revenue shall receive fifteen percent of each court debt payment collected on cases assigned to the department of revenue for collection to reflect the cost of processing

and the remaining eighty-five percent of such court debt collected shall be paid to the clerk of the district court for distribution under section 602.8108. The department of revenue collection fee shall not include the amount of court debt collected for restitution involving pecuniary damages, the victim compensation fund, the crime services surcharge, the domestic and sexual abuse crimes surcharge, the agricultural surcharge,¹ the sex offender civil penalty.

(2) Payments made by a person under subparagraph (1) between January 1, 2021, and January 1, 2022, including any portion of the payment applied to the department of revenue's processing fee, shall be reapplied as if no department of revenue processing fee had been added to the amount owed. The department of revenue shall be allocated a portion of such payments pursuant to subparagraph (1). If a payment made by a person owing court debt between January 1, 2021, and January 1, 2022, reduces the person's total amount of court debt owed to zero, the clerk of the district court shall issue a refund to the person in the amount attributable to the processing fee added to the court debt. This subparagraph is repealed on January 1, 2023.

c. The centralized debt collection facilities of the department of revenue established pursuant to section 421.17, subsection 27, shall collect court debt assigned to the department of revenue pursuant to this section.

e. d. 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 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. 5. Section 602.8107, subsection 4, paragraph a, Code 2021, is amended to read as follows:

a. This subsection does not apply to amounts collected for restitution involving pecuniary damages, the victim compensation fund, the crime services surcharge, ~~sex offender civil penalty, the domestic and sexual abuse crimes surcharge, the agricultural theft surcharge, or amounts collected as a result of procedures initiated under subsection 5~~ the sex offender civil penalty, or under section 8A.504.

Sec. 6. Section 602.8107, subsection 5, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

5. *Uncollectible debt.*

a. Court debt that has been assigned to the department of revenue for collection pursuant to subsection 3 may be charged off from active collection by the director of the department of revenue if either of the following conditions exist:

(1) The person owing the court debt is deceased and there are no assets in the person's estate or there are no assets available for the payment of court debt under section 633.425.

(2) The person owing the court debt cannot be located after diligent inquiry and the director of the department of revenue determines the department will not be able to locate the person.

b. Court debt for any of the following shall not be charged off until sixty-five years from the date of imposition:

(1) Pecuniary damages.

(2) Victim compensation.

¹ See chapter 174, §26 herein

- (3) A criminal penalty surcharge.
- (4) A sex offender civil penalty.
- (5) A drug abuse resistance education surcharge.
- (6) A law enforcement initiative surcharge.
- (7) A county enforcement surcharge.
- (8) Fees charged pursuant to section 356.7.
- (9) A crime services surcharge.
- (10) A domestic and sexual abuse crimes surcharge.
- (11) An agricultural theft surcharge.

c. Debt that is charged off shall remain due and owing, but the judicial branch shall close the corresponding case file for the purposes of collection pursuant to this section.

Sec. 7. Section 692A.110, subsection 2, Code 2021, is amended to read as follows:

2. In addition to any other penalty, at the time of conviction for a public offense committed on or after July 1, 1995, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of ~~two hundred dollars, to be payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108.~~ With respect to a conviction for a public offense committed on or after July 1, 2009, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of two hundred fifty dollars, payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108.

Sec. 8. Section 910.3, subsection 8, Code 2021, is amended to read as follows:

8. The court shall 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. An appellate court shall not review or modify any issue related to a defendant's ability to pay unless the defendant has exhausted the defendant's remedies under section 910.7 and obtained a ruling from the district court prior to the issue being raised in the appellate court.

Sec. 9. Section 911.2B, Code 2021, is amended to read as follows:

911.2B Domestic abuse assault, ~~domestic abuse protective order contempt, and sexual abuse, stalking, and human trafficking crimes surcharge.~~

1. In addition to any other surcharge, the court shall assess a ~~domestic abuse assault, domestic abuse protective order contempt, sexual abuse, stalking, and human trafficking victim~~ domestic and sexual abuse crimes surcharge of 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 6.

Sec. 10. RESCISSION OF ADMINISTRATIVE RULES.

1. Contingent upon the enactment of the section of this Act amending section 602.8107, subsection 3, the following Iowa administrative rule is rescinded January 1, 2022:

701 Iowa administrative code, rule 155.1.

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. 11. EFFECTIVE DATE.

1. The section of this Act amending section 602.8107, subsection 3, takes effect January 1, 2022.

2. The section of this Act amending section 602.8105, section² 2, paragraph “h”, being deemed of immediate importance, takes effect upon enactment.

Sec. 12. RETROACTIVE APPLICABILITY. The following applies retroactively to July 15, 2020:

The section of this Act amending section 602.8105, subsection 2, paragraph “h”.

Approved June 8, 2021

CHAPTER 146

INPATIENT PSYCHIATRIC BED TRACKING SYSTEM STUDY COMMITTEE

S.F. 524

AN ACT establishing an inpatient psychiatric bed tracking system study committee.

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

Section 1. DEPARTMENT OF HUMAN SERVICES — INPATIENT PSYCHIATRIC BED TRACKING SYSTEM STUDY COMMITTEE.

1. The department of human services shall convene a study committee to meet during the 2021 legislative interim to examine issues and develop policy recommendations relating to improvements to the inpatient psychiatric bed tracking system including but not limited to the following:

a. Expanding the acuity of disabilities a hospital or facility is able to accept in its program to include but not be limited to persons with certain mental disabilities, behavioral disabilities, and sexually or physically aggressive behaviors.

b. Increasing reimbursement rates based on the level of care provided.

c. Implementing enhancements to the inpatient psychiatric bed tracking system to accept and report real-time electronic data from the state mental health institutes, hospitals, and subacute mental health care facilities participating in the system.

2. The membership of the committee shall, at a minimum, consist of a representative from the department of human services, the Iowa hospital association, a managed care association, and law enforcement, and a private payor of inpatient services, and a county mental health advocate.

3. The department shall submit a report of the study committee detailing the committee’s findings and recommendations, including a proposed date to implement real-time electronic data tracking, to the general assembly and the governor no later than December 15, 2021.

Approved June 8, 2021

² According to Act, the word “subsection” probably intended

CHAPTER 147**ELECTIONS — ADMINISTRATION, ENFORCEMENT, ELECTIVE OFFICES,
CONSTITUTIONAL AMENDMENTS, PUBLIC MEASURES, CANDIDATES, AND VOTING
S.F. 568**

AN ACT relating to the conduct of elections, including nominations, procedures for proposed amendments to the Iowa Constitution, and absentee voting, and including effective date provisions.

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

Section 1. Section 39.2, subsection 4, paragraph a, Code 2021, is amended to read as follows:

a. For a county, in an odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a county, in an even-numbered year, the first Tuesday in March, or the second Tuesday in September, or the first Tuesday after the first Monday in November.

Sec. 2. Section 39.4, Code 2021, is amended to read as follows:

39.4 Proclamation concerning revision of Constitution.

1. In the years in which the Constitution requires, or at other times when the general assembly by law provides for, a vote on the question of calling a convention and revising the Constitution, the governor shall at least sixty days before the general election issue a proclamation directing that at the general election there be proposed to the people the following question:

Shall there be a convention to revise the Constitution, and propose amendment or amendments to same?

2. The question proposed pursuant to this section shall be considered a public measure for the purposes of sections 49.43 through 49.47.

Sec. 3. Section 39.11, Code 2021, is amended to read as follows:

39.11 More than one office prohibited.

1. Statewide elected officials and members of the general assembly shall not hold more than one elective office at a time. All other elected officials shall not hold more than one elective office at the same level of government at a time. This section does not apply to the following offices: county agricultural extension council or soil and water conservation district commission.

2. Notwithstanding subsection 1, an elected official may hold a second elective office if not more than thirty days remain in the term of the first office and the elected official did not seek reelection for the first office in the most recent election.

Sec. 4. Section 39.12, Code 2021, is amended to read as follows:

39.12 Failure to vacate.

An elected official who has been elected to another elective office to which section 39.11 applies shall choose only one office in which to serve unless otherwise permitted pursuant to section 39.11, subsection 2. The official shall resign from all but one of the offices to which section 39.11 applies before the beginning of the term of the office to which the person was most recently elected unless otherwise permitted pursuant to section 39.11, subsection 2.

2. Failure to submit the required resignation will result in a vacancy in all the first elective offices office to which the person was elected.

Sec. 5. **NEW SECTION. 39.28 Actions — intervention.**

1. A political party, as defined in section 43.2, or a nonparty political organization organized pursuant to chapter 44, may intervene in a proceeding under chapter 17A or an action filed in the district court, court of appeals, or supreme court to challenge a provision of chapters 39 through 62 or a rule adopted to implement such a provision.

2. A political party, as defined in section 43.2, or a nonparty political organization organized pursuant to chapter 44, may petition the district court to modify or vacate an injunction

against the enforcement of a provision of chapters 39 through 62. A denial of a petition to modify or vacate an injunction is appealable as a matter of right as a final judgment.

Sec. 6. Section 43.11, subsection 1, Code 2021, is amended to read as follows:

1. For an elective county office, in the office of the county commissioner not earlier than ninety-two days nor later than 5:00 p.m. on the ~~sixty-ninth~~ seventy-fourth day before the day fixed for holding the primary election.

Sec. 7. Section 43.16, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the ~~sixty-seventh~~ sixty-ninth day before the primary election by notifying the commissioner in writing.

Sec. 8. Section 43.23, Code 2021, is amended to read as follows:

43.23 Death or withdrawal of primary candidate.

1. If a person who has filed nomination papers with the state commissioner as a candidate in a primary election dies or withdraws up to the seventy-sixth day before the primary election, the appropriate convention or central committee of that person's political party may designate one ~~additional~~ primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by 5:00 p.m. on the seventy-first day before the date of the primary election and no other person has filed as a candidate for the nomination in that election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section 43.22.

2. If a person who has filed nomination papers with the commissioner as a candidate in a primary election dies or withdraws up to the ~~sixty-seventh~~ sixty-ninth day before the primary election, the appropriate convention or central committee of that person's political party may designate one ~~additional~~ primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by 5:00 p.m. on the ~~sixty-third~~ sixty-fourth day before the primary election. The name of any candidate so submitted shall be placed on the appropriate ballot or ballots by the commissioner.

Sec. 9. Section 43.24, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. Objections to the legal sufficiency of a nomination petition or certificate of nomination filed or issued under this chapter or to the eligibility of a candidate may be filed in writing by any person who would have the right to vote for the candidate for the office in question. Objections relating to incorrect or incomplete information for information that is required under section 43.14 or 43.18 shall be sustained.

Sec. 10. Section 43.24, subsection 1, paragraph b, subparagraph (2), Code 2021, is amended to read as follows:

(2) Those filed with the commissioner, not less than ~~sixty-four~~ sixty-seven days before the date of the election, or for certificates of nomination filed under section 43.23, not less than ~~sixty-two~~ sixty-three days before the date of the election.

Sec. 11. Section 43.36, Code 2021, is amended to read as follows:

43.36 Australian ballot.

The Australian ballot system as now used in this state, except as herein modified, shall be used at said primary election. The endorsement of the precinct election officials and the facsimile or likeness of the county seal shall appear upon the ballots as provided for general elections.

Sec. 12. Section 43.78, subsection 2, Code 2021, is amended to read as follows:

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "a", "b", or "c" shall be submitted in writing to the

state commissioner not later than 5:00 p.m. on the ~~seventy-third~~ seventy-sixth day before the date of the general election.

Sec. 13. Section 43.79, Code 2021, is amended to read as follows:

43.79 Death of candidate after time for withdrawal.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the eighty-first day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the ~~seventy-third~~ seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending ~~on the last day before~~ at the time the polls close on the day of the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Sec. 14. Section 44.4, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2021, are amended to read as follows:

(1) Those filed with the state commissioner, not less than ~~sixty-eight~~ seventy-four days before the first Tuesday after the first Monday in June in each even-numbered year, or for certificates of nomination filed under subsection 1, paragraph "b", not less than seventy-four days before the date of the election.

(2) Those filed with the commissioner, not less than ~~sixty-four~~ sixty-seven days before the ~~date of the election~~ first Tuesday after the first Monday in June in each even-numbered year, except as provided in subparagraph (3).

Sec. 15. Section 44.6, Code 2021, is amended to read as follows:

44.6 Hearing before state commissioner.

Objections filed with the state commissioner shall be considered by the secretary of state and auditor of state and attorney general, and a majority decision shall be final; but if the objection is to the certificate of nomination of one or more of the above named officers, said officer or officers so objected to shall not pass upon the same, but their places shall be filled, respectively, by the treasurer of state, the governor, and the secretary of agriculture. Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained.

Sec. 16. Section 44.7, Code 2021, is amended to read as follows:

44.7 Hearing before commissioner.

Except as otherwise provided in section 44.8, objections filed with the commissioner shall be considered by the county auditor, county treasurer, and county attorney, and a majority decision shall be final. However, if the objection is to the certificate of nomination of one or more of the above named county officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the chairperson of the board of supervisors, the sheriff, and the county recorder. Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained.

Sec. 17. Section 44.8, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained.

Sec. 18. Section 44.9, subsections 1 and 2, Code 2021, are amended to read as follows:

1. In the office of the state commissioner, at least ~~sixty-eight~~ eighty-one days before the date of the election, or for withdrawals of nominations filed under section 44.4, subsection 1, paragraph "b", at least seventy-six days before the date of election.

2. In the office of the appropriate commissioner, at least ~~sixty-four~~ seventy-four days before the date of the election, except as otherwise provided in subsection 6.

Sec. 19. Section 44.11, Code 2021, is amended to read as follows:

44.11 Vacancies filled.

If a candidate named under this chapter withdraws or dies before the deadline established in section 44.9, declines a nomination, ~~or dies before election day~~, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than ~~seventy-four~~ seventy-six days before the election in the case of nominations required to be filed with the state commissioner or not less than seventy-one days for nominations filed under section 44.4, subsection 1, paragraph "b", not less than ~~sixty-four~~ sixty-nine days before the election in the case of nominations required to be filed with the commissioner, not less than forty-two days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for city elections.

Sec. 20. Section 45.1, subsections 5, 6, 8, and 9, Code 2021, are amended to read as follows:

5. Nominations for candidates for offices filled by the voters of a whole county may be made by nomination petitions signed by eligible electors who are residents of the county ~~equal in number to at least one percent of the number of registered voters in the county on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least two hundred fifty eligible electors who are residents of the county, whichever is less.~~ as follows:

a. For a county with a population of fifteen thousand or fewer according to the most recent federal decennial census, nomination petitions shall include at least fifty signatures.

b. For a county with a population of greater than fifteen thousand but fewer than fifty thousand according to the most recent federal decennial census, nomination petitions shall include at least seventy-five signatures.

c. For a county with a population of fifty thousand or greater according to the most recent federal decennial census, nomination petitions shall include at least one hundred signatures.

6. Nominations for candidates for the office of county supervisor elected by the voters of a supervisor district may be made by nomination petitions signed by eligible electors who are residents of the supervisor district ~~equal in number to at least one percent of the number of registered voters in the supervisor district on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least one hundred fifty eligible electors who are residents of the supervisor district, whichever is less.~~ as follows:

a. For a supervisor district with a population of fifty thousand or fewer according to the most recent federal decennial census, nomination petitions shall include at least fifty signatures.

b. For a supervisor district with a population of greater than fifty thousand according to the most recent federal decennial census, nomination petitions shall include at least one hundred signatures.

8. Nominations for candidates for elective offices in cities where the council has adopted nominations under this chapter may be submitted as follows:

a. Except as otherwise provided in subsection 9, in cities having a population of ~~three thousand five hundred~~ twenty-five thousand or greater according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than ~~twenty-five~~ seventy-five eligible electors who are residents of the city or ward.

b. In cities having a population of ~~one hundred~~ seven thousand five hundred or greater, but less than ~~three thousand five hundred~~ twenty-five thousand, according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than ~~ten~~ fifty eligible electors who are residents of the city or ward.

c. In cities having a population of ~~two thousand five hundred~~ or greater, but less than ~~one hundred~~ seven thousand five hundred, according to the most recent federal decennial census,

nominations may be made by nomination papers signed by not less than ~~five~~ twenty-five eligible electors who are residents of the city or ward.

d. In cities having a population of less than two thousand five hundred, according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than ten eligible electors who are residents of the city or ward.

9. Nominations for candidates, other than partisan candidates, for elective offices in special charter cities subject to section 43.112 may be submitted as follows:

a. For the office of mayor and alderman at large, nominations may be made by nomination papers signed by seventy-five eligible electors residing in the city equal in number to at least two percent of the total vote received by all candidates for mayor at the last preceding city election.

b. For the office of ward alderman, nominations may be made by nomination papers signed by seventy-five eligible electors residing in the ward equal in number to at least two percent of the total vote received by all candidates for ward alderman in that ward at the last preceding city election.

Sec. 21. Section 48A.28, subsection 2, paragraph b, as amended by 2021 Iowa Acts, Senate File 413,¹ is amended to read as follows:

b. A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted in the most recent general election and has not registered again or who has not reported a change to an existing registration. Registered voters receiving such notice shall be marked inactive. The form and language of the notice and return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under this subsection more frequently than once in a four-year period. A registered voter shall not be sent a notice and return card under this subsection if the registered voter was not eighteen years of age on the date of the general election.

Sec. 22. Section 48A.30, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. The registered voter dies. For the purposes of this subsection, the commissioner may accept as evidence of death a notice from the state registrar of vital statistics forwarded by the state registrar of voters, a notice from the federal social security administration, a written statement from a person related to the registered voter within the second degree of consanguinity or first degree of affinity, an obituary in a newspaper or that appears on the internet site of a funeral establishment licensed under chapter 156 or by the proper authority of another state, a written statement from an election official or personal representative of the registered voter's estate, or a notice from the county recorder of the county where the registered voter died.

Sec. 23. Section 48A.41, subsection 1, as enacted by 2021 Iowa Acts, Senate File 413,² section 32, is amended to read as follows:

1. The state registrar of voters shall conduct an audit of voter registration maintenance by each commissioner of registration in April of each odd-numbered year, on a schedule determined by the ~~commissioner~~ state registrar of voters.

Sec. 24. Section 49.31, subsection 2, paragraph c, Code 2021, is amended to read as follows:

c. On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The commissioner shall hold the drawing on the ~~first business day following the deadline for filing of nomination certificates or petitions with the commissioner for the general election pursuant to section 44.4~~ sixty-eighth day prior to the first Tuesday after the first Monday in November. If a

¹ Chapter 12 herein

² Chapter 12 herein

candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate's name shall be removed from the ballot, and the order of the remaining names shall not be changed.

Sec. 25. NEW SECTION. 49.42B Form of official ballot — candidates for president and vice president.

When candidates for president and vice president of the United States appear on the ballot, the following statement shall appear directly above the section of the ballot listing such candidates:

[A ballot cast for the named candidates for president and vice president of the United States is considered to be cast for the slate of presidential electors nominated by the political party, nonparty political organization, or independent candidate.]

Sec. 26. Section 49.43, subsection 2, Code 2021, is amended to read as follows:

2. Constitutional amendments and other public measures ~~may~~ shall be summarized by the commissioner as provided in sections 49.44 and 52.25.

Sec. 27. Section 49.44, subsection 1, Code 2021, is amended to read as follows:

1. When a proposed constitutional amendment or other public measure to be decided by the voters of the entire state is to be voted upon, the state commissioner shall prepare a written summary of the amendment or measure including the number of the amendment or statewide public measure assigned by the state commissioner. The summary shall be printed immediately preceding the text of the proposed amendment or measure on the paper ballot or optical scan ballot referred to in section 49.43. If the complete text of the proposed amendment or public measure will not fit on the ballot it shall be posted inside the voting booth. A copy of the full text shall be included with any absentee ballots.

Sec. 28. Section 49.53, subsection 1, Code 2021, is amended to read as follows:

1. The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall ~~contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show list~~ the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. ~~The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than nine point type.~~ The notice shall also state the date of the election, the hours the polls will be open, that each voter is required to provide identification at the polling place before the voter can receive and cast a ballot, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, ~~but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice.~~ The notice shall include the full text of all public measures to be voted upon at the election. The notice may contain one or more facsimiles of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2.

Sec. 29. Section 49.57, subsection 6, Code 2021, 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 facsimile~~ 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. 30. Section 49.58, subsection 1, Code 2021, is amended to read as follows:

1. If any candidate nominated by a political party, as defined in section 43.2, for the office of senator or representative in the Congress of the United States, governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the ~~eighty-eighth~~ eighty-first day and ending at the time the polls close on the last day before

of the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the ~~seventy-third~~ seventy-fourth day and ending at the time the polls close on the last day before of the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter 50. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office.

Sec. 31. Section 49.75, Code 2021, is amended to read as follows:

49.75 Oath.

Before opening the polls, each of the board members shall take the following oath:

I, A. B., do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of precinct election official of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the election.

I understand that as a precinct election official, I have access to certain information that is considered confidential and is protected under Code chapters 22, 39A, 48A, and 715C. Due to this protected status, I agree to only release this information in accordance with Iowa law.

Additionally, I understand that the prohibition on sharing confidential information extends before and after the hours that my assigned polling place is open.

Sec. 32. Section 49.78, subsection 4, Code 2021, is amended to read as follows:

4. A person who is registered to vote but is unable to present a form of identification under subsection 2 or 3 may establish identity and residency in the precinct by written oath of a person who is also registered to vote in the precinct. Before signing an oath under this subsection, the attesting registered voter shall present to the precinct election official proof of the voter's identity as provided in subsection 2 or 3. The attesting registered voter's oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed two oaths on election day attesting to a person's identity and residency as provided in this subsection is prohibited from signing any further oaths as provided in this subsection on that day.

Sec. 33. Section 49.81, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If a person casts a provisional ballot pursuant to this section or section 49.78, the voter must offer the required proof of residency or identification to vote in the polling place before the polls close on election day, or to the commissioner's office in order for the ballot to be counted. The proof must be received by the commissioner not later than noon on the Monday following the election, or if the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, the proof must be received by the commissioner before the canvass for that election by the board of supervisors.

Sec. 34. Section 49A.6, Code 2021, is amended to read as follows:

49A.6 Certification — sample ballot.

The state commissioner of elections shall, not less than ~~sixty-nine~~ sixty-three days preceding any election at which a constitutional amendment or public measure is to be submitted to a vote of the entire people of the state, transmit to the county commissioner of elections of each county a certified copy of the amendment or measure and a sample of the ballot to be used in such cases, prepared in accordance with law.

Sec. 35. Section 50.11, subsection 1, Code 2021, is amended to read as follows:

1. When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which the person is designated, as announced by the designated tally keepers, and the

number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people. A precinct election official ~~shall~~ may, at the request of the commissioner who is conducting the election, communicate the election results by telephone ~~or~~ and shall deliver the election results in person pursuant to section 50.14 to the commissioner who is conducting the election immediately upon completion of the canvass.

Sec. 36. NEW SECTION. 50.14 Return of results.

When election results are delivered in person to the commissioner who is conducting the election, the printed results and memory device of the voting equipment shall be returned to the commissioner on election night by two precinct election officials who shall be of different political parties in the case of a partisan election, or by a person designated by the commissioner, including but not limited to a state or local law enforcement officer. The printed results and memory device shall be returned in a securely sealed envelope with the signatures of all board members of the precinct placed across the seal so that the envelope cannot be opened without breaking the seal.

Sec. 37. Section 50.24, subsection 2, Code 2021, is amended to read as follows:

2. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any write-in votes tallied and recorded by the special precinct board or any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than five percent of the votes cast for an office or who each received fewer than ten votes and was not determined to be elected shall be reported collectively under the heading "scattering".

Sec. 38. Section 50.51, subsection 5, Code 2021, is amended to read as follows:

5. In advance of ~~any~~ all other election elections, the state commissioner ~~may~~ shall order an audit of the election in the manner provided in this section.

Sec. 39. Section 53.2, subsection 4, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) The name and signature of the registered voter and the date on which the request was signed.

Sec. 40. Section 53.11, subsection 1, Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. An otherwise valid petition for a satellite absentee voting station shall be rejected within four days of the commissioner's receipt of the petition if any of the following circumstances apply:

- (1) The site requested is not accessible to elderly and disabled voters.
- (2) The site requested has other physical limitations that make it impossible to meet the requirements for ballot security and secret voting.
- (3) The owner of the site refuses permission to locate the satellite absentee voting station at the site requested by the petition, unless the site is required to serve as a polling place pursuant to section 49.21, subsection 2.

(4) After reasonable efforts, the commissioner is unable to sufficiently staff the satellite absentee voting station to ensure compliance with the law of this state.

NEW PARAGRAPH. d. An otherwise valid petition for a satellite absentee voting station may be rejected within four days of the commissioner's receipt of the petition if any of the following circumstances apply:

(1) The petition requests a satellite absentee voting station for a city runoff election and a special election is scheduled to be held between the date of the regular city election and the city runoff election.

(2) The owner of the site demands payment for the site's use, unless the site is required to serve as a polling place pursuant to section 49.21, subsection 2.

Sec. 41. Section 53.11, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding subsection 1, if the commissioner receives valid petitions to establish two or more satellite absentee voting stations located within the same precinct, the commissioner may choose to establish a satellite absentee voting station at only one of the locations.

Sec. 42. Section 53.17A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The state commissioner shall by February 26, 2024, include on the state commissioner's internet site an application through which a voter can track the voter's absentee ballot request form and absentee ballot. The application shall provide all of the following information:

a. Whether the voter returned a ballot in person, by mail, or by voting in person at a satellite location.

b. The date the absentee ballot request form was received by the county commissioner.

c. The date the absentee ballot was mailed or given to the voter.

d. The date the absentee ballot was received by the county commissioner.

e. The date the county commissioner opened the outer envelope.

f. Whether there is a problem with the absentee ballot request form or absentee ballot that requires correction by the voter, along with instructions for the voter to contact the county commissioner as soon as possible to resolve the issue.

Sec. 43. Section 53.33, as enacted by 2021 Iowa Acts, Senate File 413,³ section 65, is amended by striking the section and inserting in lieu thereof the following:

53.33 Unlawful return of ballot.

1. For the purposes of this section:

a. "*Delivery agent*" means an individual registered to vote in this state who has been designated to return a completed absentee ballot to the commissioner by another registered voter who is unable to return the registered voter's own absentee ballot due to reason of blindness or other disability. "*Delivery agent*" does not include the registered voter's employer, an agent of the registered voter's employer, an officer or agent of the registered voter's union, or a person acting as an actual or implied agent for a political party as defined in section 43.2, or a candidate or committee, as defined in section 68A.102.

b. "*Immediate family member*" means an individual related to a registered voter within the fourth degree of consanguinity or affinity.

2. No person other than the registered voter, an individual who lives in the same household as the registered voter, an immediate family member of the registered voter, an individual acting in accordance with section 53.22, or a delivery agent acting on behalf of a registered voter who is unable to return the registered voter's own ballot due to reason of blindness or other disability, shall collect and return a completed absentee ballot.

3. A registered voter who is unable to return the registered voter's own completed absentee ballot due to reason of blindness or any physical disability other than intoxication may designate a delivery agent to return the registered voter's completed absentee ballot. The registered voter shall complete and sign a designation of delivery agent form prescribed by the state commissioner prior to surrendering a ballot to a delivery agent.

4. A delivery agent shall return no more than two completed absentee ballots per election. This limit shall apply to all elections occurring on the same calendar date.

5. A delivery agent shall fill out a receipt pursuant to section 53.17, subsection 4, when retrieving a completed absentee ballot from a registered voter.

³ Chapter 12 herein

6. A delivery agent shall collect the registered voter's designation of delivery agent form at the time the delivery agent collects the registered voter's completed absentee ballot. The delivery agent shall deliver the registered voter's designation of delivery agent form to the commissioner at the same time as the registered voter's completed absentee ballot.

7. Notwithstanding any provision of law to the contrary, a delivery agent shall do all of the following when delivering a completed absentee ballot to the commissioner:

a. Deliver the completed absentee ballot in person to the commissioner's office. The delivery agent shall not deliver the completed absentee ballot by mail or to a ballot drop box.

b. Present identification sufficient to establish identity pursuant to section 49.78.

c. On a form prescribed by the state commissioner, the delivery agent shall provide the delivery agent's full legal name, residential address, phone number, and electronic mail address, if applicable. The delivery agent shall also sign under penalty of perjury a statement in substantially the following form:

Under penalty of perjury, I hereby certify that I am a registered voter in the State of Iowa and not the employer, agent of the employer, or officer or agent of the union of the registered voter whose completed absentee ballot I am returning, or a person acting as an actual or implied agent for a political party as defined in section 43.2, or a candidate or committee, as defined in section 68A.102. I also certify that I am acting as the delivery agent of the registered voter whose completed absentee ballot I am returning, that I am returning the registered voter's completed absentee ballot to the commissioner who issued the ballot, and that I have not altered or tampered with the ballot. I acknowledge that Iowa law prohibits delivery agents from returning more than two completed absentee ballots for all elections occurring on the same date. I have complied with Iowa law. I understand that if I provide false information on this form, I may be guilty of perjury, a class "D" felony, and subject to a maximum prison term not to exceed five years and a fine of at least \$1,025 but not more than \$10,245.

Sec. 44. Section 53.37, subsection 2, Code 2021, is amended to read as follows:

2. The term "*armed forces of the United States*", as used in this subchapter, shall mean the army, navy, marine corps, coast guard, and air force, and space force of the United States.

Sec. 45. Section 53.49, Code 2021, is amended to read as follows:

53.49 Applicable to armed forces and other citizens.

The provisions of this subchapter as to absent voting shall apply only to absent voters in the armed forces of the United States as defined for the purpose of absentee voting in section 53.37. The provisions of sections 53.1 through ~~53.34~~ 53.33 shall apply to all other voters not members of the armed forces of the United States.

Sec. 46. Section 54.9, Code 2021, is amended to read as follows:

54.9 Compensation.

The electors shall each receive a compensation of ~~five dollars~~ one-half of the federal general services administration's per diem rate for the relevant date and location for every day's attendance, and the same mileage as members of the general assembly which shall be paid from funds not otherwise appropriated from the general fund of the state.

Sec. 47. Section 99F.7, subsection 11, paragraph a, Code 2021, is amended to read as follows:

a. A license to conduct gambling games in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, and subject to the requirements of paragraph "e", shall direct the commissioner of elections to submit to the registered voters of the county a proposition to approve or disapprove the conduct of gambling games in the county. The proposition shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph "a". ~~To be~~

~~submitted at a general election, the petition must be received by the board of supervisors at least five working days before the last day for candidates for county offices to file nomination papers for the general election pursuant to section 44.4. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued.~~

Sec. 48. Section 277.4, subsection 4, Code 2021, is amended to read as follows:

4. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the secretary ~~at any time prior to 5:00 p.m. on the thirty-fifth day before the election~~ consistent with section 44.9, subsection 5.

Sec. 49. Section 331.552, subsection 4, Code 2021, 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, and the word "Iowa". A county shall have only one official county seal.

Sec. 50. Section 347.25, subsection 1, Code 2021, 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 at least sixty-nine days before the date of the election. A plurality is sufficient to elect hospital trustees.

Sec. 51. Section 376.5, Code 2021, is amended to read as follows:

376.5 Publication of ballot.

~~Notice containing a copy of the ballot~~ for each regular, special, primary, or runoff city election ~~must~~ shall be published by the county commissioner of elections as provided in section 362.3, except that notice of a regular, primary, or runoff election may be published not less than four days before the date of the election. The published notice ~~must contain~~ list the names of all candidates, and may not contain any party designations. The published notice ~~must contain~~ include any question to be submitted to the voters. The notice may contain one or more facsimiles of the portion of the ballot containing the first arrangement of candidates as prescribed by section 49.31, subsection 2.

Sec. 52. REPEAL. Sections 43.80 and 53.34, Code 2021, are repealed.

Sec. 53. REPEAL. 2017 Iowa Acts, chapter 155, section 1, is repealed.

Sec. 54. EFFECTIVE DATE.

1. Except as otherwise provided, this Act, being deemed of immediate importance, takes effect upon enactment.

2. The following take effect January 1, 2022:

- a. The section of this Act amending section 43.11, subsection 1.
- b. The section of this Act amending section 43.16, subsection 2, paragraph "b".
- c. The section of this Act amending section 43.24, subsection 1, paragraph "b", subparagraph (2).
- d. The section of this Act amending section 43.78, subsection 2.
- e. The section of this Act amending section 43.79.
- f. The section of this Act amending section 44.4, subsection 2, paragraph "a", subparagraphs (1) and (2).
- g. The section of this Act amending section 44.9, subsections 1 and 2.
- h. The section of this Act amending section 44.11.

- i. The section of this Act amending section 45.1, subsections 5, 6, 8, and 9.
- j. The section of this Act amending section 49.58, subsection 1.
- k. The section of this Act amending section 50.51, subsection 5.

Approved June 8, 2021

CHAPTER 148

VETERAN AND MILITARY PROPERTY TAX CREDIT AND EXEMPTION INFORMATION — CONFIDENTIALITY

S.F. 574

AN ACT relating to confidential information maintained by local government officials for certain veteran and military property tax credits and exemptions.

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

Section 1. Section 425.15, subsection 5, paragraph a, Code 2021, is amended to read as follows:

a. Except as provided in paragraph “b”, the ~~name and address of an individual~~ list of the names and addresses of individuals allowed a credit under this section and maintained by the county recorder, county treasurer, county assessor, city assessor, or other ~~entity government body~~ entity government body is confidential information, ~~and shall not be disseminated to any person~~ unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law. The county recorder, county treasurer, county assessor, city assessor, or other government body responsible for maintaining the names and addresses of individuals allowed a credit under this section may display such credit on individual paper records and individual electronic records, including display on an internet site.

Sec. 2. Section 426A.13, subsection 5, paragraph a, Code 2021, is amended to read as follows:

a. Except as provided in paragraph “b”, the ~~name and address of an individual~~ list of the names and addresses of individuals allowed a military service tax exemption under this ~~section~~ chapter and maintained by the county recorder, county treasurer, county assessor, city assessor, or other ~~entity government body~~ entity government body is confidential information, ~~and shall not be disseminated to any person~~ unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law. The county recorder, county treasurer, county assessor, city assessor, or other government body responsible for maintaining the names and addresses of individuals allowed an exemption under this chapter may display such exemption on individual paper records and individual electronic records, including display on an internet site.

Approved June 8, 2021

CHAPTER 149

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP — POWERS, DUTIES, PROGRAMS, AND REGULATED PRODUCTS AND SERVICES

S.F. 578

AN ACT relating to the powers and duties of the department of agriculture and land stewardship, including by providing for administration, programs, and regulations, providing fees, providing penalties, and making penalties applicable.

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

DIVISION I DEPARTMENTAL ORGANIZATION

Section 1. Section 159.5, subsection 7, Code 2021, is amended to read as follows:

7. ~~Establish and maintain a marketing news service bureau in the department which shall, in cooperation with the federal market news and grading division~~ Cooperate with the agricultural marketing service of the United States department of agriculture, to collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state.

DIVISION II FOREIGN ANIMAL DISEASE CONTROL

Sec. 2. Section 22.7, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in section 163.3C.

Sec. 3. Section 163.3C, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 3. *a.* In developing and establishing a foreign animal disease preparedness and response strategy, the department may collect, maintain, and use information related to the registration and identification of any premises where animals are kept. The information may include but is not limited to all of the following:

- (1) The name, address, and contact information of an interested person.
- (2) The location of the premises where the animals are kept.
- (3) An identification number assigned to the premises where the animals are kept.

b. The information described in paragraph “*a*” is a confidential record as provided in section 22.7. Nothing in this subsection limits the department in acting as the lawful custodian of the confidential record from disclosing the record or any part of the record to another person if the department determines that such disclosure will assist in implementing, administering, or enforcing the foreign animal disease preparedness and response strategy.

DIVISION III COMMODITY PRODUCTION AND SALE

PART A FARM-TO-SCHOOL ACT

Sec. 4. Section 190A.1, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

190A.1 Short title.

This chapter shall be known and may be cited as the “*Farm-to-School Act*”.

Sec. 5. NEW SECTION. **190A.2 Definitions.**

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

1. “*Department*” means the department of agriculture and land stewardship.

2. “*Food animal*” means an animal belonging to the bovine, caprine, ovine, or porcine species; a turkey, chicken, or other type of poultry; a farm deer as defined in section 170.1; a fish or other aquatic organism confined in private waters for human consumption; or a bee as defined in section 160.1A.

3. “*Food commodity*” means any of the following:

a. A food animal that is to be slaughtered or harvested and that is to be processed into a food product.

b. An item regularly generated by a food animal, including milk, eggs, or honey, that has been collected, and that is to be processed into a food product.

c. Sap, whole nuts, or whole produce, including vegetables or fruit, that has been harvested and that is to be processed into a food product.

4. “*Food product*” means a perishable or nonperishable product derived from processing a food commodity to be fit for human consumption, including but not limited to cuts of meat, poultry, or fish; shelled aquatic items; pasteurized milk or dairy products; washed shelled eggs; honey; maple syrup; cleaned unshelled or shelled nuts; washed whole produce; and washed and cut produce.

5. “*Fund*” means the farm-to-school fund created in section 190A.5.

6. “*Process*” means to prepare a food commodity in a manner that allows it to be sold to consumers as a food product, including by altering the form or identity of the food commodity; trimming, cutting, cleaning, drying, freezing, filtering, sorting, or shelling the food commodity; or packaging the food commodity.

7. “*Program*” means the farm-to-school program created in section 190A.6.

8. “*School*” means a public school or nonpublic school, as those terms are defined in section 280.2, or that portion of a public school or nonpublic school that provides facilities for teaching any grade from kindergarten through grade twelve.

9. “*School district*” means a school district as described in chapter 274.

Sec. 6. NEW SECTION. 190A.5 Farm-to-school fund.

1. A farm-to-school fund is created in the state treasury under the management and control of the department.

2. The fund shall include moneys appropriated to the fund by the general assembly. The fund shall include any other moneys available to and obtained or accepted by the department, including moneys from public or private sources, to support the program.

3. Moneys in the fund are appropriated to support the program in a manner determined by the department, including for reasonable administrative costs incurred by the department. However, the department shall not expend more than four percent of moneys existing at any one time in the fund during each fiscal year for purpose of paying costs associated with the administration of the program and fund incurred by the department during that fiscal year. Moneys expended from the fund shall not require further special authorization by the general assembly.

4. a. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated.

Sec. 7. NEW SECTION. 190A.6 Farm-to-school program.

1. A farm-to-school program is created. The program shall be controlled and administered by the department.

2. The purpose of the program is to assist schools and school districts in purchasing food products derived from food commodities produced on a farm.

3. The department shall reimburse a school or school district for expenditures incurred by the school or school district during the school year in which the school or school district is participating in the program to purchase food products derived from food commodities produced on a farm.

4. A school or school district must apply each year to the department to participate in the program according to rules adopted by the department pursuant to chapter 17A.

5. To be eligible to participate in the program, a school or school district must purchase a food product directly from a farm source as follows:

a. The farm source must be any of the following:

(1) A farm where a food commodity is produced, if the food commodity is processed into a food product on the farm for sale to a consumer.

(2) A business premises that is directly shipped a food commodity from a farm, if the food commodity is processed into a food product on the business premises for sale to a consumer.

(3) A business premises that is directly shipped a food product from a farm, if the food product is purchased for resale to a consumer or is distributed to a consumer on behalf of a farmer.

b. The farm source must comply with all applicable laws regulating the sale of food.

c. (1) Except as provided in subparagraph (2), the farm source must be located in this state.

(2) If the school district shares a border with another state, or the school is part of a school district that shares a border with another state, the farm source may be located in the other state. However, the farm source must be located within thirty miles of the school district's border with the other state and the department must approve the purchase.

6. The department shall require proof of purchase prior to reimbursing the school or school district for the purchase of food products.

7. The department of agriculture and land stewardship may administer the program in cooperation with the department of education and the participating school or school district in which a participating school is located.

8. a. The department shall reimburse a participating school or school district that submits a claim as required by the department. The department shall pay the claim on a matching basis with the department contributing one dollar for every three dollars expended by the school or school district. However, a school or school district shall not receive more than one thousand dollars during any year in which it participates in the program.

b. Notwithstanding paragraph "a", if the department determines that there are sufficient moneys in the fund to satisfy all claims that may be submitted by schools and school districts, the department shall provide for the distribution of the available moneys in a manner determined equitable by the department, which may include a prorated distribution to participating schools and school districts.

PART B FERTILIZERS AND SOIL CONDITIONERS

Sec. 8. Section 200.3, subsection 24, Code 2021, is amended by striking the subsection.

Sec. 9. Section 200.14, Code 2021, is amended to read as follows:

200.14 Rules.

1. ~~a. The secretary is authorized, after public hearing, following due notice, to department may adopt rules setting forth pursuant to chapter 17A providing minimum general safety standards for the design, construction, location, installation, and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia fertilizers and soil conditioners.~~

~~a. b. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia fertilizers or soil conditioners, and shall be in substantial conformity with the generally accepted standards of safety.~~

~~b. Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.~~

~~2. c. Anhydrous ammonia Fertilizer and soil conditioner equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary department.~~

~~3. 2. The secretary shall enforce this chapter and, after due publicity and due public hearing, department may adopt such reasonable rules as may be necessary in order to carry into effect the purpose, and intent and to secure the efficient administration, of this chapter.~~

4. ~~3.~~ This chapter does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of all kinds of fertilizer including anhydrous ammonia fertilizers or soil conditioners directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

DIVISION IV
WEIGHTS AND MEASURES

PART A
GENERAL

Sec. 10. Section 214.1, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 6. “Weighmaster” means a person who keeps and regularly uses a commercial weighing and measuring device to accurately weigh objects for others as part of the person’s business operated on a profit, cooperative, or nonprofit basis.

Sec. 11. Section 214.3, subsection 1, Code 2021, is amended to read as follows:

1. ~~The A license issued by the department for the inspection of a commercial weighing and measuring device shall expire on December 31 of each year, and for a motor fuel pump on June 30 of each year. The amount of the fee due for each license shall be as provided in subsection 3, except that the fee for a motor fuel pump shall be four dollars and fifty cents if paid within one month from the date the license is due.~~

Sec. 12. Section 214.3, subsection 3, paragraph e, subparagraph (2), Code 2021, is amended to read as follows:

(2) Retail motor fuel pump, ~~nine~~ four dollars and fifty cents.

Sec. 13. Section 214.4, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

If the department does not receive payment of the license fee required pursuant to section 214.3 within one month from the due date, the department shall ~~send~~ deliver a notice to the owner or operator of the device. ~~The notice shall be delivered by certified mail.~~ The notice shall state all of the following:

Sec. 14. Section 214.6, Code 2021, is amended to read as follows:

214.6 Oath Duties of weighmasters weighmaster.

~~All persons keeping a commercial weighing and measuring device, before entering upon their duties as weighmasters, A weighmaster shall be sworn before some person having authority to administer oaths, to keep their ensure that a commercial weighing and measuring device is correctly balanced, to make true weights, and to shall render a correct account to the person having weighing done.~~

Sec. 15. Section 214.11, Code 2021, is amended to read as follows:

214.11 Inspections — recalibrations — penalty.

1. The department shall provide for annual inspections of all motor fuel pumps, including but not limited to motor fuel blender pumps, licensed under this chapter. Inspections shall be for the purpose of determining the accuracy of the pumps’ measuring mechanisms, and for such and correctness of motor fuel pumps. For that purpose the department’s inspectors may enter upon the premises of any wholesale dealer or retail dealer, ~~as they are defined in section 214A.1, of motor fuel or fuel oil within this state.~~

2. Upon completion of an inspection, the inspector shall affix the department’s seal to the measuring mechanism of the motor fuel pump. The seal shall be appropriately marked, dated, and recorded by the inspector. If the owner of an inspected and sealed motor fuel pump is registered with the department as a servicer, the owner or other servicer may open the motor fuel pump, break the department’s seal, recalibrate the measuring mechanism if necessary, and reseal the motor fuel pump as long as the department is notified of the recalibration within forty-eight hours, ~~on a form~~ in a manner provided by the department.

~~2.~~ 3. A person violating a provision of this section is, upon conviction, guilty of a simple misdemeanor.

PART B
MOTOR FUEL

Sec. 16. Section 214A.2A, subsection 1, Code 2021, is amended to read as follows:

1. Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" ~~and a or the~~ designation as either "~~K1~~" or "~~K2~~" "K1 kerosene", and shall indicate that the kerosene is in compliance with the standard specification adopted by A.S.T.M. international specification D3699 (1982).

Sec. 17. REPEAL. Section 214A.15, Code 2021, is repealed.

PART C
INSPECTIONS

Sec. 18. Section 215.4, Code 2021, is amended to read as follows:

215.4 Tag for inaccurate or incorrect device — reinspection — license fee.

A commercial weighing and measuring device found to be inaccurate or incorrect upon inspection by the department shall be rejected or tagged "condemned until repaired" and the "~~licensed for commercial use~~" inspection sticker shall be removed. If notice is received by the department that the device has been repaired and upon reinspection the device is found to be accurate or correct, ~~the a~~ license fee ~~shall not~~ may be charged for the reinspection. However, a second license fee shall be charged if upon reinspection the device is found to be inaccurate. The device shall be tagged "condemned" and removed from service if a third reinspection fails.

Sec. 19. Section 215.7, Code 2021, is amended to read as follows:

215.7 Transactions by false weights or measures.

1. A person shall be deemed to have violated the provisions of this chapter ~~and shall be punished as provided in chapter 189, if the person does~~ any of the following apply:

1. a. ~~The person sells~~ Sells, trades, delivers, charges for, or claims to have delivered to a purchaser an amount of any commodity which is less in weight or measure than that which is asked for, agreed upon, claimed to have been delivered, or noted on the delivery ticket.

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

3. c. ~~The person makes~~ Makes a settlement for or enters a credit, based upon any false weight or measurement, for any labor where the price of producing or mining is determined by weight or measure.

4. d. ~~The person records~~ Records a false weight or measurement upon the weight ticket or book.

2. The department may adopt rules pursuant to chapter 17A that allow for reasonable variations and exceptions for small packages.

3. A person who violates this section is guilty of a simple misdemeanor.

Sec. 20. Section 215.23, Code 2021, is amended to read as follows:

215.23 Servicer's license.

1. ~~A servicer shall not install, service, or repair a commercial weighing and measuring device until the servicer has demonstrated that the servicer has available adequate testing equipment, and that the servicer possesses a working knowledge of all devices the servicer intends to install or repair and of all appropriate weights, measures, statutes, and rules, as evidenced by passing a qualifying examination to be conducted by the department and obtaining a license. The secretary of agriculture shall establish by rule pursuant to chapter 17A, requirements for and contents of the examination. The department may adopt rules pursuant to chapter 17A setting forth qualification requirements for persons applying for a servicer's license, including an examination.~~

2. In determining ~~these~~ a ~~servicer's~~ qualifications, the ~~secretary shall~~ department may consider the specifications of the United States national institute of standards and technology, handbook 44, "Specifications, Tolerances, and Technical Requirements for Weighing and Measuring Devices", or the current successor or equivalent specifications adopted by the United States national institute of standards and technology.

3. The ~~secretary shall~~ department may require ~~an annual~~ the payment of a license fee of ~~not more than five dollars~~ for an amount established by rule for each license issued under this section.

4. Each ~~A~~ license shall expire ~~one year~~ two years from its date of issuance.

Sec. 21. REPEAL. Sections 215.3 and 215.8, Code 2021, are repealed.

DIVISION V FARM FOOD STUDY

Sec. 22. FARM-TO-TABLE TASK FORCE.

1. The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology, in cooperation with the department of agriculture and land stewardship, shall establish a farm-to-table task force.

2. The purpose of the task force is to recommend how institutional purchasers, including schools, may be provided with long-term practical options to routinely acquire fresh food derived from locally or regionally produced and processed farm commodities, including meat, poultry, fish, and dairy products; eggs; vegetables; fruits; nuts; and honey.

3. The task force shall consider methods to do all of the following:

a. Improve direct farmer to consumer transactions.

b. Better integrate existing public and private procurement and nutritional programs, including but not limited to the farm-to-school program as provided in chapter 190A; the from farm to food donation tax credit as provided in chapter 190B, subchapter I; the Iowa emergency food purchase program as provided in chapter 190B, subchapter II; and the local food and farm program as provided in chapter 267A.

4. a. The task force shall be jointly chaired by the vice president for extension and outreach of Iowa state university of science and technology, or a designee; and the secretary of agriculture, or a designee. The chairpersons of the task force shall appoint remaining voting members to serve on the task force.

b. The Iowa cooperative extension service in agriculture and home economics shall provide meeting rooms, materials, and staffing services for the task force.

5. The task force shall prepare and submit a report to the governor and general assembly not later than December 10, 2021. The report shall include findings and recommendations, including any proposed legislation, and a suggested timeline for implementation of the task force's recommendations.

6. This section is repealed December 11, 2021.

Approved June 8, 2021

CHAPTER 150 APPROPRIATIONS — TRANSPORTATION S.F. 592

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.

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, 2021, and ending June 30, 2022, 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:

..... \$ 6,887,155

b. Planning:

..... \$ 458,035

c. Highways:

..... \$ 10,866,516

d. Motor vehicles:

..... \$ 27,700,519

e. Strategic performance:

..... \$ 699,756

3. For payments to the department of administrative services and the office of the chief information officer for utility services:

..... \$ 388,096

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:

..... \$ 139,722

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:

..... \$ 94,920

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 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:

..... \$ 56,802

12. For motor vehicle division field facility maintenance projects at various locations:

..... \$ 400,000

13. For motor vehicle enforcement division field facility maintenance projects at various locations:

..... \$ 400,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 12 and 13 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, 2021, and ending June 30, 2022, 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:		
.....	\$	42,306,807
.....	FTEs	251.00
b. Planning:		
.....	\$	8,702,673
.....	FTEs	94.00
c. Highways:		
.....	\$	260,796,386
.....	FTEs	2,073.00
d. Motor vehicles:		
.....	\$	1,154,188
.....	FTEs	289.00
e. Strategic performance:		
.....	\$	4,298,498
.....	FTEs	41.00
2. For payments to the department of administrative services and the office of the chief information officer for utility services:		
.....	\$	2,384,018
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:		
.....	\$	3,353,322
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:		
.....	\$	583,080
8. For inventory and equipment replacement:		
.....	\$	7,796,000
9. For costs associated with the statewide interoperability network:		
.....	\$	380,134
10. For facility major maintenance and enhancement:		
.....	\$	5,300,000
11. For facility routine maintenance and preservation:		
.....	\$	4,700,000
12. For maintenance projects at rest area facilities throughout the state:		
.....	\$	400,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 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 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.

Approved June 8, 2021

CHAPTER 151

TAXATION AND TAX LAW ADMINISTRATION — MISCELLANEOUS CHANGES

S.F. 608

AN ACT relating to the administration of the tax and related laws by the department of revenue by requiring composite returns for pass-through entities, restricting public disclosure of certain information, providing penalties, and including applicability provisions.

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

DIVISION I

ADMINISTRATION, PENALTIES, AND CANCELLATION OF UNUSED PERMITS

Section 1. Section 421.17, subsection 13, Code 2021, is amended by striking the subsection.

Sec. 2. Section 421.27, Code 2021, is amended to read as follows:

421.27 Penalties.1. ~~Failure to timely file a return or deposit form.~~

a. If a person fails to file a return 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~~ remaining unpaid by the due date a penalty of ~~ten~~ five percent of the remaining unpaid 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~~ five 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 in addition to any other penalty provided by law.

d. The penalty, if assessed pursuant to paragraph "a" or "b", shall be waived by the department upon a showing by the taxpayer of any of the following conditions:

(1) 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.

(2) ~~(a) Those taxpayers who are~~ A taxpayer who is required to file a monthly or quarterly returns, or monthly or semimonthly deposit forms ~~return~~ may have one late return or deposit form one late payment within a three-year period.

(b) If the taxpayer receives a waiver of a penalty under this subparagraph, the taxpayer must make timely filings and payments for three years prior to being eligible for receiving another waiver under this subparagraph. If the taxpayer receives a waiver under this subparagraph, the waiver shall apply to penalties assessed under this subsection and subsection 2.

(c) The use of any other penalty exception will shall not count as a late return or deposit form late payment for purposes of this exception receiving a waiver by the taxpayer under this subparagraph.

(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 of a return or timely payment of tax.

(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 when such illness or hospitalization interferes with the timely filing of a return or timely payment of tax.

(5) Destruction of records by fire, flood, or other act of God when the destruction interferes with the timely filing of a return or timely payment of tax.

(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 the reliance was the direct cause of the failure to file or failure to pay, and that the advice 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.

(7) Reliance upon results in a previous audit was a direct cause for the failure to file or the failure to pay 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.

(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.

(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.

(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.

(11) The failure to file was discovered through a sanctioned self-audit program conducted by the department.

(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.

~~(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.

~~2. Failure to timely pay the tax shown due, or the tax required to be shown due, with the filing of a return or deposit form. If a person fails to pay the tax shown due or required to be shown due, on a return or deposit form on or before the due date, there shall be added to the tax shown due or required to be shown due remaining unpaid by the due date a penalty of five percent of the unpaid tax due. The penalty shall be in addition to any other penalty provided by law. The penalty, if assessed, shall be waived by the department upon a showing by the taxpayer of any of the following conditions:~~

~~a. At least ninety percent of the tax required to be shown due has been paid by the due date of the tax. Any reason listed under subsection 1, paragraph "d", except subsection 1, paragraph "d", subparagraph (11).~~

~~b. The taxpayer voluntarily files an amended return and pays all tax shown to be due on the return prior to any contact by the department, except under a sanctioned self-audit program conducted by the department.~~

~~c. (1) Except in the case of a final federal partnership adjustment governed by subparagraph (2), the taxpayer 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 one hundred eighty days of the final 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.

~~d. 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.~~

~~e. Reliance upon results in a previous audit was a direct cause for the failure to pay the tax required to be shown due 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.~~

~~f. 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.~~

~~g. 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.~~

~~h. 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.~~

~~i. 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.~~

3. Audit and examination deficiencies. If any person fails to pay the tax required to be shown due with the filing of a return or deposit and the department discovers the underpayment, there shall be added to the tax required to be shown due a penalty of five percent of the unpaid tax required to be shown due, which shall be in lieu of the penalty in subsection 2. The penalty, if assessed, shall be waived by the department upon a showing by the taxpayer of any of the following conditions:

a. At least ninety percent of the tax required to be shown due has been paid by the due date.

b. 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 the reliance was the direct cause for the failure to pay, and that the advice 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.

c. Reliance upon results in a previous audit was a direct cause for the failure to pay the tax shown due or required to be shown due 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.

d. 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.

4. Willful failure to file or deposit pay.

a. (1) In case of willful failure to file a return or deposit form with the intent to evade tax or a filing requirement, willful failure to pay with the intent to evade tax, 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, there shall be added to the tax remaining unpaid by the due date 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 of the unpaid tax.

(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.

5. ~~Failure to remit on extension.~~ If a person fails to remit at least ninety percent of the tax ~~required to be shown due~~ by the time an extension for further time to file a return is made, there shall be added to the tax ~~shown due or required to be shown due~~ a penalty of ten percent of the unpaid tax due.

6. *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 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.

(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 or with intent to receive a refund, credit exemption, reimbursement, rebate, or other payment or benefit, to which the person is not entitled.

(3) Willfully submits with any false information, document, or document containing false information in support of an application for refund with the intent to evade tax or with 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.

c. Penalties imposed under this subsection are not subject to waiver.

7. ~~Failure to use required form or manner.~~ If a person fails to remit payment of taxes in the form or manner required by the rules of the director, there shall be added to the amount of the tax a penalty of five percent of the amount of ~~tax shown due or required to be shown due~~ the payment remitted in the incorrect form or manner not to exceed five hundred dollars per instance of incorrect form or manner of payment. The penalty shall be in addition to any other penalty provided by law. The penalty imposed by this subsection shall be waived if the taxpayer did not receive notification of the requirement to remit tax payments electronically or if the electronic transmission of the payment was not in a format or by means specified by the director and the payment was made before the taxpayer was notified of the requirement to remit tax payments electronically.

8. *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 demand~~ issued by the department pursuant to the rules implementing this subsection 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. The penalty shall be waived by the department upon a showing of good reason as defined by the department by rule.

9. *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.

Sec. 3. Section 421.60, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. (1) A taxpayer is permitted to designate in writing the type of tax and tax periods to which any voluntary payment relates, provided that separate written instructions accompany the payment. This paragraph does not apply to jeopardy assessments and does not apply if the department has to enforce collection of the payment.

(2) As used in this paragraph, "tax period" means a period of time for which a return is required.

Sec. 4. Section 422.25, subsection 4, Code 2021, is amended to read as follows:

4. a. All payments received must be credited first, to the penalty and interest accrued, and then to the tax due. If payments in multiple tax periods are unpaid, payments received shall be credited first to the penalty and interest accrued and then tax due for the earliest period, and then credited to each following tax period in chronological order from the earliest tax period to the latest tax period. Payments required to be made within a tax period must be credited first to the earliest deposit period within the tax period. For purposes of this subsection, the department shall not reapply prior payments made on or before the due date of the original return by the taxpayer to penalty or interest determined to be due after the date of those prior payments, except that the taxpayer and the department may agree to apply payments in accordance with rules adopted by the director when there are both agreed and unagreed to items as a result of an examination.

b. As used in this subsection, "tax period" means a period of time for which a return is required.

Sec. 5. Section 422.75, Code 2021, is amended to read as follows:

422.75 Statistics — publication.

The department shall prepare and publish an annual report which shall include statistics reasonably available, with respect to the operation of this chapter, including amounts collected, classification of taxpayers, and such other facts as are deemed pertinent and valuable. The annual report shall also include the reports and information required pursuant to ~~section 421.17, subsection 13, and~~ section 421.60, subsection 2, paragraphs "i" and "l".

Sec. 6. Section 423.14, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. The tax upon the use of all tangible personal property and specified digital products other than that enumerated in paragraph "a", which is sold by a seller who is a retailer or its agent that is not otherwise required to collect sales tax under the provisions of this chapter, ~~shall~~ may be collected by the retailer or agent and remitted to the department, pursuant to the provisions of paragraph "e", and sections 423.24, 423.29, 423.30, 423.32, and 423.33.

Sec. 7. CANCELLATION OF UNUSED PERMITS. Notwithstanding any other provision of law to the contrary, from July 1, 2021, through December 31, 2021, the department of revenue shall have authority to cancel withholding tax permits, sales tax permits, or use tax permits that the department of revenue has verified are no longer in use.

DIVISION II
PASS-THROUGH ENTITIES — COMPOSITE RETURNS

Sec. 8. Section 29C.24, subsection 3, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) The imposition of income taxes under chapter 422, subchapters II and III, including the requirement to file tax returns under sections 422.13 through 422.15, section 422.16B, or section 422.36, as applicable, and including the requirement to withhold and remit income tax from out-of-state employees under section 422.16. In addition, the performance of disaster or emergency-related work during a disaster response period by an out-of-state business or out-of-state employee shall not require an out-of-state business to be included in a consolidated return under section 422.37, and shall not increase the amount of net income of the out-of-state business allocated and apportioned to the state under section 422.8 or 422.33, as applicable.

Sec. 9. Section 422.9, subsection 2A, paragraph b, Code 2021, is amended by striking the paragraph.

Sec. 10. Section 422.13, subsection 5, Code 2021, is amended by striking the subsection.

Sec. 11. Section 422.13, subsection 6, Code 2021, is amended to read as follows:

6. Notwithstanding subsections 1 through 5 4 and sections 422.14 and 422.15, a return is not required by a taxpayer as provided in section 29C.24.

Sec. 12. Section 422.16, subsection 12, paragraph a, Code 2021, is amended to read as follows:

a. In the case of nonresidents having income subject to taxation by Iowa, but not subject to withholding of such tax under subsection 1 ~~hereof~~ or subject to the provisions of section 422.16B, withholding agents shall withhold from such income at the same rate as provided in subsection 1 hereof, and such withholding agents and such nonresidents shall be subject to the provisions of this section, according to the context, except that such withholding agents may be absolved of such requirement to withhold taxes from such nonresident's income upon receipt of a certificate from the department issued in accordance with the provisions of section 422.17, as hereby amended. In the case of nonresidents having income from a trade or business carried on by them in whole or in part within the state of Iowa, such nonresident shall be considered to be subject to the provisions of this subsection unless such trade or business is of such nature that the business entity itself, as a withholding agent, is required to and does withhold Iowa income tax from the distributions made to such nonresident from such trade or business.

Sec. 13. Section 422.16, subsection 12, paragraph c, Code 2021, is amended by striking the paragraph.

Sec. 14. NEW SECTION. 422.16B **Pass-through entity composite returns.**

1. As used in this section, unless the context otherwise requires:

a. “*Nonresident member*” means a partner in a partnership as defined in section 422.25A, a shareholder of an S corporation, or a beneficiary of an estate or trust, who is any of the following:

- (1) An individual who is not a resident of this state.
- (2) A partnership without a commercial domicile in this state.
- (3) A trust or estate without a situs in this state.
- (4) A C corporation or S corporation without a commercial domicile in this state.

(5) A financial institution as defined in section 422.61 without a commercial domicile in this state.

b. “*Pass-through entity*” includes any entity that is a partnership or a pass-through entity as those terms are defined in ¹ 422.25A.

c. “*Tiered pass-through entity*” means a member of a pass-through entity that is itself a pass-through entity.

2. a. (1) A pass-through entity shall file a composite return on behalf of all nonresident members and shall report and pay the income or franchise tax imposed under this chapter at the maximum state income or franchise tax rate applicable to the member under section 422.5A, 422.33, or 422.63 on the nonresident members’ distributive shares of the income from the pass-through entity.

(2) The tax rate applicable to a tiered pass-through entity shall be the maximum state income tax rate under section 422.5A.

b. The composite return is due and shall be filed by the due date of the pass-through entity’s annual return required under section 422.14, 422.15, or 422.36, including extensions. The return shall be on a form prescribed by the department showing the total amounts paid or credited to the pass-through entity’s nonresident members, the amounts of income or franchise tax remitted in accordance with this section, if any, and such other information as the department may require. A pass-through entity shall furnish to its nonresident members a record of the amount of Iowa income or franchise tax remitted on behalf of such nonresident member in the manner and form prescribed by the department.

c. The Iowa income or franchise tax on the composite return is due on and shall be paid by the due date of the pass-through entity’s annual return required under section 422.14, 422.15, or 422.36, without extensions.

3. a. A pass-through entity is liable to the state for the payment of the tax required to be remitted under this section, together with applicable interest and penalties, but is not liable to any nonresident member for any amount withheld from distributions to or from the distributive share of such nonresident member and remitted in compliance with this section.

b. If a pass-through entity fails to pay any amount of tax required under this section and thereafter the tax is paid by the nonresident member, the amount of tax as paid by the nonresident member shall not be collected from the pass-through entity, but such payment by the nonresident member shall not relieve the pass-through entity from any penalty or interest associated with the failure to pay.

4. a. A nonresident member that has been included on a composite return filed pursuant to this section shall receive credit for Iowa income or franchise tax paid on the nonresident member’s behalf by the pass-through entity, and any amounts in excess of the nonresident member’s Iowa tax liability for the applicable tax period may be refunded to the nonresident member with interest in accordance with section 421.60, subsection 2, paragraph “e”. The nonresident member’s Iowa return shall constitute a claim for refund for this purpose. In lieu of claiming a refund, the nonresident member may elect to have the overpayment shown on the nonresident member’s final, completed return for the taxable year credited to the taxpayer’s tax liability for the following taxable year.

b. A tiered pass-through entity shall be subject to the same requirements to file a composite return and pay tax under this section with respect to the distributive shares of the tiered pass-through entity’s income. Any Iowa income or franchise tax paid on the tiered pass-through entity’s behalf by another pass-through entity may be applied against that tiered pass-through entity’s own composite tax remittance obligation imposed under this section.

c. A nonresident individual included on a composite tax return filed pursuant to this section shall be relieved of the requirement to file an individual income tax return under section 422.13 if income from the pass-through entity is the nonresident individual’s only Iowa-source income.

5. A pass-through entity shall not be required to remit Iowa income or franchise tax on behalf of a nonresident member if any of the following apply:

a. The pass-through entity is a publicly traded partnership as defined in section 7704(b) of the Internal Revenue Code, provided the publicly traded partnership files with the department

¹ See chapter 174, §17 herein

an information return that reports the name, address, taxpayer identification number, and any other information requested by the department for each unit holder with an income in this state from the publicly traded partnership in excess of five hundred dollars.

b. A composite return is not required as provided in section 29C.24.

c. The department determines by rule or through a ruling that the nonresident member's income should not be subject to composite return reporting, such as a member that is exempt from Iowa income or franchise tax.

6. If the director determines that it is necessary for the efficient administration of this chapter, the director may require that a composite return be filed for nonresidents other than nonresident members of a pass-through entity.

7. All powers of the director and requirements of the director apply to returns filed under this section including but not limited to the provisions of this subchapter and subchapter VI. The provisions of section 422.16, subsection 2, paragraph "c", and subsections 6, 10, and 14, applying to withholding agents, shall apply in the same manner to pass-through entities under this section.

8. For the efficient administration of this chapter, the director may require or provide for the composite return on the same form as or combined with a pass-through entity's annual return required under section 422.14, 422.15, or 422.36, but in such case the composite return shall be considered a separate return for purposes of this chapter and section 421.27.

Sec. 15. **APPLICABILITY.** This division of this Act applies to tax years beginning on or after January 1, 2022.

DIVISION III

PUBLIC AGENCY DISCLOSURE — TAX-EXEMPT ENTITIES — DEPARTMENT OF REVENUE

Sec. 16. 2021 Iowa Acts, House File 309,² if enacted, is amended by adding the following new section:

SEC. 6A. NEW SECTION. 22A.6 Applicability — department of revenue.

1. The following shall not be construed as a violation of this chapter with respect to the department of revenue:

a. The identification of a person as a representative, responsible party, employee, withholding agent, or other signatory or contact of an entity exempt from taxation under section 501(c) of the Internal Revenue Code on any return, form, application, or other document required to be filed with the department, including but not limited to a tax return or tax permit.

b. Powers exercised under section 422.70.

c. Information sought pursuant to discovery in a contested case proceeding.

d. Information that is expressly required to be provided by the department by law including but not limited to section 422.11S.

2. The restrictions imposed under this chapter shall not be construed to entitle any taxpayer or tax-exempt entity to any deduction, exemption, credit, or other tax position which the taxpayer or exempt entity is unable to substantiate with sufficient evidence.

Approved June 8, 2021

² Chapter 120 herein

CHAPTER 152

LIFETIME TROUT FISHING LICENSE

H.F. 234

AN ACT establishing a lifetime trout fishing license for certain older Iowans.

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

Section 1. Section 483A.24, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 19. Upon payment of a fee established by rules adopted pursuant to section 483A.1 for a lifetime trout fishing license, the department shall issue a lifetime trout fishing license to a person who is at least sixty-five years of age. The department shall prepare an application to be used by a person requesting a lifetime trout fishing license under this subsection.

Approved June 8, 2021

CHAPTER 153

GARNISHMENT — SERVICE OF NOTICES BY SHERIFFS

H.F. 365

AN ACT relating to the service of notices of garnishment by sheriffs.

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

Section 1. Section 642.5, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. The sheriff shall serve to the garnishee the notice of garnishment in the same manner as an original notice by personal service, certified mail service, first class mail, or electronic means. The recipient of the garnishment notice may return service in the same manner as the notice was received. The garnishee shall submit answers within twenty-one days of service.

NEW SUBSECTION. 1B. The sheriff conducting the garnishment shall also notify the sheriff of the county where the action is being enforced.

Approved June 8, 2021

CHAPTER 154

INDIVIDUAL INCOME TAX — EXEMPTION — BURIAL TRUST FUND EARNINGS

H.F. 367

AN ACT exempting from the state individual income tax the earnings from a burial trust fund, and including retroactive applicability provisions.

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

Section 1. Section 422.7, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 48. Subtract, to the extent included, income from interest and earnings received from a burial trust fund as defined in section 523A.102.

Sec. 2. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2021, for tax years beginning on or after that date.

Approved June 8, 2021

CHAPTER 155

ALCOHOLIC BEVERAGES — CONTAINERS, DELIVERY, AND HOURS OF SALE OR DELIVERY

H.F. 384

AN ACT relating to alcohol beverage control concerning certain class “C” liquor control licenses, hours of sale of alcoholic beverages on Sunday, and the delivery of certain alcoholic beverages.

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

Section 1. Section 123.3, subsection 11, Code 2021, is amended to read as follows:

11. “*Canned cocktail*” means a mixed drink or cocktail that is premixed and packaged in a metal can and contains more than six and twenty-five hundredths percent of alcohol by volume but not more than fifteen percent of alcohol by volume. A mixed drink or cocktail mixed and packaged in a metal can pursuant to section 123.49, subsection 2, paragraph “d”, subparagraph (3), shall not be considered a canned cocktail.

Sec. 2. Section 123.30, subsection 3, paragraph c, subparagraph (1), Code 2021, 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 in original unopened containers 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. 3. Section 123.36, subsection 6, Code 2021, is amended to read as follows:

6. Any club, hotel, motel, native distillery, passenger-carrying boat or ship, railway corporation, air common carrier, or commercial establishment holding a liquor control license, subject to section 123.49, subsection 2, paragraph “b”, may apply for and receive permission to sell and dispense alcoholic beverages as authorized by section 123.30 to patrons between the hours of 8:00 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license.

Sec. 4. Section 123.46A, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home, another licensed premises if there is identical ownership of the premises by the licensee or permittee, or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit. Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the liquor control license or retail wine or beer permit covering the premises to which the alcoholic beverages will be delivered. Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee or permittee who will receive the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee or permittee who fulfilled the order.

2. All deliveries of alcoholic liquor, wine, ~~or beer~~, or mixed drinks or cocktails shall be subject to the following requirements and restrictions:

a. Payment for the alcoholic liquor, wine, ~~or beer~~, or mixed drinks or cocktails shall be received by the licensee or permittee at the time of order.

b. Orders for deliveries may be taken by the licensee or permittee between the hours of 2:00 a.m. and 6:00 a.m. on a day other than Sunday, and orders for deliveries may be taken between the hours of 2:00 a.m. and ~~8:00~~ 6:00 a.m. on a Sunday provided the licensee or permittee has been granted the privilege of selling alcoholic liquor, wine, ~~or beer~~, or mixed drinks or cocktails on Sunday, notwithstanding any provision of section 123.49, subsection 2, paragraph "b", to the contrary.

c. Alcoholic liquor, wine, ~~or beer~~, or mixed drinks or cocktails delivered to a person shall be for personal use and not for resale.

d. Deliveries shall only be made to persons in this state who are twenty-one years of age or older.

e. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication.

f. Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through ~~Saturday~~, and ~~between 8:00 a.m. and 10:00 p.m. Sunday.~~

g. Delivery of alcoholic liquor, wine, ~~or beer~~, or mixed drinks or cocktails shall be made by the licensee or permittee, or the licensee's or permittee's employee, and not by a third party.

h. Delivery personnel shall be twenty-one years of age or older.

i. Deliveries shall be made in a vehicle owned, leased, or under the control of the licensee or permittee.

j. Valid proof of the recipient's identity and age shall be obtained at the time of delivery, and the signature of a person twenty-one years of age or older shall be obtained as a condition of delivery.

k. Licensees and permittees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic liquor, wine, ~~or beer~~, or mixed drinks or cocktails. The records shall be maintained on the licensed premises for a period of three years.

~~l. Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the liquor control license or retail wine or beer permit covering the premises to receive the delivery.~~

~~m. Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee or permittee who received the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee or permittee who fulfilled the order.~~

Sec. 5. Section 123.46A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Licensees and permittees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the wine, beer, or mixed drinks or cocktails to a home or other designated location in this state only if the container other than the original container has been sold and securely sealed in compliance with this chapter or the rules of the division.

Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit.

Sec. 6. Section 123.49, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. Sell or dispense any alcoholic beverage on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday, however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday.

Sec. 7. Section 123.49, subsection 2, paragraph d, subparagraphs (2) and (3), Code 2021, are amended to read as follows:

(2) Mixed drinks or cocktails mixed on the premises that are not for immediate consumption may be consumed on the licensed premises subject to the requirements of this subparagraph pursuant to rules adopted by the division. The rules shall provide that the mixed drinks or cocktails be stored, for no longer than seventy-two hours, in a labeled container in a quantity that does not exceed three gallons. The rules shall also provide that added flavors and other nonbeverage ingredients included in the mixed drinks or cocktails shall not include hallucinogenic substances or added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine. ~~In addition, the~~ The rules shall also require that the licensee keep records as to when the contents in a particular container were mixed and the recipe used for that mixture. In addition, mixed drinks or cocktails mixed on the premises pursuant to this subparagraph may be sold for consumption off the licensed premises as provided in and subject to the requirements of subparagraph (3).

(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~~ filled in a sealed container 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 a sealed container~~ in compliance with the requirements of this subparagraph and rules adopted by 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 123.49, subsection 2, paragraph d, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) For purposes of this paragraph:

(a) "*Sealed container*" means a vessel, including a substantial or sturdy plastic container and a vacuum or heat-sealed pouch, containing a mixed drink or cocktail that is designed to prevent consumption without removal of a tamper-evident lid, cap, or seal. "*Sealed container*" does not include a container with a sipping hole or other opening for a straw, unless the hole or other opening includes a tamper-evident seal, but a straw may be separately provided with a sealed container to the consumer for off-premises consumption.

(b) "*Tamper-evident*" means a lid, cap, or seal that visibly demonstrates when a container has been opened.

Sec. 9. Section 123.134, subsection 4, Code 2021, is amended to read as follows:

4. Any club, hotel, motel, or commercial establishment holding a class "B" beer permit, subject to the provisions of section 123.49, subsection 2, paragraph "b", may apply for and receive permission to sell and dispense beer to patrons on Sunday for consumption on or off the premises between the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday. Any class "C" beer permittee may sell beer for consumption off the premises between the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday. For the privilege of selling beer on Sunday the beer permit fees of the applicant shall be

increased by twenty percent of the regular fees prescribed for the permit pursuant to this section and the privilege shall be noted on the beer permit.

Sec. 10. Section 123.150, Code 2021, is amended to read as follows:

123.150 Sunday sales before New Year's Day.

Notwithstanding section 123.36, subsection 6, section 123.49, subsection 2, paragraph "b", and section 123.134, subsection 4, a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer to patrons for consumption on the premises between the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day. The liquor control license fee or beer permit fee of licensees and permittees permitted to sell or dispense liquor, wine, or beer on a Sunday when that Sunday is the day before New Year's Day shall not be increased because of this privilege. The special privileges granted in this section are in force only during the specified times provided in this section.

Approved June 8, 2021

CHAPTER 156

PARI-MUTUEL WAGERING — HORSE OR DOG RACES LICENSED IN FOREIGN JURISDICTIONS

H.F. 513

AN ACT relating to pari-mutuel wagering on horse or dog races licensed in a foreign jurisdiction.

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

Section 1. Section 99D.11, subsection 6, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure or at the facility of a licensee authorized to operate an excursion gambling boat or gambling structure under chapter 99F, for the purpose of pari-mutuel wagering, a horse or dog race licensed by the racing authority of another state or foreign jurisdiction. It is the responsibility of each licensee to obtain the consent of appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. §3001 – 3007, to televise races for the purpose of conducting pari-mutuel wagering.

Approved June 8, 2021

CHAPTER 157**QUALIFIED CONFINEMENT FEEDING OPERATIONS — MANURE STORAGE AND TREATMENT — ANAEROBIC DIGESTER SYSTEMS***H.F. 522*

AN ACT providing that a qualified confinement feeding operation may utilize an anaerobic digester system to treat manure, and making penalties applicable.

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

Section 1. Section 459.102, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “*Anaerobic digester system*” means a manure storage structure that is covered, if the primary function of the manure storage structure is to process manure by employing environmental conditions including bacteria to break down organic matter in the absence of oxygen, and is used for producing, collecting, and utilizing a biogas.

Sec. 2. Section 459.206, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A qualified confinement feeding operation that processes manure using an anaerobic digester system.

Approved June 8, 2021

CHAPTER 158**POSTSECONDARY SCHOOL REGISTRATION AND THE POSTSECONDARY REGISTRATION FUND***H.F. 644*

AN ACT relating to the registration of postsecondary schools with the college student aid commission, and to the postsecondary registration fund under the control of the commission.

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

Section 1. Section 261B.8, subsection 3, Code 2021, is amended to read as follows:

3. A postsecondary registration fund is created in the state treasury under the control of the commission. Fees collected under this section and any other moneys approved by the commission shall be deposited in the postsecondary registration fund. Moneys in the fund are appropriated to the commission and shall be used ~~by the commission to administer this chapter and chapter 261G for any of the purposes set forth in subsection 4.~~ Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 2. Section 261B.8, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Moneys in the fund may be used for any of the following purposes:

- a. To administer this chapter and chapter 261G.
- b. To procure, evaluate, and store school records needed to establish the validity of claims against a school for failure to faithfully perform all contracts and agreements.
- c. To pay institutional charges on behalf of Iowans who enrolled at the school.
- d. To support an arrangement in which the school provides its current students with the opportunity to complete the students’ courses of study when the school closes, including

any activities designed to facilitate the transition of such students to another postsecondary educational institution.

- e. To pay private educational loan debt incurred by Iowans for attendance at the school.
- f. To reimburse Iowans who enrolled at the school for other financial loss, as determined by the commission.
- g. For other purposes prescribed by rule by the commission.

Sec. 3. Section 714.18, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~Except as otherwise provided in subsection 2 or 3, every~~ Every person, firm, association, or corporation maintaining or conducting in Iowa any educational course by classroom instruction or by correspondence or by other delivery method, or soliciting in Iowa the sale of such course, shall file with the college student aid commission, in a format prescribed by the commission, all of the following:

Sec. 4. Section 714.18, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. A continuous corporate surety bond to the state of Iowa in the sum of fifty thousand dollars or ten percent of the total annual tuition determined in accordance with subsection 2, whichever is less, conditioned on the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons; ~~but the~~ The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed the sum of the bond. The surety on the bond may cancel the bond upon giving thirty days' written notice to the college student aid commission and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation.

Sec. 5. Section 714.18, subsections 2, 3, 4, and 5, Code 2021, are amended to read as follows:

2. a. A school licensed ~~under the provisions of section 157.8 or 158.7~~ shall file that files with the college student aid commission ~~the following~~:

~~a. (1) A~~ a continuous corporate surety bond ~~to the state of Iowa in the~~ a sum of ~~less than~~ fifty thousand dollars ~~or ten percent of the total annual tuition collected, whichever is less, conditioned on the faithful performance of all contracts and agreements with students made by such school. A school desiring to file a surety bond based on a percentage of annual tuition shall provide to the college student aid commission, in the form~~ format prescribed by the commission, a notarized statement attesting to the total amount of tuition ~~collected the school charged to students in the immediately preceding twelve-month period~~ fiscal year. The commission shall determine the sufficiency of the statement and the amount of the bond ~~or, as permitted under subsection 3, letter of credit. Tuition information submitted pursuant to this subparagraph~~ subsection shall be kept confidential.

~~(2) If the school has filed a performance bond with an agency of the United States government pursuant to federal law, the college student aid commission shall reduce the bond required by this paragraph "a" by an amount equal to the amount of the federal bond.~~

~~(3) b.~~ The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed the sum of the bond. The surety on the bond may cancel the bond upon giving thirty days' written notice to the college student aid commission and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~(4) 3. a.~~ The college student aid commission may accept a letter of credit issued by a state or federally chartered bank or credit union in lieu of and for the amount of the corporate surety bond required by ~~subparagraphs (1) through (3), as applicable under subsection 2.~~

b. The statement required in subsection 1, paragraph "b". For purposes of this chapter and chapter 261B, a letter of credit must meet all of the following conditions:

- (1) Be payable to the commission.
- (2) Be valid for a period of at least one year from the date of issuance and subject to renewal as required by the commission.

(3) Allow the commission to draw one or multiple installments of the total letter of credit amount upon making the required presentations to the issuer.

c. The materials required in subsection 1, paragraph “c” For purposes of this section, “letter of credit” means a financial instrument subject to the provisions of chapter 554, article 5, with irrevocable terms and conditions that cannot be modified or canceled after issuance without the consent of all of the parties.

4. If a letter of credit accepted by the college student aid commission under subsection 3 is canceled, revoked, not renewed, or otherwise fails to be of full force and effect, the school shall comply with the provisions of subsection 2.

3. 5. This section shall not apply to the provision of an educational course of flight instruction under regulations promulgated by the federal aviation administration for which students do not pay tuition in advance of instruction and which students may cancel at any time with no further monetary obligation.

Sec. 6. Section 714.19, subsections 1, 2, 3, 4, and 6, Code 2021, are amended to read as follows:

1. Colleges or universities authorized by the laws of Iowa or any other state or foreign country to grant degrees A community college established under chapter 260C or an institution of higher learning under the control of the state board of regents.

2. Schools of nursing accredited by the board of nursing or an equivalent public board of another state or foreign country A public college or university created or authorized by the laws of any other state to grant degrees, in which state the college or university maintains its principal domicile and from which the college or university receives public funds to support the operating costs of the college or university.

3. Public schools A school district described in chapter 274.

4. Private and nonprofit elementary or secondary schools recognized by the department of education or a local the board of directors of a school board district for the purpose of complying with chapter 299 and employing certified teachers licensed under chapter 272.

6. Schools and educational programs conducted by firms, corporations, or persons for which no fee is charged to any student or any other party who assumes the cost of education on the student’s behalf.

Sec. 7. Section 714.19, subsection 8, Code 2021, is amended by striking the subsection.

Sec. 8. Section 714.23, Code 2021, is amended to read as follows:

714.23 Refund policies — penalty.

1. a. For the purposes of this section and section 714.25, “postsecondary educational program”:

a. “Payment period” means the same as set forth in 34 C.F.R. §668.4.

b. “Postsecondary educational program” means a series of postsecondary educational courses that lead to a recognized educational credential such as including but not limited to an academic or professional degree, diploma, or license, or other certification or designation, regardless of whether the school awards the credential.

b. For the purposes of this section, “school period”

c. “Proprietary school” means a person offering a postsecondary educational program, for profit.

d. “School period” means the course, term, payment period, postsecondary educational program, or other period for which the school assessed tuition charges to the student. A school that assesses tuition charges to the student at the beginning of each course, term, payment period, or other period that is shorter than the postsecondary educational program’s length shall base its tuition refund on the amount of tuition costs the school charged for the course, term, or other period in which the student terminated. A school shall not base its tuition refund calculation on any portion of a postsecondary educational program that remains after a student terminates unless the student was charged for that remaining portion of the postsecondary educational program before the student’s termination and the student began attendance in the school term or course.

2. a. A proprietary school shall refund all tuition charges to a student who withdraws within the first two calendar weeks of instruction.

b. A person offering at least one postsecondary educational program, for profit, that is more than four months in length and leads to a recognized educational credential, proprietary school shall make a pro rata refund of tuition charges to an Iowa resident a student who terminates from any of the school's postsecondary educational programs or courses after the first two calendar weeks in an amount that is not less than ninety ninety-five percent of the amount of tuition charged to the student multiplied by the ratio of the number of calendar days remaining in the school period until the date equivalent to the completion of sixty percent of the calendar days in the school period to the total number of calendar days in the school period until the date equivalent to the completion of sixty percent of the calendar days in the school period. If a terminating student has completed sixty percent or more of a school period, the school offering the postsecondary educational program is not required to refund tuition charges to the student.

c. (1) A proprietary school as provided in subparagraph (2) shall provide to a student who terminates after the first two calendar weeks a refund of tuition charges in an amount that is not less than ninety-five percent of the amount of tuition charged to the student multiplied by the ratio of the remaining number of calendar days in the school period to the total number of calendar days in the school period.

(2) This paragraph "c" applies to a proprietary school whose cohort default rate for students under the Stafford loan program as reported by the United States department of education for the most recent federal fiscal year is more than one hundred ten percent of the national average cohort default rate of all schools for the same federal fiscal year or six percent, whichever is higher.

3. Notwithstanding the provisions of subsection 2, the following tuition refund policy shall apply:

a. If a terminating student has completed sixty percent or more of a school period, the person offering the postsecondary educational program is not required to refund tuition charges to the student. However, if, at any time, a student terminates a postsecondary educational program due to the student's physical incapacity or, for a program that requires classroom instruction, due to the transfer of the student's spouse's employment to another city, the terminating student shall receive a refund of tuition charges in an amount that equals the amount of tuition charged to the student multiplied by the ratio of the remaining number of calendar days in the school period to the total number of calendar days in the school period.

b. A school shall provide to a terminating student a refund of tuition charges in an amount that is not less than ninety percent of the amount of tuition charged to the student multiplied by the ratio of the remaining number of calendar days in the school period to the total number of calendar days in the school period. This paragraph "b" applies to those persons offering at least one postsecondary educational program of more than four months in length, for profit, whose cohort default rate for students under the Stafford loan program as reported by the United States department of education for the most recent federal fiscal year is more than one hundred ten percent of the national average cohort default rate of all schools for the same federal fiscal year or six percent, whichever is higher. A proprietary school that assesses tuition charges to the student at the beginning of each course, term, payment period, or other period that is shorter than the postsecondary educational program's length shall base its tuition refund on the amount of tuition costs the school charged for the course, term, or other period in which the student terminated. A school shall not base its tuition refund calculation on any portion of a postsecondary educational program that remains after a student terminates unless the student was charged for that remaining portion of the postsecondary educational program before the student's termination and the student began attendance in the school term or course.

4. Notwithstanding the provisions of subsection 2, paragraphs "b" and "c", if, at any time, a student terminates a postsecondary educational program after the first two calendar weeks due to the student's physical incapacity or, for a program that requires classroom instruction, due to the transfer of the student's spouse's employment to another city, the terminating student shall receive a refund of the tuition charges in an amount that equals the amount of

tuition charged to the student multiplied by the ratio of the remaining number of calendar days in the school period to the total number of calendar days in the school period.

5. In the case of a program in which student progress is measured only in clock hours, all occurrences of “calendar days” in subsections 2 and ~~3~~ 4 shall be replaced with “scheduled clock hours”.

~~5-a.~~ 6. A student who does not receive a tuition refund up to the full refund of tuition charges due to the effect of an interstate reciprocity agreement under section 261G.4, subsection 1, may apply to the attorney general for a refund in a sum that represents the difference between any tuition refund received from the school and the full refund of tuition charges. For purposes of this subsection, “*full refund of tuition charges*” means the monetary sum of the refund for which the student would be eligible pursuant to the application of this section.

b. 7. A tuition refund fund is created as a separate fund in the office of the treasurer of state under the control of the attorney general. Moneys credited to the fund shall include amounts appropriated by the general assembly and moneys received as a result of a court order, judgment, or settlement which specifically directs that moneys be used for the purpose of providing student tuition refunds, or which authorizes the attorney general to use moneys for any other purpose at the discretion of the attorney general. All moneys credited to the fund are appropriated and made available to the attorney general for such purposes. For each fiscal year, the attorney general may expend all moneys in the fund to provide tuition refunds to eligible students. 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 subsection in subsequent fiscal years. Notwithstanding section 12C.7, interest or earnings on the moneys in the fund shall be credited to the fund.

6. 8. A refund of tuition charges shall be provided to the student within forty-five days following the date of the school’s determination that a student has terminated from a postsecondary educational program.

7. 9. A student who terminates a postsecondary educational program shall not be charged any fee or other monetary penalty for terminating the postsecondary educational program, other than a reduction in tuition refund as specified in this section.

10. A proprietary school shall apply the refund policy it adopts in accordance with this section to all students who attend on-campus classes or at instructional sites in Iowa and to all Iowa resident students who attend the school’s distance education programs. A proprietary school offering instructional programs or courses under an interstate reciprocity agreement entered into or recognized by the commission under chapter 261G shall apply the policy it adopts under this section to Iowa resident and nonresident students who attend distance education programs the school offers under the interstate reciprocity agreement.

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

a. Personal vehicle driving education schools.

b. Postsecondary vocational schools that offer solely discrete continuing education courses.

c. A for-profit school that offers solely programs for which the sum of tuition, fees, instructional materials, technology, and other items required for program completion is less than three thousand dollars.

~~8.~~ 12. A violation of this section is a simple misdemeanor.

Sec. 9. Section 714.24, subsections 2, 5, and 7, Code 2021, are amended to read as follows:

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

~~5.~~ The commission may, at its discretion, require a A proprietary school that must comply with ~~section sections~~ sections 714.23 to and 714.25 shall submit its ~~tuition refund policy~~ documentation of compliance with sections 714.23 and 714.25 to the commission for its review and approval as part of the evidence of financial responsibility filed pursuant to section 714.18.

7. Except as provided in section 714.18, subsection 2, ~~paragraph “a”~~, the information submitted under sections 714.18, 714.19, 714.23, and 714.25 are public records under chapter 22.

Sec. 10. Section 714.25, Code 2021, is amended to read as follows:

714.25 Disclosure.

1. For purposes of this section, “*proprietary school*” means ~~a person offering a postsecondary educational program, for profit, that is more than four months in length and leads to a recognized educational credential, such as an academic or professional degree, diploma, or license the same as defined in section 714.23, subsection 1.~~

2. A proprietary school shall, prior to the time a student is obligated for payment of any moneys, inform the student, and the college student aid commission, and in the case of a school licensed under section 157.8, the board of cosmetology arts and sciences or in the case of a school licensed under section 158.7, the board of barbering, of all of the following:

a. ~~The current total cost of the postsecondary educational program as charged by the proprietary school.~~

b. ~~An estimate of any fees which that may be charged to the student by others which would be required if the student is to successfully complete the postsecondary educational program and in order to obtain a recognized educational credential, including but not limited to fees for examination or licensure.~~

c. ~~The percentage of students who successfully complete the postsecondary educational program, and the percentage who terminate prior to completing the postsecondary educational program, and the period of time upon which the proprietary school has based these percentages. The reporting period shall not be less than one year in length and shall not extend more than five years into the past in accordance with paragraph “e”.~~

d. ~~If claims are made by the proprietary school as to successful placement of students in jobs upon completion of the proprietary school’s postsecondary educational programs, the proprietary school shall, in accordance with paragraph “e”, provide the student with all of the following:~~

(1) ~~The percentage of graduating students who were placed in jobs in fields related to the postsecondary educational programs.~~

(2) ~~The percentage of graduating students who went on to further education immediately upon graduation.~~

(3) ~~The percentage of students who, ninety days after graduation, were without a job and had not gone on to further education.~~

(4) ~~The period of time upon which the reports required by paragraphs “a” through “c” were based. The reporting period shall not be less than one year in length and shall not extend more than five years into the past method by which the proprietary school collected and verified the validity of data provided in accordance with this paragraph “d”.~~

e. Information provided by the proprietary school in accordance with paragraph “c” and, if applicable, paragraph “d”, shall include all of the following additional data:

(1) The applicable program name and the normal length of time required to complete the program.

(2) The total number of students in the cohort for which data is reported and the year in which the students began the program.

(3) The percentages of students that met the conditions described in paragraph “c” and, if applicable, paragraph “d”, by the most recent ending date for program completion in each of the school’s programs.

f. If claims are made by the proprietary school as to income levels of students who have graduated and are working in fields related to the proprietary school’s postsecondary educational programs, the proprietary school shall inform the student of the method used to derive such information.

3. The requirements of subsection 2 A proprietary school that is initiating operation for the first time is exempt from data reporting under subsection 2, paragraphs “c” and “d”, until the school’s first biennial renewal application under section 714.24, subsection 5.

4. This section shall not apply to a any of the following:

- a. A proprietary school that is eligible for federal student financial aid under Tit. IV of the federal Higher Education Act of 1965, as amended.
- b. A person described in section 714.23, subsection 11.

Approved June 8, 2021

CHAPTER 159

APPRAISAL STANDARDS AND APPRAISER CERTIFICATION

H.F. 682

AN ACT relating to the Iowa appraisal standards and appraiser certification law, making penalties applicable, and including applicability provisions.

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

Section 1. Section 543D.1, Code 2021, is amended to read as follows:

543D.1 Short title.

This chapter shall be known and may be cited as the “*Iowa Voluntary Appraisal Standards and Appraiser Certification Law*”.

Sec. 2. Section 543D.2, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. “Appraisal review” means developing and communicating an opinion under the uniform standards of professional appraisal practice review standards regarding the quality of an appraiser’s work product, with or without also providing an opinion of value, prepared as part of an appraisal assignment. “Appraisal review” does not include quality control solely to assure an appraisal report is complete, or to correct grammatical, typographical, or similar errors.

NEW SUBSECTION. 8A. “Federally related transaction” means any financial transaction related to real estate which a federal financial institutions regulatory agency engages in, contracts for, or regulates, and which requires the services of an appraiser pursuant to federally related transaction regulations.

NEW SUBSECTION. 8B. “Federally related transaction regulations” means regulations established by the comptroller of the currency, the board of governors of the federal reserve system, the federal deposit insurance corporation, or the national credit union administration pursuant to sections 1112, 1113, and 1114 of Tit. XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act, 12 U.S.C. §3341 – 3343.

Sec. 3. Section 543D.2, subsection 9, Code 2021, is amended to read as follows:

~~9. “Review appraiser” means a person who is responsible for the administrative approval of the appraised value of real property or assures that appraisal reports conform to the requirements of law and policy, or that the value of real property estimated by appraisers represents adequate security, fair market value, or other defined value~~ conducting an appraisal review.

Sec. 4. Section 543D.3, Code 2021, is amended to read as follows:

543D.3 Purposes.

1. The purpose of this chapter is to establish standards for real estate appraisals and a procedure for the mandatory certification of real estate appraisers performing appraisals for federally related transactions, the voluntary certification of real estate appraisers performing appraisals not related to federally related transactions, and the mandatory registration of associate real estate appraisers.

1A. A person who performs an appraisal, other than an appraisal review, for a federally related transaction as it relates to real estate located in this state must be a certified real estate

appraiser under this chapter or a registered associate real estate appraiser acting under the direct supervision of a certified real estate appraiser if the services of a certified real estate appraiser are required by federal law or regulation.

2. A person who is not a certified real estate appraiser under this chapter may appraise real estate for compensation if certification is not required by this chapter or by federal or state law, rule, or policy. However, an employee of the state department of transportation whose duties include appraisals of property pursuant to chapter 6B must be a certified real estate appraiser under this chapter or a registered associate real estate appraiser acting under the direct supervision of a certified real estate appraiser. Notwithstanding this subsection, in connection with the performance of an appraisal of real estate located in this state, the use of the title “certified real estate appraiser”, “associate real estate appraiser”, or any other like title, including a title that suggests an individual is certified under the laws of this or another state, shall only be used to refer to or by individuals who hold a certificate or registration under this chapter.

3. An employee of the state department of transportation whose duties include appraisals of property pursuant to chapter 6B must be a certified real estate appraiser under this chapter or a registered associate real estate appraiser acting under the direct supervision of a certified real estate appraiser.

4. A person who is not a certified real estate appraiser under this chapter but who is licensed under chapter 543B may be compensated in the course of business for providing an estimate of the probable selling price or leasing price of a particular parcel of real estate or interest in real estate as a comparative market analysis or a broker price opinion. Such a comparative market analysis or broker price opinion shall not be considered an appraisal for purposes of this chapter and shall not be prepared for any purpose in lieu of an appraisal when an appraisal is required by federal or state law.

Sec. 5. Section 543D.11, Code 2021, is amended to read as follows:

543D.11 Certification by reciprocity.

1. If, in the determination by the board, another state is deemed to have substantially equivalent certification requirements, an applicant who is certified under the laws of the other state may obtain a certificate as a certified real estate appraiser upon terms and conditions as determined by the board.

2. The board may recognize on a temporary basis the certification or license of an appraiser issued by another state, including where the property to be appraised is part of a federally related transaction. An appraiser engaging in such temporary practice shall apply for and obtain a temporary practice permit from the board before performing any services in relation to an appraisal, is subject to the full regulatory jurisdiction of the board, and is governed by the laws and rules administered by the board.

Sec. 6. Section 543D.15, subsection 1, Code 2021, is amended to read as follows:

1. a. The term “~~certified real estate appraiser~~” title “certified real estate appraiser”, “associate real estate appraiser”, or any other like title shall only be used to refer to individuals who hold the certificate or registration, as applicable, and shall not be used in connection with or as part of the name or signature of a firm, partnership, corporation, or group, or in a manner that it may be interpreted as referring to a firm, partnership, corporation, group, other business entity, or anyone other than an individual holder of the certificate or registration.

b. In connection with an appraisal assignment performed on real estate located in this state, the title “certified real estate appraiser”, “associate real estate appraiser”, or any other like title, including a title that suggests an individual is licensed or certified under the laws of this state or another state, shall only be used to refer to individuals who hold a certificate or registration under this chapter.

Sec. 7. Section 543D.20, subsection 5, Code 2021, is amended to read as follows:

5. Persons who appraise real estate where certification is not required by this chapter or by federal or state law, rule, or policy, and who are not assisting a certified real estate appraiser in the development or reporting of an appraisal assignment that is required by this chapter, or

by federal or state law, rule, or policy to be performed by a certified real estate appraiser, are not required to register with the board. Notwithstanding this subsection, in connection with the performance, or assistance in the performance, of an appraisal of real estate located in this state, the use of the title “associate real estate appraiser” or any other like title, including a title that suggests an individual is an associate real estate appraiser under the laws of this state or another state, shall only be used to refer to individuals who hold a registration under this chapter.

Sec. 8. Section 543D.21, subsection 4, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. A violation of section 543D.3, subsections 1A, 2, or 3.

Sec. 9. Section 543D.21, subsection 4, paragraph c, Code 2021, is amended to read as follows:

c. A violation of section 543D.20, subsection 1 or 5.

Sec. 10. Section 543D.22, subsections 1 and 3, Code 2021, are amended to read as follows:

1. a. The Subject to paragraphs “b” and “c”, the board may require a national criminal history check through the federal bureau of investigation for applicants for certification or registration, or for persons certified or registered, under this chapter, if needed for credibility, to comply with federal law or regulation, or the policies of the appraisal qualification board of the appraisal foundation. The board may alternatively require a national criminal history check through the nationwide mortgage licensing system and registry, as defined in section 535D.3, when conducting background investigations under this section, if authorized by applicable federal law or regulation.

b. The board shall not require a national criminal history check through the federal bureau of investigation for applicants for upgraded certification or registration if the applicant applies for the upgraded certification or registration within twenty-four months following the date the applicant obtained their original certification or registration under this chapter.

c. By signing and submitting to the board a statement declaring that there have been no changes to the applicant’s criminal history since the date of the waiver specified in subsection 4, and that there are no active or pending complaints in any state against the applicant, any of the following individuals may seek a waiver of the board’s requirement to undergo a national criminal history check:

(1) An applicant for upgraded certification or registration who obtained their original certification or registration under this chapter more than twenty-four months prior to applying for the upgraded certification or registration.

(2) An applicant for upgraded certification applying to the board under a reciprocity agreement.

3. a. The Subject to paragraphs “b” and “c”, the board may also request and obtain, notwithstanding section 692.2, subsection 5, criminal history data for applicants, certificate holders, and registrants. A request for criminal history data shall be submitted to the department of public safety, division of criminal investigation, pursuant to section 692.2, subsection 1.

b. The board shall not request or obtain criminal history data for applicants for upgraded certification or registration if the applicant applies for the upgraded certification or registration within twenty-four months following the date the applicant obtained their original certification or registration under this chapter.

c. By signing and submitting to the board a statement declaring that there have been no changes to the applicant’s criminal history data since the date of the waiver specified in subsection 4, and that there are no active or pending complaints in any state against the applicant, any of the following individuals may seek a waiver of the board’s request to obtain criminal history data:

(1) An applicant for upgraded certification or registration who obtained their original certification or registration under this chapter more than twenty-four months prior to applying for the upgraded certification or registration.

(2) An applicant for upgraded certification applying to the board under a reciprocity agreement.

Sec. 11. APPLICABILITY. The following applies to applications for original certification or registration and renewal certification or registration that are submitted to the real estate appraiser examining board on or after the effective date of this Act:

The section of this Act amending section 543D.22.

Approved June 8, 2021

CHAPTER 160

PROBATE — COURT COSTS

H.F. 711

AN ACT relating to the calculation of certain court costs in probate matters, and including effective date and applicability provisions.

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

Section 1. Section 633.31, Code 2021, is amended to read as follows:

633.31 Calendar — fees court costs in probate.

1. The clerk shall keep a court calendar, and enter thereon such matters as the court may prescribe.

2. The clerk shall charge and collect the following fees court costs in connection with probate matters, ~~which shall be deposited in the account established under section 602.8108:~~

- a. For services performed in short form probates pursuant to sections 450.22 and 450.44 \$ 15.00
- b. For services performed in probate of will without administration \$ 15.00
- c. For filing and indexing a transcript..... \$ 50.00
- d. For taking and approving a bond, or the sureties on a bond \$ 20.00
- e. For entering a rule or order \$ 10.00
- f. For certificate and seal \$ 10.00
- g. For making a complete record where real estate is sold per 100 words \$.20
- h. For making a transcript or copies of orders or records filed in the clerk’s office per 100 words \$.50
- i. For certifying change of title \$ 20.00
- j. For issuing commission to appraisers..... \$ 2.00
- k. ~~For other services performed in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, except where actions are brought by the administrator, guardian, trustee, or person acting in a representative capacity or against that person, or as may be otherwise provided herein, where the value of the personal property and real estate of such a person falls within the following indicated amounts, the fee opposite such amount shall be charged.~~
 - ~~(1) Up to \$3,000.00 5.00~~
 - ~~(2) 3,000.00 to 5,000.00 10.00~~
 - ~~(3) 5,000.00 to 7,000.00 15.00~~
 - ~~(4) 7,000.00 to 10,000.00 20.00~~
 - ~~(5) 10,000.00 to 15,000.00 25.00~~
 - ~~(6) 15,000.00 to 25,000.00 30.00~~
 - ~~(7) For each additional \$25,000.00 or~~

major fraction thereof50.00

l. For services performed in small estate administration15.00

3. a. The fee set forth in subsection 2, paragraph "k", shall not be charged on any property transferred to a testamentary trust from an estate that has been administered in this state and for which court costs have been assessed and paid. For other services performed in a decedent's estate administered under this chapter or chapter 635, the clerk shall charge and collect court costs equal to two-tenths of one percent of the value of the probate assets listed in the report and inventory.

b. Court costs shall not be charged or collected under this subsection on assets which are not probate assets including but not limited to the following:

- (1) Joint tenancy property.
- (2) Property transferred during the decedent's lifetime.
- (3) Life insurance, annuities, individual retirement accounts, retirement plans, transfer on death accounts, payable on death accounts, and similar assets payable to beneficiaries other than the estate of the decedent.
- (4) Real estate not located in Iowa.

c. Court costs shall not be charged or collected on assets transferred to an estate from a conservatorship that has been administered in the state and for which court costs have been charged and collected from the conservatorship under subsection 4.

4. For other services performed in a conservatorship, the clerk shall charge and collect court costs equal to two-tenths of one percent of the gross value of the assets listed in the inventory minus the value of the life insurance.

5. Court costs collected under this section shall be deposited in the account established under section 602.8108.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2022.

Sec. 3. APPLICABILITY. This Act applies to conservatorships, court-administered trusts, guardianships, and estates of decedents for which the petition is filed and other probate matters where filings are made and actions are taken on and after January 1, 2022.

Approved June 8, 2021

CHAPTER 161

LOCAL PUBLIC DEFENDERS — ADOPTION PROCEEDINGS — REPRESENTATION OF INDIGENT PETITIONERS

H.F. 743

AN ACT providing for representation of adoptive parents by local public defenders.

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

Section 1. Section 13B.9, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. Represent an indigent party, upon order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 when designated by the state public defender to represent the indigent party in the type of case for that county. The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 to which the local public defender is appointed and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless other counsel is appointed to the case. A local public defender office shall represent in a subsequent adoption proceeding an indigent party who files an adoption petition pursuant to section 600.3 to adopt

a child who was the subject of a termination of parental rights proceeding pursuant to chapter 232 in which the local public defender office was involved as provided under this paragraph. If a conflict of interest arises, the representation shall be provided through referral of the indigent party to outside counsel with whom the state public defender has contracted, subject to the fees for legal services incorporated in the contract.

Approved June 8, 2021

CHAPTER 162

COUNTY TRANSFER BOOKS AND INDEXES — UPDATES REGARDING REAL ESTATE OWNERSHIP — AFFIDAVITS WHEN CONVEYANCE HAS NOT OCCURRED

H.F. 758

AN ACT modifying provisions related to certain affidavits accepted by county recorders for updating county transfer books and indexes when a conveyance of real estate has not occurred.

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

Section 1. Section 558.66, subsection 3, paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

An affidavit of or on behalf of a surviving joint tenant or a person who owns the remainder interest. The affidavit shall include ~~substantially~~ the following:

Sec. 2. Section 558.66, subsection 3, paragraph c, unnumbered paragraph 1, Code 2021, is amended to read as follows:

An affidavit by or for a person, other than an individual, following a merger, consolidation, name change, or change of fiduciary. The affidavit shall include ~~substantially~~ the following, as applicable:

Approved June 8, 2021

CHAPTER 163

RACIAL, CULTURAL, ETHNIC, INTELLECTUAL, OR SEXUAL DISCRIMINATION, STEREOTYPING, OR SCAPEGOATING — GOVERNMENTAL ENTITY OR PUBLIC EDUCATIONAL INSTITUTION TRAINING, PRACTICES, OR CURRICULUM

H.F. 802

AN ACT providing for requirements related to racism or sexism trainings at, and diversity and inclusion efforts by, governmental agencies and entities, school districts, and public postsecondary educational institutions.

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

Section 1. NEW SECTION. **25A.1 Race and sex stereotyping — training prohibited by state and local governments.**

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

a. “Agency” or “state agency” means the same as defined in section 8A.101.

b. “Governmental entity” means any unit of government in the executive, legislative, or judicial branch of government; an agency or political subdivision; any unit of state government, including its political subdivisions; or any association or other organization whose membership consists primarily of one or more of any of the foregoing and whose budget is comprised primarily of tax-generated revenue.

c. “Governmental subdivision” means a county or city or combination thereof.

d. “Race or sex scapegoating” means the same as defined in section 261H.7, subsection 1.

e. “Race or sex stereotyping” means the same as defined in section 261H.7, subsection 1.

f. “Specific defined concepts” means the same as defined in section 261H.7.

2. Each agency, governmental entity, or governmental subdivision may continue training that fosters a workplace and learning environment that is respectful of all employees. However, the head of an agency, governmental entity, or governmental subdivision shall ensure that any mandatory staff training provided by an employee of an agency, governmental entity, or governmental subdivision, or by a contractor hired by the agency, governmental entity, or governmental subdivision does not teach, advocate, encourage, promote, or act upon stereotyping, scapegoating, or prejudice toward others on the basis of demographic group membership or identity. This subsection shall not be construed as preventing an employee or contractor who provides mandatory training from responding to questions regarding stereotyping, scapegoating, or prejudice raised by participants in the training.

3. Each agency, governmental entity, or governmental subdivision shall prohibit its employees from discriminating against other employees by any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law.

4. This section shall not be construed to do any of the following:

a. Prevent an agency, governmental entity, or governmental subdivision from promoting racial, cultural, ethnic, or intellectual diversity or inclusiveness, provided such efforts are consistent with the provisions of this section.

b. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Iowa, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

c. Prohibit a state or federal court or agency of competent jurisdiction from ordering a training or remedial action containing discussions of specific defined concepts as a remedial action due to a finding of discrimination, including discrimination based on race or sex.

d. Prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.

Sec. 2. NEW SECTION. 261H.7 Race and sex stereotyping — training by institution prohibited.

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

a. “Race or sex scapegoating” means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex, or claiming that, consciously or unconsciously, and by virtue of persons’ race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

b. “Race or sex stereotyping” means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of the individual’s race or sex.

c. “Specific defined concepts” includes all of the following:

(1) That one race or sex is inherently superior to another race or sex.

(2) That the United States of America and the state of Iowa are fundamentally or systemically racist or sexist.

(3) That an individual, solely because of the individual’s race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

(4) That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual’s race or sex.

(5) That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.

(6) That an individual's moral character is necessarily determined by the individual's race or sex.

(7) That an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.

(8) That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual's race or sex.

(9) That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.

(10) Any other form of race or sex scapegoating or any other form of race or sex stereotyping.

2. Each public institution of higher education may continue training that fosters a workplace and learning environment that is respectful of all employees and students. However, the president, vice presidents, deans, department directors, or any other administrator of a public institution of higher education shall ensure that any mandatory staff or student training provided by an employee of the institution or by a contractor hired by the institution does not teach, advocate, act upon, or promote specific defined concepts. This subsection shall not be construed as preventing an employee or contractor who provides mandatory training from responding to questions regarding specific defined concepts raised by participants in the training.

3. Institution diversity and inclusion efforts shall discourage students of a public institution of higher education from discriminating against another by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law. Each public institution of higher education shall prohibit its employees from discriminating against students and employees by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law.

4. This section shall not be construed to do any of the following:

a. Inhibit or violate the first amendment rights of students or faculty, or undermine a public institution of higher education's duty to protect to the fullest degree intellectual freedom and free expression. The intellectual vitality of students and faculty shall not be infringed under this section.

b. Prevent a public institution of higher education from promoting racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness, provided such efforts are consistent with the provisions of this section, chapter 216, and other applicable law.

c. Prohibit discussing specific defined concepts as part of a larger course of academic instruction.

d. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Iowa, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

e. Prohibit a state or federal court or agency of competent jurisdiction from ordering a training or remedial action containing discussions of specific defined concepts as a remedial action due to a finding of discrimination, including discrimination based on race or sex.

f. Prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.

Sec. 3. NEW SECTION. 279.74 Race and sex stereotyping — training and curriculum prohibited.

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

a. "*Race or sex scapegoating*" means the same as defined in section 261H.7.

b. "*Race or sex stereotyping*" means the same as defined in section 261H.7.

c. "*Specific defined concepts*" means the same as defined in section 261H.7.

2. Each school district may continue training that fosters a workplace and learning environment that is respectful of all employees and students. However, the superintendent

of each school district shall ensure that any curriculum or mandatory staff or student training provided by an employee of the school district or by a contractor hired by the school district does not teach, advocate, encourage, promote, or act upon specific stereotyping and scapegoating toward others on the basis of demographic group membership or identity. This subsection shall not be construed as preventing an employee or contractor who teaches any curriculum or who provides mandatory training from responding to questions regarding specific defined concepts raised by participants in the training.

3. School district diversity and inclusion efforts shall discourage students of the school district from discriminating against another by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law. Each school district shall prohibit its employees from discriminating against students or employees by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law.

4. This section shall not be construed to do any of the following:

a. Inhibit or violate the first amendment rights of students or faculty, or undermine a school district's duty to protect to the fullest degree intellectual freedom and free expression. The intellectual vitality of students and faculty shall not be infringed under this section.

b. Prevent a school district from promoting racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness, provided such efforts are consistent with the provisions of this section, chapter 216, and other applicable law.

c. Prohibit discussing specific defined concepts as part of a larger course of academic instruction.

d. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Iowa, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

e. Prohibit a state or federal court or agency of competent jurisdiction from ordering a training or remedial action containing discussions of specific defined concepts as a remedial action due to a finding of discrimination, including discrimination based on race or sex.

f. Prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.

Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved June 8, 2021

CHAPTER 164

FEES FOR RECORDED LAND TRANSACTION DOCUMENTS — COLLECTION AND USE

H.F. 837

AN ACT relating to the use of fees collected by a county recorder or governing board of the county land record information system for processing and recording instruments.

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

Section 1. Section 331.604, subsection 3, paragraph b, Code 2021, is amended to read as follows:

b. (1) ~~For the period beginning July 1, 2004, and ending June 30, 2009, the county recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purpose set forth in paragraph "d".~~

~~(2) For the period beginning July 1, 2009, and ending June 30, 2011, the recorder shall also collect a fee of three dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the following purposes:~~

~~(a) Maintaining the statewide internet site and the county land record information system.~~

~~(b) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.~~

~~(c) Implementing and maintaining a process for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet site or that are transferred to another person.~~

~~(3) Beginning July 1, 2011, the The recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purposes in subparagraph (2) and for the following purposes:~~

~~(a) Establishing and implementing standards for recording, processing, and archiving electronic documents and records.~~

~~(b) Expanding access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years.~~

~~(b) Maintaining the statewide internet site and the county land record information system.~~

~~(c) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.~~

~~(d) Implementing and maintaining a process for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet site or that are transferred to another person.~~

~~(4) (2) Notwithstanding subparagraph (2), the The fee collected by the recorder under this subsection for recording a plat of survey is one dollar, regardless of the number of pages. For purposes of this subparagraph, "plat of survey" means the same as defined in section 355.1, subsection 9.~~

~~(5) (3) Fees collected in excess of the amount needed for the purposes specified in this subsection shall be used by the county land record information system to reduce or eliminate service fees for electronic submission of documents and instruments.~~

Sec. 2. Section 331.605B, subsection 2, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

2. A recorder or the governing board of the county land record information system shall collect only statutorily authorized fees for land records management. The governing board of the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system unless specifically authorized by statute. The governing board of the county land record information system may collect a fee of not more than three dollars per recorded document for using the system to process electronic documents for recording. An additional service charge may be added for credit or debit card payments. Fees collected for the processing of electronic documents for recording may be used for the purposes specified in section 331.604 and for the purposes of development, operation, and maintenance of the county land record information system and internet sites, systems for electronic filing for recording, associated payment systems, security systems, the land records databases, methods for searching the databases, processes for the redaction of personally identifiable information posted for public online access, and processes for the integration of land records information with other property information systems.

Sec. 3. COUNTY LAND RECORD INFORMATION SYSTEM BUDGET AND RECORDING SERVICES COSTS — REPORTS.

By January 17, 2022, the governing board of the county land record information system shall submit to the chairperson and the ranking member of the senate committee on local government, the chairperson and the ranking member of the house committee on local government, the legislative services agency, and each caucus or research staff director of the general assembly a report that includes all of the following:

1. Financial information concerning revolving moneys and budgeted income and expenses for calendar years 2020 and 2021 as described in section 331.604, subsection 3, paragraph “b”, as amended in this Act, and section 331.605B, subsection 2, as amended in this Act.
2. Information about reserve funds and expenditures from those reserves.
3. A review of electronic recording fees charged by public and commercial organizations in recording jurisdictions outside of Iowa.
4. Information about current and future resource and policy needs to provide for the sustainability of the county land record information system.
5. A review of customer and stakeholder perceptions about the county land record information system including user feedback on the fees charged for electronic recording.

Approved June 8, 2021

CHAPTER 165

BUSINESS ENTITIES

H.F. 844

AN ACT providing for business entities, providing for certain fees, and including effective date provisions.

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

DIVISION I

FOR PROFIT CORPORATIONS

PART A

GENERAL PROVISIONS

Section 1. Section 490.101, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.101 Short title.

This chapter shall be known and may be cited as the “*Iowa Business Corporation Act*”.

Sec. 2. Section 490.120, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.120 Requirements for documents — extrinsic facts.

1. A document must satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to filing by the secretary of state.
2. This chapter must require or permit filing the document in the office of the secretary of state.
3. The document must contain the information required by this chapter and may contain other information.
4. The document must be typewritten or printed or, if electronically transmitted, it must be in a format that can be retrieved or reproduced in typewritten or printed form.
5. The document must be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.
6. Except as provided in section 490.1622, subsection 3, the document must be signed by any of the following:
 - a. The chair of the board of directors of a domestic or foreign corporation, its president, or another of its officers.

b. If directors have not been selected or the corporation has not been formed, by an incorporator.

c. If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

7. a. The person executing the document shall sign it and state beneath or opposite the person's signature the person's name and the capacity in which the document is signed. The document may but need not contain a corporate seal, attestation, acknowledgment, or verification.

b. The secretary of state may accept for filing a document containing a copy of a signature, however made.

8. If the secretary of state has prescribed a mandatory form for the document under section 490.121, subsection 1, the document must be in or on the prescribed form.

9. The document must be delivered to the office of the secretary of state for filing. Delivery may be made by electronic transmission if and to the extent permitted by the secretary of state. If it is filed in typewritten or printed form and not transmitted electronically, the secretary of state may require one exact or conformed copy to be delivered with the document.

10. When the document is delivered to the office of the secretary of state for filing, the correct filing fee, and any franchise tax, license fee, or penalty required by this chapter or other law to be paid at the time of delivery for filing must be paid or provision for payment made in a manner permitted by the secretary of state.

11. Whenever a provision of this chapter permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, all of the following provisions apply:

a. The manner in which the facts will operate upon the terms of the plan or filed document must be set forth in the plan or filed document.

b. The facts may include any of the following:

(1) Any of the following that is available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data.

(2) A determination or action by any person or body, including the corporation or any other party to a plan or filed document.

(3) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

c. As used in this subsection:

(1) "*Filed document*" means a document filed by the secretary of state under any provision of this chapter except subchapter XV or section 490.1622.

(2) "*Plan*" means a plan of domestication, conversion, merger, or share exchange.

d. The following provisions of a plan or filed document shall not be made dependent on facts outside the plan or filed document:

(1) The name and address of any person required in a filed document.

(2) The registered office of any entity required in a filed document.

(3) The registered agent of any entity required in a filed document.

(4) The number of authorized shares and designation of each class or series of shares.

(5) The effective date of a filed document.

(6) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

e. If a provision of a filed document is made dependent on a fact ascertainable outside of the filed document, and that fact is neither ascertainable by reference to a source described in paragraph "b", subparagraph (1), nor a document that is a matter of public record, and the affected shareholders have not received notice of the fact from the corporation, then the corporation shall file with the secretary of state articles of amendment to the filed document setting forth the fact promptly after the time when the fact referred to is first ascertainable or thereafter changes. Articles of amendment under this paragraph "e" are deemed to be authorized by the authorization of the original filed document to which they relate and may be filed by the corporation without further action by the board of directors or the shareholders.

Sec. 3. Section 490.121, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.121 Forms.

1. *a.* The secretary of state may prescribe and furnish on request any of the following forms:

- (1) An application for a certificate of existence or certificate of registration.
- (2) A foreign corporation’s registration statement.
- (3) A foreign corporation’s statement of withdrawal.
- (4) A foreign corporation’s transfer of registration statement.
- (5) The biennial report required by section 490.1622.

b. If the secretary of state so requires, use of the forms provided in paragraph “*a*” is mandatory.

2. The secretary of state may prescribe and furnish on request forms for other documents required or permitted to be filed pursuant to this chapter but their use is not mandatory.

Sec. 4. Section 490.122, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.122 Filing, service, and copying fees.

1. The secretary of state shall collect the following fees when the documents described in this subsection are delivered to the secretary of state for filing:

DOCUMENT	FEE
<i>a.</i> Articles of incorporation	\$ 50
<i>b.</i> Application for use of indistinguishable name	\$ 10
<i>c.</i> Application for reserved name	\$ 10
<i>d.</i> Notice of transfer of reserved name	\$ 10
<i>e.</i> Application for registered name	\$ 20
<i>f.</i> Application for renewal of registered name	\$ 20
<i>g.</i> Corporation’s statement of change of registered agent or registered office or both	No fee
<i>h.</i> Agent’s statement of change of registered office for each affected corporation not to exceed a total of.....	No fee
<i>i.</i> Agent’s statement of resignation.....	No fee
<i>j.</i> Articles of domestication	\$ 50
<i>k.</i> Articles of conversion.....	\$ 50
<i>l.</i> Amendment of articles of incorporation.....	\$ 50
<i>m.</i> Restatement of articles of incorporation with amendment of articles	\$ 50
<i>n.</i> Restatement of articles of incorporation without amendment of articles	\$ 50
<i>o.</i> Articles of merger or share exchange.....	\$ 50
<i>p.</i> Articles of dissolution.....	\$ 5
<i>q.</i> Articles of revocation of dissolution	\$ 5
<i>r.</i> Certificate of administrative dissolution.....	No fee
<i>s.</i> Application for reinstatement following administrative dissolution.....	\$ 5
<i>t.</i> Certificate of reinstatement	No fee
<i>u.</i> Certificate of judicial dissolution.....	No fee
<i>v.</i> Foreign registration statement	\$ 100
<i>w.</i> Amendment of foreign registration statement.....	\$ 100
<i>x.</i> Statement of withdrawal.....	\$ 10
<i>y.</i> Transfer of foreign registration statement.....	\$ 100
<i>z.</i> Notice of termination of registration.....	No fee
<i>aa.</i> Articles of correction.....	\$ 5

- ab. Articles of validation \$ 5
- ac. Application for certificate of existence or registration \$ 5
- ad. Biennial report \$ 60
- ae. Any other document required or permitted to be filed by this chapter \$ 5

2. The secretary of state shall collect a fee of five dollars each time process is served on the secretary of state under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if such party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- a. One dollar a page for copying.
- b. Five dollars for the certificate.

Sec. 5. Section 490.123, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.123 Effective date of filed document.

1. Except to the extent otherwise provided in section 490.124, subsection 3, and part E, a document accepted for filing is effective as follows:

- a. On the date and at the time of filing, as provided in section 490.125, subsection 2.
- b. On the date of filing and at the time specified in the document as its effective time, if later than the time under paragraph “a”.
- c. At a specified delayed effective date and time which shall not be more than ninety days after filing.
- d. If a delayed effective date is specified, but no time is specified, at 12:01 a.m. on the date specified, which shall not be more than ninety days after the date of filing.

2. If a filed document does not specify the time zone or place at which a date or time or both is to be determined, the date or time or both at which it becomes effective shall be those prevailing at the place of filing in this state.

Sec. 6. Section 490.124, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.124 Correcting filed document.

1. A document filed by the secretary of state pursuant to this chapter may be corrected if any of the following applies:

- a. The document contains an inaccuracy.
- b. The document was defectively signed, attested, sealed, verified, or acknowledged.
- c. The electronic transmission was defective.

2. A document is corrected by complying with all of the following:

- a. By preparing articles of correction that do all of the following:
 - (1) Describe the document, including its filing date, or a copy of the document is attached to the articles of correction.
 - (2) Specify the inaccuracy or defect to be corrected.
 - (3) Correct the inaccuracy or defect.
- b. By delivering the articles of correction to the secretary of state for filing.

3. Articles of correction are effective on the effective date of the document they correct except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed.

Sec. 7. Section 490.125, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.125 Filing duty of secretary of state.

1. If a document delivered to the office of the secretary of state for filing satisfies the requirements of section 490.120, the secretary of state shall file it.

2. The secretary of state files a document by recording it as filed on the date and time of receipt. After filing a document, except the biennial report required by section 490.1622, and except as provided in section 490.503, the secretary of state shall return to the person who

delivered the document for filing a copy of the document with an acknowledgment of the date and time of filing.

3. If the secretary of state refuses to file a document, it shall be returned to the person who delivered the document for filing within five days after the document was delivered, together with a brief, written explanation of the reason for the refusal.

4. The secretary of state's duty to file documents under this section is ministerial. The secretary of state's filing or refusing to file a document does not create a presumption of any of the following:

- a. The document does or does not conform to the requirements of this chapter.
- b. The information contained in the document is correct or incorrect.

Sec. 8. Section 490.126, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.126 Appeal from secretary of state's refusal to file document.

1. If the secretary of state refuses to file a document delivered for filing, the person that delivered the document for filing may petition the district court of the county where the corporation's principal office or, if none in this state, its registered office, is located to compel its filing. The document and the explanation of the secretary of state's refusal to file must be attached to the petition. The court may decide the matter in a summary proceeding.

2. The court may order the secretary of state to file the document or take other action the court considers appropriate.

3. The court's final decision may be appealed as in other civil proceedings.

Sec. 9. Section 490.127, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.127 Evidentiary effect of certified copy of filed document.

A certificate from the secretary of state delivered with a copy of a document filed by the secretary of state is conclusive evidence that the original document is on file with the secretary of state.

Sec. 10. Section 490.128, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.128 Certificate of existence or registration.

1. Any person may apply to the secretary of state to furnish a certificate of existence for a domestic corporation or a certificate of registration for a foreign corporation.

2. A certificate of existence must set forth all of the following:

- a. The domestic corporation's corporate name.
- b. That the domestic corporation is duly incorporated under the law of this state, the date of its incorporation, and the period of its duration if less than perpetual.
- c. That all fees, taxes, and penalties owed to this state have been paid, subject to all of the following:

(1) Payment is reflected in the records of the secretary of state.

(2) Nonpayment affects the existence of the domestic corporation.

d. That its most recent biennial report required by section 490.1622 has been filed by the secretary of state.

e. That articles of dissolution have not been filed.

f. That the corporation is not administratively dissolved and a proceeding is not pending under section 490.1421.

g. Other facts of record in the office of the secretary of state that may be requested by the applicant.

3. A certificate of registration must set forth all of the following:

- a. The foreign corporation's name used in this state.
- b. That the foreign corporation is registered to do business in this state.
- c. That all fees, taxes, and penalties owed to this state have been paid, subject to all of the following:

(1) Payment is reflected in the records of the secretary of state.

(2) Nonpayment affects the registration of the foreign corporation.

d. That its most recent biennial report required by section 490.1622 has been filed by the secretary of state.

e. Other facts of record in the office of the secretary of state that may be requested by the applicant.

4. Subject to any qualification stated in the certificate, a certificate of existence or registration issued by the secretary of state may be relied upon as conclusive evidence of the facts stated in the certificate.

Sec. 11. Section 490.129, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.129 Penalty for signing false document.

1. A person commits an offense by signing a document that the person knows is false in any material respect with intent that the document be delivered to the secretary of state for filing.

2. An offense under this section is a serious misdemeanor punishable by a fine of not to exceed one thousand dollars.

Sec. 12. Section 490.135, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.135 Powers.

The secretary of state has the power reasonably necessary to perform the duties required of the secretary of state by this chapter.

Sec. 13. Section 490.140, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.140 Chapter definitions.

As used in this chapter, unless otherwise specified:

1. “*Articles of incorporation*” means the articles of incorporation described in section 490.202, all amendments to the articles of incorporation, and any other documents permitted or required to be delivered for filing by a domestic business corporation with the secretary of state under any provision of this chapter that modify, amend, supplement, restate, or replace the articles of incorporation. After an amendment of the articles of incorporation or any other document filed under this chapter that restates the articles of incorporation in their entirety, the articles of incorporation shall not include any prior documents. When used with respect to a foreign corporation or a domestic or foreign nonprofit corporation, the “*articles of incorporation*” of such an entity means the document of such entity that is equivalent to the articles of incorporation of a domestic business corporation.

2. “*Authorized shares*” means the shares of all classes a domestic or foreign corporation is authorized to issue.

3. “*Beneficial shareholder*” means a person who owns the beneficial interest in shares, which may be a record shareholder or a person on whose behalf shares are registered in the name of an intermediary or nominee.

4. “*Conspicuous*” means so written, displayed, or presented that a reasonable person against whom the writing is to operate should have noticed it.

5. “*Cooperative association*” means an entity that is structured and operated on a cooperative basis pursuant to 26 U.S.C. §1381(a) and that meets the definitional requirements of an association as provided in 12 U.S.C. §1141j(a) or 7 U.S.C. §291.

6. “*Corporation*”, “*domestic corporation*”, “*business corporation*”, or “*domestic business corporation*” means a corporation for profit, which is not a foreign corporation, incorporated under this chapter.

7. “*Deliver*” or “*delivery*” means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with section 490.141, by electronic transmission.

8. “*Distribution*” means a direct or indirect transfer of cash or other property, except a corporation’s own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; a distribution in liquidation; or otherwise.

9. “*Document*” means any of the following:
- a. A tangible medium on which information is inscribed, and includes handwritten, typed, printed or similar instruments, and copies of such instruments.
 - b. An electronic record.
10. “*Domestic*”, with respect to an entity, means an entity governed as to its internal affairs by the law of this state.
11. “*Effective date*”, when referring to a document accepted for filing by the secretary of state, means the time and date determined in accordance with section 490.123.
12. “*Electronic*” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
13. “*Electronic record*” means information that is stored in an electronic or other nontangible medium and is retrievable in paper form through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with section 490.141, subsection 10.
14. “*Electronic transmission*” or “*electronically transmitted*” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium, which is all of the following:
- a. Suitable for the retention, retrieval, and reproduction of information by the recipient.
 - b. Retrievable in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with section 490.141, subsection 10.
15. “*Eligible entity*” means a domestic or foreign unincorporated entity or a domestic or foreign nonprofit corporation.
16. “*Eligible interests*” means interests or memberships.
17. “*Employee*” includes an officer but not a director. A director may accept duties that make the director also an employee.
18. “*Entity*” includes a domestic and foreign business corporation; domestic and foreign nonprofit corporation; estate; trust; domestic and foreign unincorporated entity; and a state, the United States, and a foreign government.
19. “*Expenses*” means reasonable expenses of any kind, including reasonable fees and expenses of counsel and experts, that are incurred in connection with a matter.
20. “*Filing entity*” means an unincorporated entity, other than a limited liability partnership, that is of a type that is created by filing a public organic record or is required to file a public organic record that evidences its creation.
21. “*Foreign*”, with respect to an entity, means an entity governed as to its internal affairs by the organic law of a jurisdiction other than this state.
22. “*Foreign corporation*” or “*foreign business corporation*” means a corporation incorporated under a law other than the law of this state which would be a business corporation if incorporated under the law of this state.
23. “*Foreign nonprofit corporation*” means a corporation incorporated under a law other than the law of this state which would be a nonprofit corporation if incorporated under the law of this state.
24. “*Foreign registration statement*” means the foreign registration statement described in section 490.1503.
25. “*Governmental subdivision*” includes an authority, city, county, district, and municipality.
26. “*Governor*” means any person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law governing the entity and its organic rules.
27. “*Includes*” and “*including*” denote a partial definition or a nonexclusive list.
28. “*Individual*” means a natural person.
29. “*Interest*” means either or both of the following rights under the organic law governing an unincorporated entity:
- a. The right to receive distributions from the entity either in the ordinary course or upon liquidation.
 - b. The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business and affairs.

30. “*Interest holder*” means a person who holds of record an interest.
31. a. “*Interest holder liability*” means any of the following:
- (1) Personal liability for a debt, obligation, or other liability of a domestic or foreign corporation or eligible entity that is imposed on a person by any of the following:
 - (a) Solely by reason of the person’s status as a shareholder, member, or interest holder.
 - (b) By the articles of incorporation of the domestic corporation or the organic rules of the eligible entity or foreign corporation that make one or more specified shareholders, members, or interest holders, or categories of shareholders, members, or interest holders, liable in their capacity as shareholders, members, or interest holders for all or specified liabilities of the corporation or eligible entity.
 - (2) An obligation of a shareholder, member, or interest holder under the articles of incorporation of a domestic corporation or the organic rules of an eligible entity or foreign corporation to contribute to the entity.
- b. For purposes of paragraph “a”, except as otherwise provided in the articles of incorporation of a domestic corporation or the organic law or organic rules of an eligible entity or a foreign corporation, interest holder liability arises under paragraph “a”, subparagraph (1), when the corporation or eligible entity incurs the liability.
32. “*Jurisdiction of formation*” means the state or country the law of which includes the organic law governing a domestic or foreign corporation or eligible entity.
33. “*Means*” denotes an exhaustive definition.
34. “*Membership*” means the rights of a member in a domestic or foreign nonprofit corporation.
35. “*Merger*” means a transaction pursuant to section 490.1102.
36. “*Nonfiling entity*” means an unincorporated entity that is of a type that is not created by filing a public organic record.
37. “*Nonprofit corporation*” or “*domestic nonprofit corporation*” means a corporation incorporated under the laws of this state and subject to the provisions of chapter 504.
38. “*Organic law*” means the statute governing the internal affairs of a domestic or foreign business or nonprofit corporation or unincorporated entity.
39. “*Organic rules*” means the public organic record and private organic rules of a domestic or foreign corporation or eligible entity.
40. “*Person*” means a person as defined in section 4.1.
41. “*Principal office*” means the office, in or out of this state, so designated in the biennial report required by section 490.1622 or foreign registration statement where the principal executive offices of a domestic or foreign corporation are located.
42. a. “*Private organic rules*” means any of the following:
- (1) The bylaws of a domestic or foreign business or nonprofit corporation.
 - (2) The rules, regardless of whether in writing, that govern the internal affairs of an unincorporated entity, are binding on all of its interest holders, and are not part of its public organic record, if any.
- b. Where private organic rules have been amended or restated, the term means the private organic rules as last amended or restated.
43. “*Proceeding*” includes a civil suit and criminal, administrative, and investigatory action.
44. a. “*Public organic record*” means any of the following:
- (1) The articles of incorporation of a domestic or foreign business or nonprofit corporation.
 - (2) The document, if any, the filing of which is required to create an unincorporated entity, or which creates the unincorporated entity and is required to be filed.
- b. Where a public organic record has been amended or restated, the term means the public organic record as last amended or restated.
45. “*Record date*” means the date fixed for determining the identity of the corporation’s shareholders and their shareholdings for purposes of this chapter. Unless another time is specified when the record date is fixed, the determination shall be made as of the close of business at the principal office of the corporation on the date so fixed.
46. “*Record shareholder*” means any of the following:
- a. The person in whose name shares are registered in the records of the corporation.

b. The person identified as the beneficial owner of shares in a beneficial ownership certificate pursuant to section 490.723 on file with the corporation to the extent of the rights granted by such certificate.

47. “*Registered foreign corporation*” means a foreign corporation registered to do business in the state pursuant to subchapter XV.

48. “*Secretary*” means the corporate officer to whom the board of directors has delegated responsibility under section 490.840, subsection 3, to maintain the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

49. “*Share exchange*” means a transaction pursuant to section 490.1103.

50. “*Shareholder*” means a record shareholder.

51. “*Shares*” means the units into which the proprietary interests in a domestic or foreign corporation are divided.

52. “*Sign*” or “*signature*” means, with present intent to authenticate or adopt a document, doing any of the following:

a. Executing or adopting a tangible symbol to a document, including any manual, facsimile, or conformed signature.

b. Attaching to or logically associating with an electronic transmission an electronic sound, symbol, or process, and including an electronic signature in an electronic transmission.

53. “*State*”, when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions, and a territory and insular possession, and their agencies and governmental subdivisions, of the United States.

54. “*Subscriber*” means a person who subscribes for shares in a corporation, whether before or after incorporation.

55. “*Type of entity*” means a generic form of entity that is any of the following:

a. Recognized at common law.

b. Formed under an organic law, regardless of whether some entities formed under that law are subject to provisions of that law that create different categories of the form of entity.

56. a. “*Unincorporated entity*” means an organization or artificial legal person that either has a separate legal existence or has the power to acquire an estate in real property in its own name and that is not any of the following:

(1) A domestic or foreign business or nonprofit corporation.

(2) A series of a limited liability company or of another type of entity.

(3) An estate.

(4) A trust.

(5) A state, the United States, or foreign government.

b. “*Unincorporated entity*” includes a general partnership, limited liability company, limited partnership, business trust, joint stock association, and unincorporated nonprofit association.

57. “*United States*” includes district, authority, bureau, commission, department, and any other agency of the United States.

58. “*Unrestricted voting trust beneficial owner*” means, with respect to any shareholder rights, a voting trust beneficial owner whose entitlement to exercise the shareholder right in question is not inconsistent with the voting trust agreement.

59. “*Voting group*” means all shares of one or more classes or series that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

60. “*Voting power*” means the current power to vote in the election of directors.

61. “*Voting trust beneficial owner*” means an owner of a beneficial interest in shares of the corporation held in a voting trust established pursuant to section 490.730, subsection 1.

62. “*Writing*” or “*written*” means any information in the form of a document.

Sec. 14. Section 490.141, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.141 Notices and other communications.

1. A notice under this chapter must be in writing unless oral notice is reasonable in the circumstances. Unless otherwise agreed between the sender and the recipient, words in a notice or other communication under this chapter must be in English.

2. A notice or other communication may be given by any method of delivery, except that electronic transmissions must be in accordance with this section. If the methods of delivery are impracticable, a notice or other communication may be given by means of a broad nonexclusionary distribution to the public, which may include a newspaper of general circulation in the area where published; radio, television, or other form of public broadcast communication; or other methods of distribution that the corporation has previously identified to its shareholders.

3. A notice or other communication to a domestic corporation or to a foreign corporation registered to do business in this state may be delivered to the corporation's registered agent at its registered office or to the secretary at the corporation's principal office shown in its most recent biennial report required by section 490.1622 or, in the case of a foreign corporation that has not yet delivered a biennial report, in its foreign registration statement.

4. A notice or other communication may be delivered by electronic transmission if consented to by the recipient or if authorized by subsection 10.

5. Any consent under subsection 4 may be revoked by the person who consented by written or electronic notice to the person to whom the consent was delivered. Any such consent is deemed revoked if all of the following apply:

a. The corporation is unable to deliver two consecutive electronic transmissions given by the corporation in accordance with such consent.

b. Such inability becomes known to the secretary or an assistant secretary or to the transfer agent, or other person responsible for the giving of notice or other communications; provided, however, the inadvertent failure to treat such inability as a revocation shall not invalidate any meeting or other action.

6. Unless otherwise agreed between the sender and the recipient, an electronic transmission is received when all of the following apply:

a. The electronic transmission enters an information processing system that the recipient has designated or uses for the purposes of receiving electronic transmissions or information of the type sent, and from which the recipient is able to retrieve the electronic transmission.

b. The electronic transmission is in a form capable of being processed by that system.

7. Receipt of an electronic acknowledgment from an information processing system described in subsection 6, paragraph "a", establishes that an electronic transmission was received but, by itself, does not establish that the content sent corresponds to the content received.

8. An electronic transmission is received under this section even if no person is aware of its receipt.

9. A notice or other communication, if in a comprehensible form or manner, is effective at the earliest of the following:

a. If in a physical form, the earliest of when it is actually received, or when it is left at any of the following:

(1) A shareholder's address shown on the corporation's record of shareholders maintained by the corporation under section 490.1601, subsection 4.

(2) A director's residence or usual place of business.

(3) The corporation's principal office.

b. If mailed by postage prepaid and correctly addressed to a shareholder, upon deposit in the United States mail.

c. If mailed by United States mail postage prepaid and correctly addressed to a recipient other than a shareholder, the earliest of when it is actually received, or as follows:

(1) If sent by registered or certified mail, return receipt requested, the date shown on the return receipt signed by or on behalf of the addressee.

(2) Five days after it is deposited in the United States mail.

d. If an electronic transmission, when it is received as provided in subsection 6.

e. If oral, when communicated.

10. A notice or other communication may be in the form of an electronic transmission that cannot be directly reproduced in paper form by the recipient through an automated process used in conventional commercial practice only if all of the following apply:

- a. The electronic transmission is otherwise retrievable in perceivable form.
- b. The sender and the recipient have consented in writing to the use of such form of electronic transmission.

11. If this chapter prescribes requirements for notices or other communications in particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe requirements for notices or other communications, not inconsistent with this section or other provisions of this chapter, those requirements govern. The articles of incorporation or bylaws may authorize or require delivery of notices of meetings of directors by electronic transmission.

12. In the event that any provisions of this chapter are deemed to modify, limit, or supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§7001 et seq., the provisions of this chapter shall control to the maximum extent permitted by section 102(a)(2) of that federal Act.

13. a. Whenever notice would otherwise be required to be given under any provision of this subchapter to a shareholder, such notice need not be given if any of the following apply:

(1) Notices to the shareholders of two consecutive annual meetings, and all notices of meetings during the period between such two consecutive annual meetings, have been sent to such shareholder at such shareholder's address as shown on the records of the corporation and have been returned undeliverable or could not be delivered.

(2) All, but not less than two, payments of dividends on securities during a twelve-month period, or two consecutive payments of dividends on securities during a period of more than twelve months, have been sent to such shareholder at such shareholder's address as shown on the records of the corporation and have been returned undeliverable or could not be delivered.

b. If any such shareholder shall deliver to the corporation a written notice setting forth such shareholder's then-current address, the requirement that notice be given to such shareholder shall be reinstated.

Sec. 15. Section 490.142, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.142 Number of shareholders.

1. For purposes of this chapter, any of the following identified as a shareholder in a corporation's current record of shareholders constitutes one shareholder:

- a. Three or fewer co-owners.
- b. A corporation, partnership, trust, estate, or other entity.
- c. The trustees, guardians, custodians, or other fiduciaries of a single trust, estate, or account.

2. For purposes of this chapter, shareholdings registered in substantially similar names constitute one shareholder if it is reasonable to believe that the names represent the same person.

Sec. 16. Section 490.143, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.143 Qualified director.

1. As used in this chapter, a "qualified director" means a director who takes action, if at the time action is to be taken any of the following applies:

a. Under section 490.202, subsection 2, paragraph "f", is not a director under any of the following circumstances:

(1) To whom the limitation or elimination of the duty of an officer to offer potential business opportunities to the corporation would apply.

(2) Has a material relationship with any other person to whom the limitation or elimination described in subparagraph (1) would apply.

b. Under section 490.744, does not have any of the following:

(1) A material interest in the outcome of the proceeding.

(2) A material relationship with a person who has such an interest.

- c. Under section 490.853 or 490.855, all of the following apply:
- (1) The director is not a party to the proceeding.
 - (2) The director is not a director as to whom a transaction is a director's conflicting interest transaction or who sought a disclaimer of the corporation's interest in a business opportunity under section 490.870, which transaction or disclaimer is challenged in the proceeding.
 - (3) The director does not have a material relationship with a director described in either subparagraph (1) or (2).
- d. Under section 490.862, the director is not any of the following:
- (1) A director as to whom the transaction is a director's conflicting interest transaction.
 - (2) A director who has a material relationship with another director as to whom the transaction is a director's conflicting interest transaction.
- e. Under section 490.870, is not a director who does any of the following:
- (1) Pursues or takes advantage of the business opportunity, directly or indirectly through or on behalf of another person.
 - (2) Has a material relationship with a director or officer who pursues or takes advantage of the business opportunity, directly, or indirectly through or on behalf of another person.
2. As used in this section, all of the following apply:
- a. "*Material interest*" means an actual or potential benefit or detriment, other than one which would devolve on the corporation or the shareholders generally, that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.
 - b. "*Material relationship*" means a familial, financial, professional, employment, or other relationship that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.
3. The presence of one or more of the following circumstances shall not automatically prevent a director from being a qualified director:
- a. Nomination or election of the director to the current board by any director who is not a qualified director with respect to the matter, or by any person that has a material relationship with that director, acting alone or participating with others.
 - b. Service as a director of another corporation of which a director who is not a qualified director with respect to the matter, or any individual who has a material relationship with that director, is or was also a director.
 - c. With respect to action to be taken under section 490.744, status as a named defendant, as a director against whom action is demanded, or as a director who approved the conduct being challenged.

Sec. 17. Section 490.144, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.144 Householding.

1. A corporation has delivered written notice or any other report or statement under this chapter, the articles of incorporation, or the bylaws to all shareholders who share a common address if all of the following apply:
- a. The corporation delivers one copy of the notice, report, or statement to the common address.
 - b. The corporation addresses the notice, report, or statement to those shareholders either as a group or to each of those shareholders individually or to the shareholders in a form to which each of those shareholders has consented.
 - c. Each of those shareholders consents to delivery of a single copy of such notice, report, or statement to the shareholders' common address.
2. Any such consent described in subsection 1, paragraph "b" or "c", shall be revocable by any of such shareholders who deliver written notice of revocation to the corporation. If such written notice of revocation is delivered, the corporation shall begin providing individual notices, reports, or other statements to the revoking shareholder no later than thirty days after delivery of the written notice of revocation.
3. Any shareholder who fails to object by written notice to the corporation, within sixty days of written notice by the corporation of its intention to deliver single copies of notices, reports, or statements to shareholders who share a common address as permitted by subsection 1,

shall be deemed to have consented to receiving such single copy at the common address; provided that the notice of intention explains that consent may be revoked and the method for revoking.

Sec. 18. NEW SECTION. **490.145 Part definitions.**

As used in this part:

1. “*Corporate action*” means any action taken by or on behalf of the corporation, including any action taken by the incorporator, the board of directors, a committee of the board of directors, an officer or agent of the corporation, or the shareholders.

2. “*Date of the defective corporate action*” means the date or, if the defective corporate action occurred or may have occurred on more than one date, the range of dates, or the approximate date or range of dates, if the exact date or range of dates is unknown or not readily ascertainable, the defective corporate action was purported to have been taken.

3. “*Defective corporate action*” means all of the following:

a. Any corporate action purportedly taken that is, and at the time such corporate action was purportedly taken would have been, within the power of the corporation, but is void or voidable due to a failure of authorization.

b. An overissue.

4. “*Failure of authorization*” means the failure to authorize, approve, or otherwise effect a corporate action in compliance with the provisions of this chapter, the articles of incorporation or bylaws, a corporate resolution, or any plan or agreement to which the corporation is a party, if and to the extent such failure would render such corporate action void or voidable.

5. “*Overissue*” means the purported issuance of any of the following:

a. Shares of a class or series in excess of the number of shares of a class or series the corporation has the power to issue under section 490.601 at the time of such issuance.

b. Shares of any class or series that is not then authorized for issuance by the articles of incorporation.

6. “*Putative shares*” means the shares of any class or series, including shares issued upon exercise of rights, options, warrants or other securities convertible into shares of the corporation, or interests with respect to such shares, that were created or issued as a result of a defective corporate action, and any of the following applies:

a. But for any failure of authorization would constitute valid shares.

b. Cannot be determined by the board of directors to be valid shares.

7. “*Valid shares*” means the shares of any class or series that have been duly authorized and validly issued in accordance with this chapter, including as a result of ratification or validation under this part.

8. a. “*Validation effective time*” with respect to any defective corporate action ratified under this part means the later of the following:

(1) The time at which the ratification of the defective corporate action is approved by the shareholders, or if approval of shareholders is not required, the time at which the notice required by section 490.149 becomes effective in accordance with section 490.141.

(2) The time at which any articles of validation filed in accordance with section 490.151 become effective.

b. The validation effective time shall not be affected by the filing or pendency of a judicial proceeding under section 490.152 or otherwise, unless otherwise ordered by the court.

Sec. 19. NEW SECTION. **490.146 Defective corporate actions.**

1. A defective corporate action shall not be void or voidable if ratified in accordance with section 490.147 or validated in accordance with section 490.152.

2. Ratification under section 490.147 or validation under section 490.152 shall not be deemed to be the exclusive means of ratifying or validating any defective corporate action, and the absence or failure of ratification in accordance with this part shall not, of itself, affect the validity or effectiveness of any corporate action properly ratified under common law or otherwise, nor shall it create a presumption that any such corporate action is or was a defective corporate action or void or voidable.

3. In the case of an overissue, putative shares shall be valid shares effective as of the date originally issued or purportedly issued upon any of the following:

a. The effectiveness under this part and under subchapter X of an amendment to the articles of incorporation authorizing, designating, or creating such shares.

b. The effectiveness of any other corporate action under this part ratifying the authorization, designation, or creation of such shares.

Sec. 20. NEW SECTION. 490.147 Ratification of defective corporate actions.

1. To ratify a defective corporate action under this section, other than the ratification of an election of the initial board of directors under subsection 2, the board of directors shall take action ratifying the action in accordance with section 490.148, stating all of the following:

a. The defective corporate action to be ratified and, if the defective corporate action involved the issuance of putative shares, the number and type of putative shares purportedly issued.

b. The date of the defective corporate action.

c. The nature of the failure of authorization with respect to the defective corporate action to be ratified.

d. That the board of directors approves the ratification of the defective corporate action.

2. In the event that a defective corporate action to be ratified relates to the election of the initial board of directors of the corporation under section 490.205, subsection 1, paragraph "b", a majority of the persons who, at the time of the ratification, are exercising the powers of directors may take an action stating all of the following:

a. The name of the person or persons who first took action in the name of the corporation as the initial board of directors of the corporation.

b. The earlier of the date on which such persons first took such action or were purported to have been elected as the initial board of directors.

c. That the ratification of the election of such person or persons as the initial board of directors is approved.

3. If any provision of this chapter, the articles of incorporation or bylaws, any corporate resolution, or any plan or agreement to which the corporation is a party in effect at the time action under subsection 1 is taken requires shareholder approval or would have required shareholder approval at the date of the occurrence of the defective corporate action, the ratification of the defective corporate action approved in the action taken by the directors under subsection 1 shall be submitted to the shareholders for approval in accordance with section 490.148.

4. Unless otherwise provided in the action taken by the board of directors under subsection 1, after the action by the board of directors has been taken and, if required, approved by the shareholders, the board of directors may abandon the ratification at any time before the validation effective time without further action of the shareholders.

Sec. 21. NEW SECTION. 490.148 Action on ratification.

1. The quorum and voting requirements applicable to a ratifying action by the board of directors under section 490.147, subsection 1, shall be the quorum and voting requirements applicable to the corporate action proposed to be ratified at the time such ratifying action is taken.

2. If the ratification of the defective corporate action requires approval by the shareholders under section 490.147, subsection 3, and if the approval is to be given at a meeting, the corporation shall notify each holder of valid and putative shares, regardless of whether entitled to vote, as of the record date for notice of the meeting and as of the date of the occurrence of defective corporate action, provided that notice shall not be required to be given to holders of valid or putative shares whose identities or addresses for notice cannot be determined from the records of the corporation. The notice must state that the purpose, or one of the purposes, of the meeting is to consider ratification of a defective corporate action and must be accompanied by all of the following:

a. Either a copy of the action taken by the board of directors in accordance with section 490.147, subsection 1, or the information required by section 490.147, subsection 1, paragraphs "a" through "d".

b. A statement that any claim that the ratification of such defective corporate action and any putative shares issued as a result of such defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within one hundred twenty days from the applicable validation effective time.

3. Except as provided in subsection 4, with respect to the voting requirements to ratify the election of a director, the quorum and voting requirements applicable to the approval by the shareholders required by section 490.147, subsection 3, shall be the quorum and voting requirements applicable to the corporate action proposed to be ratified at the time of such shareholder approval.

4. The approval by shareholders to ratify the election of a director requires that the votes cast within the voting group favoring such ratification exceed the votes cast opposing such ratification of the election at a meeting at which a quorum is present.

5. Putative shares on the record date for determining the shareholders entitled to vote on any matter submitted to shareholders under section 490.147, subsection 3, and without giving effect to any ratification of putative shares that becomes effective as a result of such vote, shall neither be entitled to vote nor counted for quorum purposes in any vote to approve the ratification of any defective corporate action.

6. If the approval under this section of putative shares would result in an overissue, in addition to the approval required by section 490.147, approval of an amendment to the articles of incorporation under subchapter X to increase the number of shares of an authorized class or series or to authorize the creation of a class or series of shares so there would be no overissue shall also be required.

Sec. 22. NEW SECTION. 490.149 Notice requirements.

1. Unless shareholder approval is required under section 490.147, subsection 3, prompt notice of an action taken under section 490.147 shall be given to each holder of valid and putative shares, regardless of whether entitled to vote, as of all of the following:

a. The date of such action by the board of directors.

b. The date of the defective corporate action ratified, provided that notice shall not be required to be given to holders of valid and putative shares whose identities or addresses for notice cannot be determined from the records of the corporation.

2. The notice must contain all of the following:

a. Either a copy of the action taken by the board of directors in accordance with section 490.147, subsection 1 or 2, or the information required by section 490.147, subsection 1, paragraphs "a" through "d", or section 490.147, subsection 2, paragraphs "a" through "c", as applicable.

b. A statement that any claim that the ratification of the defective corporate action and any putative shares issued as a result of such defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within one hundred twenty days from the applicable validation effective time.

3. No notice under this section is required with respect to any action required to be submitted to shareholders for approval under section 490.147, subsection 3, if notice is given in accordance with section 490.148, subsection 2.

4. A notice required by this section may be given in any manner permitted by section 490.141 and, for any corporation subject to the reporting requirements of section 13 or 15(d) of the federal Securities Exchange Act of 1934, may be given by means of a filing or furnishing of such notice with the United States securities and exchange commission.

Sec. 23. NEW SECTION. 490.150 Effect of ratification.

From and after the validation effective time, and without regard to the one hundred twenty-day period during which a claim may be brought under section 490.152, all of the following shall apply:

1. Each defective corporate action ratified in accordance with section 490.147 shall not be void or voidable as a result of the failure of authorization identified in the action taken under section 490.147, subsection 1 or 2, and shall be deemed a valid corporate action effective as of the date of the defective corporate action.

2. The issuance of each putative share or fraction of a putative share purportedly issued pursuant to a defective corporate action identified in the action taken under section 490.147 shall not be void or voidable, and each such putative share or fraction of a putative share shall be deemed to be an identical share or fraction of a valid share as of the time it was purportedly issued.

3. Any corporate action taken subsequent to the defective corporate action ratified in accordance with this part in reliance on such defective corporate action having been validly effected and any subsequent defective corporate action resulting directly or indirectly from such original defective corporate action shall be valid as of the time taken.

Sec. 24. NEW SECTION. 490.151 Filings.

1. If the defective corporate action ratified under this part would have required under any other section of this chapter a filing in accordance with this chapter, then, regardless of whether a filing was previously made in respect of such defective corporate action and in lieu of a filing otherwise required by this chapter, the corporation shall file articles of validation in accordance with this section, and such articles of validation shall serve to amend or substitute for any other filing with respect to such defective corporate action required by this chapter.

2. The articles of validation must set forth all of the following:

a. The defective corporate action that is the subject of the articles of validation, including in the case of any defective corporate action involving the issuance of putative shares, the number and type of putative shares issued and the date or dates upon which such putative shares were purported to have been issued.

b. The date of the defective corporate action.

c. The nature of the failure of authorization in respect of the defective corporate action.

d. A statement that the defective corporate action was ratified in accordance with section 490.147, including the date on which the board of directors ratified such defective corporate action and the date, if any, on which the shareholders approved the ratification of such defective corporate action.

e. The information required by subsection 3.

3. The articles of validation must also contain the following information:

a. If a filing was previously made in respect of the defective corporate action and no changes to such filing are required to give effect to the ratification of such defective corporate action in accordance with section 490.147, the articles of validation must set forth all of the following:

(1) The name, title, and filing date of the filing previously made and any articles of correction to that filing.

(2) A statement that a copy of the filing previously made, together with any articles of correction to that filing, is attached as an exhibit to the articles of validation.

b. If a filing was previously made in respect of the defective corporate action and such filing requires any change to give effect to the ratification of such defective corporate action in accordance with section 490.147, the articles of validation must set forth all of the following:

(1) The name, title, and filing date of the filing previously made and any articles of correction to that filing.

(2) A statement that a filing containing all of the information required to be included under the applicable section or sections of this chapter to give effect to such defective corporate action is attached as an exhibit to the articles of validation.

(3) The date and time that such filing is deemed to have become effective.

c. If a filing was not previously made in respect of the defective corporate action and the defective corporate action ratified under section 490.147 would have required a filing under any other section of this chapter, the articles of validation must set forth all of the following:

(1) A statement that a filing containing all of the information required to be included under the applicable section or sections of this chapter to give effect to such defective corporate action is attached as an exhibit to the articles of validation.

(2) The date and time that such filing is deemed to have become effective.

Sec. 25. NEW SECTION. 490.152 Judicial proceedings regarding validity of corporate actions.

1. Upon application by the corporation, any successor entity to the corporation, a director of the corporation, any shareholder, beneficial shareholder, or unrestricted voting trust beneficial owner of the corporation, including any such shareholder, beneficial shareholder, or unrestricted voting trust beneficial owner as of the date of the defective corporate action ratified under section 490.147, or any other person claiming to be substantially and adversely affected by a ratification under section 490.147, the district court of the county where a corporation's principal office or, if none in this state, its registered office, is located may do all of the following:

a. Determine the validity and effectiveness of any corporate action or defective corporate action.

b. Determine the validity and effectiveness of any ratification under section 490.147.

c. Determine the validity of any putative shares.

d. Modify or waive any of the procedures specified in section 490.147 or 490.148 to ratify a defective corporate action.

2. In connection with an action under this section, the court may make such findings or orders, and take into account any factors or considerations, regarding such matters as it deems proper under the circumstances.

3. Service of process of the application under subsection 1 on the corporation may be made in any manner provided by statute of this state or by rule of the applicable court for service on the corporation, and no other party need be joined in order for the court to adjudicate the matter. In an action filed by the corporation, the court may require notice of the action to be provided to other persons specified by the court and permit such other persons to intervene in the action.

4. Notwithstanding any other provision of this section or otherwise under applicable law, any action asserting that the ratification of any defective corporate action and any putative shares issued as a result of such defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within one hundred twenty days of the validation effective time.

Sec. 26. Section 490.201, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.201 Incorporators.

One or more persons may act as the incorporator or incorporators of a corporation by delivering articles of incorporation to the secretary of state for filing.

Sec. 27. Section 490.202, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.202 Articles of incorporation.

1. The articles of incorporation must set forth all of the following:

a. A corporate name for the corporation that satisfies the requirements of section 490.401.

b. The number of shares the corporation is authorized to issue.

c. The street and mailing addresses of the corporation's initial registered office and the name of its initial registered agent at that office.

d. The name and address of each incorporator.

2. The articles of incorporation may set forth any of the following:

a. The names and addresses of the individuals who are to serve as the initial directors.

b. Provisions not inconsistent with law regarding any of the following:

(1) The purpose or purposes for which the corporation is organized.

(2) Managing the business and regulating the affairs of the corporation.

(3) Defining, limiting, and regulating the powers of the corporation, its board of directors, and shareholders.

(4) A par value for authorized shares or classes of shares.

(5) The imposition of interest holder liability on shareholders.

c. Any provision that under this chapter is required or permitted to be set forth in the bylaws.

d. A provision eliminating or limiting the liability of a director to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director, except liability for any of the following:

(1) The amount of a financial benefit received by a director to which the director is not entitled.

(2) An intentional infliction of harm on the corporation or the shareholders.

(3) A violation of section 490.833.

(4) An intentional violation of criminal law.

e. A provision permitting or making obligatory indemnification of a director for liability, as defined in section 490.850, to any person for any action taken, or any failure to take any action, as a director, except liability for any of the following:

(1) Receipt of a financial benefit to which the director is not entitled.

(2) An intentional infliction of harm on the corporation or its shareholders.

(3) A violation of section 490.833.

(4) An intentional violation of criminal law.

f. A provision limiting or eliminating any duty of a director or any other person to offer the corporation the right to have or participate in any, or one or more classes or categories of, business opportunities, before the pursuit or taking of the opportunity by the director or other person; provided that any application of such a provision to an officer or a related person of that officer is subject to all of the following:

(1) It also requires approval of that application by the board of directors, subsequent to the effective date of the provision, by action of qualified directors taken in compliance with the same procedures as are set forth in section 490.862.

(2) It may be limited by the authorizing action of the board.

3. The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.

4. Provisions of the articles of incorporation may be made dependent upon facts objectively ascertainable outside the articles of incorporation in accordance with section 490.120, subsection 11.

5. As used in this section, “*related person*” has the meaning specified in section 490.860.

Sec. 28. Section 490.203, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.203 Incorporation.

1. Unless a delayed effective date is specified, the corporate existence begins when the articles of incorporation are filed.

2. The secretary of state’s filing of the articles of incorporation is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by the state to cancel or revoke the incorporation or involuntarily dissolve the corporation.

Sec. 29. Section 490.205, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.205 Organization of corporation.

1. After incorporation, the following shall apply:

a. If initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting.

b. If initial directors are not named in the articles of incorporation, the incorporator or incorporators shall hold an organizational meeting at the call of a majority of the incorporators to do any of the following:

(1) Elect initial directors and complete the organization of the corporation.

(2) Elect a board of directors who shall complete the organization of the corporation.

2. Action required or permitted by this chapter to be taken by incorporators at an organizational meeting may be taken without a meeting if the action taken is evidenced by one or more written consents describing the action taken and signed by each incorporator.

3. An organizational meeting may be held in or out of this state.

Sec. 30. Section 490.206, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.206 Bylaws.

1. The incorporators or board of directors of a corporation shall adopt initial bylaws for the corporation.

2. The bylaws of a corporation may contain any provision that is not inconsistent with law or the articles of incorporation.

3. The bylaws may contain any of the following provisions:

a. A requirement that if the corporation solicits proxies or consents with respect to an election of directors, the corporation include in its proxy statement and any form of its proxy or consent, to the extent and subject to such procedures or conditions as are provided in the bylaws, one or more individuals nominated by a shareholder in addition to individuals nominated by the board of directors.

b. A requirement that the corporation reimburse the expenses incurred by a shareholder in soliciting proxies or consents in connection with an election of directors, to the extent and subject to such procedures and conditions as are provided in the bylaws, provided that no bylaw so adopted shall apply to elections for which any record date precedes its adoption.

4. Notwithstanding section 490.1020, subsection 2, paragraph “b”, the shareholders in amending, repealing, or adopting a bylaw described in subsection 3 shall not limit the authority of the board of directors to amend or repeal any condition or procedure set forth in or to add any procedure or condition to such a bylaw to provide for a reasonable, practical, and orderly process.

Sec. 31. Section 490.207, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.207 Emergency bylaws.

1. Unless the articles of incorporation provide otherwise, the board of directors may adopt bylaws to be effective only in an emergency as defined in subsection 4. The emergency bylaws, which are subject to amendment or repeal by the shareholders, may make all provisions necessary for managing the corporation during the emergency, including any of the following:

a. Procedures for calling a meeting of the board of directors.

b. Quorum requirements for the meeting.

c. Designation of additional or substitute directors.

2. All provisions of the regular bylaws not inconsistent with the emergency bylaws remain effective during the emergency. The emergency bylaws are not effective after the emergency ends.

3. Corporate action taken in good faith in accordance with the emergency bylaws has all of the following effects:

a. The action binds the corporation.

b. The action shall not be used to impose liability on a director, officer, employee, or agent of the corporation.

4. An emergency exists for purposes of this section if a quorum of the board of directors cannot readily be assembled because of some catastrophic event.

Sec. 32. NEW SECTION. 490.208 Forum selection provisions.

1. The articles of incorporation or bylaws may require that any or all internal corporate claims shall be brought exclusively in any specified court or courts of this state and, if so specified, in any additional courts in this state or in any other jurisdictions with which the corporation has a reasonable relationship.

2. A provision of the articles of incorporation or bylaws adopted under subsection 1 shall not have the effect of conferring jurisdiction on any court or over any person or claim, and shall not apply if none of the courts specified by such provision has the requisite personal and subject matter jurisdiction. If the court or courts of this state specified in a provision adopted under subsection 1 do not have the requisite personal and subject matter jurisdiction and another court of this state does have such jurisdiction, then the internal corporate claim may be brought in such other court of this state, notwithstanding that such other court of this state

is not specified in such provision, and in any other court specified in such provision that has the requisite jurisdiction.

3. No provision of the articles of incorporation or bylaws may prohibit bringing an internal corporate claim in the courts of this state or require such claims to be determined by arbitration.

4. “*Internal corporate claim*” means, for the purposes of this section, any of the following:

a. Any claim that is based upon a violation of a duty under the laws of this state by a current or former director, officer, or shareholder in such capacity.

b. Any derivative action or proceeding brought on behalf of the corporation.

c. Any action asserting a claim arising pursuant to any provision of this chapter or the articles of incorporation or bylaws.

d. Any action asserting a claim governed by the internal affairs doctrine that is not included in paragraphs “a” through “c”.

Sec. 33. NEW SECTION. 490.209 Foreign-trade zone corporation.

A domestic corporation may be incorporated or organized under the laws of this state, and a foreign corporation may be registered or authorized to transact business in this state, for the purpose of establishing, operating, and maintaining a foreign-trade zone as defined in 19 U.S.C. §81(a). The domestic or foreign corporation must maintain its principal place of business in this state. The domestic or foreign corporation described in this section has all powers necessary or convenient for applying for a grant of authority to establish, operate, and maintain a foreign-trade zone under 19 U.S.C. §81(a) et seq., and regulations promulgated under that law, and for establishing, operating, and maintaining a foreign-trade zone pursuant to that grant of authority.

Sec. 34. Section 490.302, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.302 General powers.

Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including the power to do all of the following:

1. Sue and be sued, complain, and defend in its corporate name.

2. Have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it.

3. Make and amend bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for managing the business and regulating the affairs of the corporation.

4. Purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located.

5. Sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property.

6. Purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in and with shares or other interests in, or obligations of, any other entity.

7. Make contracts and guarantees, incur liabilities, borrow money, issue its notes, bonds, and other securities and obligations, which may be convertible into or include the option to purchase other securities of the corporation, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income.

8. Lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment.

9. Be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust, or other entity.

10. Conduct its business, locate offices, and exercise the powers granted by this chapter within or without this state.

11. Elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit.

12. Pay pensions and establish pension plans, pension trusts, profit sharing plans, share bonus plans, share option plans, and benefit or incentive plans for any or all of its current or former directors, officers, employees, and agents.

13. Make donations for the public welfare or for charitable, scientific, or educational purposes.

14. Transact any lawful business that will aid governmental policy.

15. Make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of the corporation.

Sec. 35. Section 490.303, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.303 Emergency powers.

1. In anticipation of or during an emergency as defined in subsection 4, the board of directors of a corporation may do all of the following:

a. Modify lines of succession to accommodate the incapacity of any director, officer, employee, or agent.

b. Relocate the principal office, designate alternative principal offices or regional offices, or authorize the officers to do so.

2. During an emergency as defined in subsection 4, unless emergency bylaws provide otherwise:

a. Notice of a meeting of the board of directors need be given only to those directors whom it is practicable to reach and may be given in any practicable manner.

b. One or more officers of the corporation present at a meeting of the board of directors may be deemed to be directors for the meeting, in order of rank and within the same rank in order of seniority, as necessary to achieve a quorum.

3. Corporate action taken in good faith during an emergency under this section to further the ordinary business affairs of the corporation shall both:

a. Bind the corporation.

b. Not be used to impose liability on a corporate director, officer, employee, or agent.

4. An emergency exists for purposes of this section if a quorum of the board of directors cannot readily be assembled because of some catastrophic event.

Sec. 36. Section 490.401, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.401 Corporate name.

1. A corporate name is subject to all of the following:

a. It must contain the word "corporation", "incorporated", "company", or "limited", or the abbreviation "corp.", "inc.", "co.", or "ltd.", or words or abbreviations of like import in another language.

b. It must not contain language stating or implying that the corporation is organized for a purpose other than that permitted by section 490.301 and its articles of incorporation.

2. Except as authorized by subsections 3 and 4, a corporate name must be distinguishable upon the records of the secretary of state from all of the following:

a. The corporate name of a corporation incorporated in this state which is not administratively dissolved, or if such corporation has been administratively dissolved, within five years after the effective date of dissolution.

b. A corporate name reserved or registered under section 490.402 or 490.403 or any similar provision of the law of this state.

c. The name of a foreign corporation registered to do business in this state or an alternate name adopted by a foreign corporation registered to do business in this state because its corporate name is unavailable.

d. The corporate name of a nonprofit corporation incorporated in this state which is not administratively dissolved.

e. The name of a foreign nonprofit corporation registered to do business in this state or an alternate name adopted by a foreign nonprofit corporation registered to conduct activities in this state because its real name is unavailable.

f. The name of a domestic filing entity which is not administratively dissolved.

g. The name of a foreign unincorporated entity registered to do business in this state or an alternate name adopted by such an entity registered to conduct activities in this state because its real name is unavailable.

h. A name reserved, registered, or protected as follows:

- (1) For a limited liability partnership, section 486A.1001 or 486A.1002.
- (2) For a limited partnership, section 488.108, 488.109, or 488.810.
- (3) For a business corporation, this section, or section 490.402, 490.403, or 490.1422.
- (4) For a limited liability company under chapter 489, section 489.108, 489.109, or 489.706.
- (5) For a nonprofit corporation, section 504.401, 504.402, 504.403, or 504.1423.

3. A corporation may apply to the secretary of state for authorization to use a name that is not distinguishable upon the secretary of state's records from one or more of the names described in subsection 2. The secretary of state shall authorize use of the name applied for if any of the following conditions apply:

a. The other corporation or unincorporated entity consents to the use in writing and submits an undertaking in form satisfactory to the secretary of state to change its name to a name that is distinguishable upon the records of the secretary of state from the name of the applying corporation.

b. The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

4. A corporation may use the name, including the fictitious name, of another domestic or foreign corporation that is used in this state if the other corporation is incorporated or authorized to transact business in this state and the proposed user corporation submits documentation to the satisfaction of the secretary of state establishing any of the following conditions:

a. Has merged with the other corporation.

b. Has been formed by reorganization of the other corporation.

c. Has acquired all or substantially all of the assets, including the corporate name, of the other corporation.

5. This chapter does not control the use of fictitious names; however, if a corporation or a foreign corporation uses a fictitious name in this state, it shall deliver to the secretary of state for filing a copy of the resolution of its board of directors, certified by its secretary, adopting the fictitious name.

Sec. 37. Section 490.402, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.402 Reserved name.

1. A person may reserve the exclusive use of a corporate name, including a fictitious or alternate name for a foreign corporation whose corporate name is not available, by delivering an application to the secretary of state for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the corporate name applied for is available, the secretary of state shall reserve the name for the applicant's exclusive use for a nonrenewable one hundred twenty-day period.

2. The owner of a reserved corporate name may transfer the reservation to another person by delivering to the secretary of state a signed notice of the transfer that states the name and address of the transferee.

Sec. 38. Section 490.403, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.403 Registered name.

1. A foreign corporation may register its corporate name, or its corporate name with the addition of any word or abbreviation listed in section 490.401, subsection 1, paragraph "a", if necessary for the corporate name to comply with section 490.401, subsection 1, paragraph "a", if the name is distinguishable upon the records of the secretary of state from the corporate names that are not available under section 490.401, subsection 2.

2. A foreign corporation registers its corporate name, or its corporate name with any addition permitted by subsection 1, by delivering to the secretary of state for filing an application that complies with all of the following:

a. Sets forth that name, the state or country and date of its incorporation, and a brief description of the nature of the business which is to be conducted in this state.

b. Is accompanied by a certificate of existence, or a document of similar import, from the state or country of incorporation.

3. The name is registered for the applicant's exclusive use upon the effective date of the application and for the remainder of the calendar year, unless renewed.

4. A foreign corporation whose name registration is effective may renew it for successive years by delivering to the secretary of state for filing a renewal application, which complies with the requirements of subsection 2, between October 1 and December 31 of the preceding year. The renewal application when filed renews the registration for the following calendar year.

5. a. A foreign corporation whose name registration is effective may thereafter do any of the following:

(1) Register to do business as a foreign corporation under the registered name, if it complies with section 490.401, subsection 1, paragraph "b".

(2) Consent in writing to the use of that name by a domestic corporation thereafter incorporated under this chapter or by another foreign corporation.

b. The registration terminates when the domestic corporation is incorporated or the foreign corporation registers to do business under that name.

Sec. 39. Section 490.501, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.501 Registered office and agent of domestic and registered foreign corporations.

1. Each corporation shall continuously maintain in this state all of the following:

a. A registered office that may be the same as any of its places of business.

b. A registered agent, which may be any of the following:

(1) An individual who resides in this state and whose business office is identical with the registered office.

(2) A domestic or foreign corporation or eligible entity whose business office is identical with the registered office and, in the case of a foreign corporation or foreign eligible entity, is registered to do business in this state.

2. As used in this subchapter, "corporation" means both a domestic corporation and a registered foreign corporation.

Sec. 40. Section 490.502, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.502 Change of registered office or registered agent.

1. A corporation may change its registered office or registered agent by delivering to the secretary of state for filing a statement of change that sets forth all of the following:

a. The name of the corporation.

b. The street and mailing addresses of its current registered office.

c. If the current registered office is to be changed, the street and mailing addresses of the new registered office.

d. The name of its current registered agent.

e. If the current registered agent is to be changed, the name of the new registered agent and the new agent's written consent, either on the statement or attached to it, to the appointment.

f. That after the change or changes are made, the street and mailing addresses of its registered office and of the business office of its registered agent will be identical.

2. If the street or mailing address of a registered agent's business office changes, the agent shall change the street or mailing address of the registered office of any corporation for which the agent is the registered agent by delivering a signed written notice of the change to the corporation and delivering to the secretary of state for filing a signed statement that complies with the requirements of subsection 1 and states that the corporation has been notified of the change.

3. If a registered agent changes the registered agent's business address to another place, the registered agent may change the business address and the address of the registered agent by filing a statement as required in subsection 2 for each corporation, or a single statement for all corporations named in the notice, except that it need be signed only by the registered agent and need not be responsive to subsection 1, paragraph "e", and must recite that a copy of the statement has been mailed to each corporation named in the notice.

4. A corporation may also change its registered office or registered agent in its biennial report as provided in section 490.1622.

Sec. 41. Section 490.503, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.503 Resignation of registered agent.

1. A registered agent may resign as agent for a corporation by delivering to the secretary of state for filing a statement of resignation signed by the agent which shall state all of the following:

- a. The name of the corporation.
- b. The name of the agent.
- c. The agent resigns from serving as registered agent for the corporation.
- d. The address of the corporation to which the agent will deliver the notice required by subsection 3.

2. 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 by the secretary of state.
 - b. The designation of a new registered agent for the corporation.
3. A registered agent promptly shall deliver to the corporation notice of the date on which a statement of resignation was delivered to the secretary of state for filing.

4. When a statement of resignation takes effect, the person that resigned ceases to have responsibility under this chapter for any matter thereafter tendered to it as agent for the corporation. The resignation does not affect any contractual rights the corporation has against the agent or that the agent has against the corporation.

5. A registered agent may resign with respect to a corporation regardless of whether the corporation is in good standing.

Sec. 42. Section 490.504, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.504 Service on corporation.

1. A corporation's registered agent is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the corporation.

2. If a corporation has no registered agent, or the agent cannot with reasonable diligence be served, the corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary at the corporation's principal office. Service is perfected under this subsection at the earliest of the following:

- a. The date the corporation receives the mail.
- b. The date shown on the return receipt, if signed on behalf of the corporation.
- c. Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

3. a. The secretary of state shall be an agent of the corporation upon whom process, notice, or demand may be served, if any of the following applies:

(1) The process, notice, or demand cannot be served on a corporation pursuant to subsection 1 or 2.

(2) The process, notice, or demand is to be served on a registered foreign corporation that has withdrawn its registration pursuant to section 490.1507 or 490.1509, or the registration of which has been terminated pursuant to section 490.1511.

b. Service of any process, notice, or demand on the secretary of state as agent for a corporation may be made by delivering to the secretary of state duplicate copies of the process, notice, or demand. If process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return

receipt requested, to the corporation at the last address shown in the records of the secretary of state. Service is effected under this subsection at the earliest of the following:

- (1) The date the corporation receives the process, notice, or demand.
- (2) The date shown on the return receipt, if signed on behalf of the corporation.
- (3) Five days after the process, notice, or demand is deposited with the United States mail by the secretary of state.
4. This section does not prescribe the only means, or necessarily the required means, of serving a corporation.

Sec. 43. Section 490.601, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.601 Authorized shares.

1. The articles of incorporation must set forth any classes of shares and series of shares within a class, and the number of shares of each class and series, that the corporation is authorized to issue. If more than one class or series of shares is authorized, the articles of incorporation must prescribe a distinguishing designation for each class or series and, before the issuance of shares of a class or series, describe the terms, including the preferences, rights, and limitations of that class or series. Except to the extent varied as permitted by this section, all shares of a class or series must have terms, including preferences, rights, and limitations that are identical with those of other shares of the same class or series.

2. The articles of incorporation must authorize all of the following:

- a. One or more classes or series of shares that together have full voting rights.
- b. One or more classes or series of shares, which may be the same class, classes, or series as those with voting rights, that together are entitled to receive the net assets of the corporation upon dissolution.

3. The articles of incorporation may authorize one or more classes or series of shares that have any of the following characteristics:

- a. Have special, conditional, or limited voting rights, or no right to vote, except to the extent otherwise provided by this chapter.
- b. Are redeemable or convertible as specified in the articles of incorporation in any of the following ways:

(1) At the option of the corporation, the shareholder, or another person or upon the occurrence of a specified event.

(2) For cash, indebtedness, securities, or other property.

(3) At prices and in amounts specified or determined in accordance with a formula.

c. Entitle the holders to distributions calculated in any manner, including dividends that may be cumulative, noncumulative, or partially cumulative.

d. Have preference over any other class or series of shares with respect to distributions, including distributions upon the dissolution of the corporation.

4. The terms of shares may be made dependent upon facts objectively ascertainable outside the articles of incorporation in accordance with section 490.120, subsection 11.

5. Any of the terms of shares may vary among holders of the same class or series so long as such variations are expressly set forth in the articles of incorporation.

6. The description of the preferences, rights, and limitations of classes or series of shares in subsection 3 is not exhaustive.

Sec. 44. Section 490.602, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.602 Terms of class or series determined by board of directors.

1. If the articles of incorporation so provide, the board of directors is authorized, without shareholder approval, to do any of the following:

a. Classify any unissued shares into one or more classes or into one or more series within a class.

b. Reclassify any unissued shares of any class into one or more classes or into one or more series within one or more classes.

c. Reclassify any unissued shares of any series of any class into one or more classes or into one or more series within a class.

2. If the board of directors acts pursuant to subsection 1, it shall determine the terms, including the preferences, rights, and limitations, to the same extent permitted under section 490.601, of any of the following:

- a. Any class of shares before the issuance of any shares of that class.
- b. Any series within a class before the issuance of any shares of that series.

3. Before issuing any shares of a class or series created under this section, the corporation shall deliver to the secretary of state for filing articles of amendment setting forth the terms determined under subsection 1.

Sec. 45. Section 490.603, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.603 Issued and outstanding shares.

1. A corporation may issue the number of shares of each class or series authorized by the articles of incorporation. Shares that are issued are outstanding shares until they are reacquired, redeemed, converted, or canceled.

2. The reacquisition, redemption, or conversion of outstanding shares is subject to the limitations of subsection 3 and to section 490.640.

3. At all times that shares of the corporation are outstanding, one or more shares that together have full voting rights and one or more shares that together are entitled to receive the net assets of the corporation upon dissolution must be outstanding.

Sec. 46. Section 490.604, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.604 Fractional shares.

1. A corporation may issue fractions of a share or in lieu of doing so may do any of the following:

- a. Pay in cash the value of fractions of a share.
- b. Issue scrip in registered or bearer form entitling the holder to receive a full share upon surrendering enough scrip to equal a full share.
- c. Arrange for disposition of fractional shares by the holders of such shares.

2. Each certificate representing scrip must be conspicuously labeled "scrip" and must contain the information required by section 490.625, subsection 2.

3. The holder of a fractional share is entitled to exercise the rights of a shareholder, including the rights to vote, to receive dividends, and to receive distributions upon dissolution. The holder of scrip is not entitled to any of these rights unless the scrip provides for them.

4. The board of directors may authorize the issuance of scrip subject to any condition, including any of the following:

- a. That the scrip will become void if not exchanged for full shares before a specified date.
- b. That the shares for which the scrip is exchangeable may be sold and the proceeds paid to the scripholders.

Sec. 47. Section 490.620, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.620 Subscription for shares before incorporation.

1. A subscription for shares entered into before incorporation is irrevocable for six months unless the subscription agreement provides a longer or shorter period or all the subscribers agree to revocation.

2. The board of directors may determine the payment terms of subscriptions for shares that were entered into before incorporation, unless the subscription agreement specifies them. A call for payment by the board of directors must be uniform so far as practicable as to all shares of the same class or series, unless the subscription agreement specifies otherwise.

3. Shares issued pursuant to subscriptions entered into before incorporation are fully paid and nonassessable when the corporation receives the consideration specified in the subscription agreement.

4. If a subscriber defaults in payment of cash or property under a subscription agreement entered into before incorporation, the corporation may collect the amount owed as any other debt. Alternatively, unless the subscription agreement provides otherwise, the corporation

may rescind the agreement and may sell the shares if the debt remains unpaid for more than twenty days after the corporation delivers a written demand for payment to the subscriber.

5. A subscription agreement entered into after incorporation is a contract between the subscriber and the corporation subject to section 490.621.

Sec. 48. Section 490.621, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.621 Issuance of shares.

1. The powers granted in this section to the board of directors may be reserved to the shareholders by the articles of incorporation.

2. The board of directors may authorize shares to be issued for consideration consisting of any tangible or intangible property or benefit to the corporation, including cash, promissory notes, services performed, contracts for services to be performed, or other securities of the corporation.

3. Before the corporation issues shares, the board of directors shall determine that the consideration received or to be received for shares to be issued is adequate. That determination by the board of directors is conclusive insofar as the adequacy of consideration for the issuance of shares relates to whether the shares are validly issued, fully paid, and nonassessable.

4. When the corporation receives the consideration for which the board of directors authorized the issuance of shares, the shares issued therefor are fully paid and nonassessable.

5. The corporation may place in escrow shares issued for a contract for future services or benefits or a promissory note, or make other arrangements to restrict the transfer of the shares, and may credit distributions in respect of the shares against their purchase price, until the services are performed, the benefits are received, or the note is paid. If the services are not performed, the benefits are not received, or the note is not paid, the shares escrowed or restricted and the distributions credited may be canceled in whole or part.

6. *a.* An issuance of shares or other securities convertible into or rights exercisable for shares in a transaction or a series of integrated transactions requires approval of the shareholders, at a meeting at which a quorum consisting of a majority, or such greater number as the articles of incorporation may prescribe, of the votes entitled to be cast on the matter exists, if all of the following conditions are satisfied:

(1) The shares, other securities, or rights are to be issued for consideration other than cash or cash equivalents.

(2) The voting power of shares that are issued and issuable as a result of the transaction or series of integrated transactions will comprise more than twenty percent of the voting power of the shares of the corporation that were outstanding immediately before the transaction.

b. For purposes of this subsection, the following shall apply:

(1) For purposes of determining the voting power of shares issued and issuable as a result of a transaction or series of integrated transactions, the voting power of shares or other securities convertible into or rights exercisable for shares shall be the greater of the following:

(a) The voting power of the shares to be issued.

(b) The voting power of the shares that would be outstanding after giving effect to the conversion of convertible shares and other securities and the exercise of rights to be issued.

(2) A series of transactions is integrated only if consummation of one transaction is made contingent on consummation of one or more of the other transactions.

Sec. 49. Section 490.622, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.622 Liability of shareholders.

1. A purchaser from a corporation of the corporation's own shares is not liable to the corporation or its creditors with respect to the shares except to pay the consideration for which the shares were authorized to be issued or specified in the subscription agreement.

2. A shareholder of a corporation is not personally liable for any liabilities of the corporation, including liabilities arising from acts of the corporation, subject to the following exceptions:

a. To the extent provided in a provision of the articles of incorporation permitted by section 490.202, subsection 2, paragraph “b”, subparagraph (5).

b. A shareholder may become personally liable by reason of the shareholder’s own acts or conduct.

Sec. 50. Section 490.623, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.623 Share dividends.

1. Unless the articles of incorporation provide otherwise, shares may be issued pro rata and without consideration to the corporation’s shareholders or to the shareholders of one or more classes or series of shares. An issuance of shares under this subsection is a share dividend.

2. Shares of one class or series shall not be issued as a share dividend in respect of shares of another class or series unless one or more of the following conditions are met:

a. The articles of incorporation so authorize.

b. A majority of the votes entitled to be cast by the class or series to be issued approve the issue.

c. There are no outstanding shares of the class or series to be issued.

3. The board of directors may fix the record date for determining shareholders entitled to a share dividend, which date shall not be retroactive. If the board of directors does not fix the record date for determining shareholders entitled to a share dividend, the record date is the date the board of directors authorizes the share dividend.

Sec. 51. Section 490.624, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.624 Share rights, options, warrants, and awards.

1. A corporation may issue rights, options, or warrants for the purchase of shares or other securities of the corporation. The board of directors shall determine the terms and conditions upon which the rights, options, or warrants are issued and the terms, including the consideration for which the shares or other securities are to be issued. The authorization by the board of directors for the corporation to issue such rights, options, or warrants constitutes authorization of the issuance of the shares or other securities for which the rights, options, or warrants are exercisable.

2. The terms and conditions of such rights, options, or warrants may include restrictions or conditions that do any of the following:

a. Preclude or limit the exercise, transfer, or receipt of such rights, options, or warrants by any person or persons owning or offering to acquire a specified number or percentage of the outstanding shares or other securities of the corporation or by any transferee or transferees of any such person or persons.

b. Invalidate or void such rights, options, or warrants held by any such person or persons or any such transferee or transferees.

3. The board of directors may authorize one or more officers to do any of the following:

a. Designate the recipients of rights, options, warrants, or other equity compensation awards that involve the issuance of shares.

b. Determine, within an amount and subject to any other limitations established by the board of directors and, if applicable, the shareholders, the number of such rights, options, warrants, or other equity compensation awards and the terms of such rights, options, warrants, or awards to be received by the recipients, provided that an officer shall not use such authority to designate the officer or any other persons as the board of directors may specify as a recipient of such rights, options, warrants, or other equity compensation awards.

Sec. 52. Section 490.625, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.625 Form and content of certificates.

1. Shares may, but need not, be represented by certificates. Unless this chapter or another statute expressly provides otherwise, the rights and obligations of shareholders are identical regardless of whether their shares are represented by certificates.

2. At a minimum, each share certificate must state on its face all of the following:

- a. The name of the corporation and that it is organized under the law of this state.
 - b. The name of the person to whom issued.
 - c. The number and class of shares and the designation of the series, if any, the certificate represents.
3. a. If the corporation is authorized to issue different classes of shares or series of shares within a class, the front or back of each certificate must summarize all of the following:
- (1) The preferences, rights, and limitations applicable to each class and series.
 - (2) Any variations in preferences, rights, and limitations among the holders of the same class or series.
 - (3) The authority of the board of directors to determine the terms of future classes or series.
- b. Alternatively, each certificate may state conspicuously on its front or back that the corporation will furnish the shareholder this information on request in writing and without charge.
4. Each share certificate must be signed by two officers designated in the bylaws.
5. If the person who signed a share certificate no longer holds office when the certificate is issued, the certificate is nevertheless valid.

Sec. 53. Section 490.626, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.626 Shares without certificates.

1. Unless the articles of incorporation or bylaws provide otherwise, the board of directors of a corporation may authorize the issuance of some or all of the shares of any or all of its classes or series without certificates. The authorization does not affect shares already represented by certificates until they are surrendered to the corporation.
2. Within a reasonable time after the issuance or transfer of shares without certificates, the corporation shall deliver to the shareholder a written statement of the information required on certificates by section 490.625, subsections 2 and 3, and, if applicable, section 490.627.

Sec. 54. Section 490.627, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.627 Restriction on transfer of shares.

1. The articles of incorporation, the bylaws, an agreement among shareholders, or an agreement between shareholders and the corporation may impose restrictions on the transfer or registration of transfer of shares of the corporation. A restriction does not affect shares issued before the restriction was adopted unless the holders of the shares are parties to the restriction agreement or voted in favor of the restriction.
2. A restriction on the transfer or registration of transfer of shares is valid and enforceable against the holder or a transferee of the holder if the restriction is authorized by this section and its existence is noted conspicuously on the front or back of the certificate or is contained in the information statement required by section 490.626, subsection 2. Unless so noted, or contained, a restriction is not enforceable against a person without knowledge of the restriction.
3. A restriction on the transfer or registration of transfer of shares is authorized for any of the following purposes:
 - a. To maintain the corporation's status when it is dependent on the number or identity of its shareholders.
 - b. To preserve exemptions under federal or state securities law.
 - c. For any other reasonable purpose.
4. A restriction on the transfer or registration of transfer of shares may do any of the following:
 - a. Obligate the shareholder first to offer the corporation or other persons, separately, consecutively, or simultaneously, an opportunity to acquire the restricted shares.
 - b. Obligate the corporation or other persons, separately, consecutively, or simultaneously, to acquire the restricted shares.
 - c. Require the corporation, the holders of any class or series of its shares, or other persons to approve the transfer of the restricted shares, if the requirement is not manifestly unreasonable.

d. Prohibit the transfer of the restricted shares to designated persons or classes of persons, if the prohibition is not manifestly unreasonable.

5. As used in this section, “*shares*” includes a security convertible into or carrying a right to subscribe for or acquire shares.

Sec. 55. Section 490.630, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.630 Shareholders’ preemptive rights.

1. The shareholders of a corporation do not have a preemptive right to acquire the corporation’s unissued shares except to the extent the articles of incorporation so provide.

2. A statement included in the articles of incorporation that “the corporation elects to have preemptive rights”, or words of similar effect, means that the following principles apply except to the extent the articles of incorporation expressly provide otherwise:

a. The shareholders of the corporation have a preemptive right, granted on uniform terms and conditions prescribed by the board of directors to provide a fair and reasonable opportunity to exercise the right, to acquire proportional amounts of the corporation’s unissued shares upon the decision of the board of directors to issue them.

b. A preemptive right may be waived by a shareholder. A waiver evidenced by a writing is irrevocable even though it is not supported by consideration.

c. There is no preemptive right with respect to any of the following:

(1) Shares issued as compensation to directors, officers, employees, or agents of the corporation, its subsidiaries, or its affiliates.

(2) Shares issued to satisfy conversion or option rights created to provide compensation to directors, officers, employees, or agents of the corporation, its subsidiaries, or its affiliates.

(3) Shares authorized in the articles of incorporation that are issued within six months from the effective date of incorporation.

(4) Shares sold otherwise than for cash.

d. Holders of shares of any class or series without voting power but with preferential rights to distributions have no preemptive rights with respect to shares of any class or series.

e. Holders of shares of any class or series with voting power but without preferential rights to distributions have no preemptive rights with respect to shares of any class or series with preferential rights to distributions unless the shares with preferential rights are convertible into or carry a right to subscribe for or acquire the shares without preferential rights.

f. Shares subject to preemptive rights that are not acquired by shareholders may be issued to any person for a period of one year after being offered to shareholders at a consideration set by the board of directors that is not lower than the consideration set for the exercise of preemptive rights. An offer at a lower consideration or after the expiration of one year is subject to the shareholders’ preemptive rights.

3. As used in this section, “*shares*” includes a security convertible into or carrying a right to subscribe for or acquire shares.

Sec. 56. Section 490.640, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.640 Distribution to shareholders.

1. A board of directors may authorize and the corporation may make distributions to its shareholders subject to restriction by the articles of incorporation and the limitation in subsection 3.

2. The board of directors may fix the record date for determining shareholders entitled to a distribution, which date shall not be retroactive. If the board of directors does not fix a record date for determining shareholders entitled to a distribution, other than one involving a purchase, redemption, or other acquisition of the corporation’s shares, the record date is the date the board of directors authorizes the distribution.

3. A distribution shall not be made if, after giving it effect, any of the following would result:

a. The corporation would not be able to pay its debts as they become due in the usual course of business.

b. The corporation’s total assets would be less than the sum of its total liabilities plus, unless the articles of incorporation permit otherwise, the amount that would be needed, if

the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

4. The board of directors may base a determination that a distribution is not prohibited under subsection 3 either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances.

5. Except as provided in subsection 7, the effect of a distribution under subsection 3 is measured as follows:

a. In the case of distribution by purchase, redemption, or other acquisition of the corporation's shares, as of the earlier of the following:

(1) The date cash or other property is transferred or debt to a shareholder is incurred by the corporation.

(2) The date the shareholder ceases to be a shareholder with respect to the acquired shares.

b. In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed.

c. In all other cases, as of the following:

(1) The date the distribution is authorized if the payment occurs within one hundred twenty days after the date of authorization.

(2) The date the payment is made if it occurs more than one hundred twenty days after the date of authorization.

6. A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

7. Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations under subsection 3 if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section. If such indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made.

8. This section shall not apply to distributions in liquidation under subchapter XIV.

Sec. 57. Section 490.701, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.701 Annual meeting.

1. Unless directors are elected by written consent in lieu of an annual meeting as permitted by section 490.704, a corporation shall hold a meeting of shareholders annually, at a time stated in or fixed in accordance with the bylaws, at which directors shall be elected.

2. Unless the board of directors determines to hold the meeting solely by means of remote communication in accordance with section 490.709, subsection 3, annual meetings may be held as follows:

a. In or out of this state at the place stated in or fixed in accordance with the bylaws.

b. If no place is stated in or fixed in accordance with the bylaws, at the corporation's principal office.

3. The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

Sec. 58. Section 490.702, subsections 1 through 4, Code 2021, are amended by striking the subsections and inserting in lieu thereof the following:

1. Except as provided in subsection 5, a corporation shall hold a special meeting of shareholders upon the occurrence of any of the following:

a. On call of its board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws.

b. If the shareholders holding at least ten percent of all the votes entitled to be cast on an issue proposed to be considered at the proposed special meeting sign, date, and deliver to the corporation one or more written demands for the meeting describing the purpose or purposes for which it is to be held, provided that the articles of incorporation may fix a lower

percentage or a higher percentage not exceeding twenty-five percent of all the votes entitled to be cast on any issue proposed to be considered. Unless otherwise provided in the articles of incorporation, a written demand for a special meeting may be revoked by a writing to that effect received by the corporation before the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

2. If not otherwise fixed under section 490.703 or 490.707, the record date for determining shareholders entitled to demand a special meeting shall be the first date on which a signed shareholder demand is delivered to the corporation. No written demand for a special meeting shall be effective unless, within sixty days of the earliest date on which such a demand delivered to the corporation as required by this section was signed, written demands signed by shareholders holding at least the percentage of votes specified in or fixed in accordance with subsection 1, paragraph “b”, have been delivered to the corporation.

3. Unless the board of directors determines to hold the meeting solely by remote participation in accordance with section 490.709, subsection 3, special meetings of shareholders may be held as follows:

a. In or out of this state at the place stated in or fixed in accordance with the bylaws.

b. If no place is so stated in or fixed in accordance with the bylaws, at the corporation’s principal office.

4. Only business within the purpose or purposes described in the meeting notice required by section 490.705, subsection 3, may be conducted at a special meeting of shareholders.

Sec. 59. Section 490.702, subsection 5, Code 2021, is amended to read as follows:

5. Notwithstanding subsections 1 through 4, a public corporation that has a class of equity securities registered pursuant to section 12 of the federal Securities Exchange Act of 1934 is required to hold a special meeting only upon the occurrence of either any of the following:

a. On call of its board of directors or the person or persons authorized to call a special meeting by the articles of incorporation or bylaws.

b. If the holders of at least fifty percent of all the votes entitled to be cast on any issue proposed to be considered at the proposed special meeting sign, date, and deliver to the corporation’s secretary one or more written demands for the meeting describing the purpose or purposes for which it is to be held.

Sec. 60. Section 490.703, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.703 Court-ordered meeting.

1. The district court of the county where a corporation’s principal office, or, if none in this state, its registered office, is located may summarily order a meeting to be held pursuant to any of the following:

a. On application of any shareholder of the corporation if an annual meeting was not held or action by written consent in lieu of an annual meeting did not become effective within the earlier of six months after the end of the corporation’s fiscal year or fifteen months after its last annual meeting.

b. On application of one or more shareholders who signed a demand for a special meeting valid under section 490.702 if any of the following applies:

(1) Notice of the special meeting was not given within thirty days after the first day on which the requisite number of such demands have been delivered to the corporation.

(2) The special meeting was not held in accordance with the notice.

2. The court may fix the time and place of the meeting, determine the shares entitled to participate in the meeting, specify a record date or dates for determining shareholders entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting, or direct that the shares represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the meeting.

3. For purposes of subsection 1, paragraph “a”, “shareholder” means a record shareholder, a beneficial shareholder, and an unrestricted voting trust beneficial owner.

Sec. 61. Section 490.704, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.704 Action without meeting.

1. Unless otherwise provided in the articles of incorporation, any action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting or vote, and, except as provided in subsection 5, without prior notice, if one or more written consents bearing the date of signature and describing the action taken are signed by the holders of outstanding shares having not less than ninety percent of the votes entitled to be cast at a meeting at which all shares entitled to vote on the action were present and voted, and are delivered to the corporation for inclusion in the minutes or filing with the corporate records.

2. Except in the case of a corporation that has a class of equity securities registered pursuant to section 12 of the federal Securities Exchange Act of 1934, the articles of incorporation may provide that any action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting, and without prior notice, if consents in writing setting forth the action so taken are signed by the holders of outstanding shares having not less than the minimum number of votes that would be required to authorize or take the action at a meeting at which all shares entitled to vote on the action were present and voted. However, if a corporation's articles of incorporation authorize shareholders to cumulate their votes when electing directors pursuant to section 490.728, directors shall not be elected by less than unanimous written consent. A written consent must bear the date of signature of the shareholder who signs the consent and be delivered to the corporation for filing by the corporation with the minutes or corporate records.

3. If not otherwise fixed under section 490.707 and if prior action by the board of directors is not required respecting the action to be taken without a meeting, the record date for determining the shareholders entitled to take action without a meeting shall be the first date on which a signed written consent is delivered to the corporation. If not otherwise fixed under section 490.707, and if prior action by the board of directors is required respecting the action to be taken without a meeting, the record date shall be the close of business on the day the resolution of the board of directors taking such prior action is adopted. No written consent shall be effective to take the corporate action referred to therein unless, within sixty days of the earliest date on which a consent delivered to the corporation as required by this section was signed, written consents signed by sufficient shareholders to take the action have been delivered to the corporation. A written consent may be revoked by a writing to that effect delivered to the corporation before unrevoked written consents sufficient in number to take the corporate action have been delivered to the corporation.

4. A consent signed pursuant to the provisions of this section has the effect of a vote taken at a meeting and may be described as such in any document. Unless the articles of incorporation, bylaws, or a resolution of the board of directors provides for a reasonable delay to permit tabulation of written consents, the action taken by written consent shall be effective when written consents signed by sufficient shareholders to take the action have been delivered to the corporation.

5. *a.* If this chapter requires that notice of a proposed action be given to nonvoting shareholders and the action is to be taken by written consent of the voting shareholders, the corporation shall give its nonvoting shareholders written notice of the action not more than ten days after any of the following:

(1) Written consents sufficient to take the action have been delivered to the corporation.

(2) Such later date that tabulation of consents is completed pursuant to an authorization under subsection 4.

b. The notice must reasonably describe the action taken and contain or be accompanied by the same material that, under any provision of this chapter, would have been required to be sent to nonvoting shareholders in a notice of a meeting at which the proposed action would have been submitted to the shareholders for action.

6. *a.* If action is taken by less than unanimous written consent of the voting shareholders, the corporation shall give its nonconsenting voting shareholders written notice of the action not more than ten days after any of the following:

(1) Written consents sufficient to take the action have been delivered to the corporation.

(2) Such later date that tabulation of consents is completed pursuant to an authorization under subsection 4.

b. The notice must reasonably describe the action taken and contain or be accompanied by the same material that, under any provision of this chapter, would have been required to be sent to voting shareholders in a notice of a meeting at which the action would have been submitted to the shareholders for action.

7. The notice requirements in subsections 5 and 6 shall not delay the effectiveness of actions taken by written consent, and a failure to comply with such notice requirements shall not invalidate actions taken by written consent, provided that this subsection shall not be deemed to limit judicial power to fashion any appropriate remedy in favor of a shareholder adversely affected by a failure to give such notice within the required time period.

Sec. 62. Section 490.705, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.705 Notice of meeting.

1. A corporation shall notify shareholders of the date, time, and place of each annual and special shareholders' meeting no fewer than ten nor more than sixty days before the meeting date. If the board of directors has authorized participation by means of remote communication pursuant to section 490.709 for holders of any class or series of shares, the notice to the holders of such class or series of shares must describe the means of remote communication to be used. The notice must include the record date for determining the shareholders entitled to vote at the meeting, if such date is different from the record date for determining shareholders entitled to notice of the meeting. Unless this chapter or the articles of incorporation require otherwise, the corporation is required to give notice only to shareholders entitled to vote at the meeting as of the record date for determining the shareholders entitled to notice of the meeting.

2. Unless this chapter or the articles of incorporation require otherwise, the notice of an annual meeting of shareholders need not include a description of the purpose or purposes for which the meeting is called.

3. Notice of a special meeting of shareholders must include a description of the purpose or purposes for which the meeting is called.

4. If not otherwise fixed under section 490.703 or 490.707, the record date for determining shareholders entitled to notice of and to vote at an annual or special shareholders' meeting is the day before the first notice is delivered to shareholders.

5. Unless the bylaws require otherwise, if an annual or special shareholders' meeting is adjourned to a different date, time, or place, if any, notice need not be given of the new date, time, or place, if any, if the new date, time, or place, if any, is announced at the meeting before adjournment. However, if a new record date for the adjourned meeting is or must be fixed under section 490.707, notice of the adjourned meeting shall be given under this section to shareholders entitled to vote at such adjourned meeting as of the record date fixed for notice of such adjourned meeting.

Sec. 63. Section 490.706, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.706 Waiver of notice.

1. A shareholder may waive any notice required by this chapter, or the articles of incorporation or bylaws, before or after the date and time stated in the notice. The waiver must be in writing, be signed by the shareholder entitled to the notice, and be delivered to the corporation for filing by the corporation with the minutes or corporate records.

2. A shareholder's attendance at a meeting does all of the following:

a. Waives objection to lack of notice or defective notice of the meeting, unless the shareholder at the beginning of the meeting objects to holding the meeting or transacting business at the meeting.

b. Waives objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice, unless the shareholder objects to considering the matter when it is presented.

Sec. 64. Section 490.707, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.707 Record date for meeting.

1. The bylaws may fix or provide the manner of fixing the record date or dates for one or more voting groups to determine the shareholders entitled to notice of a shareholders' meeting, to demand a special meeting, to vote, or to take any other action. If the bylaws do not fix or provide for fixing a record date, the board of directors may fix the record date.

2. A record date fixed under this section shall not be more than seventy days before the meeting or action requiring a determination of shareholders and shall not be retroactive.

3. A determination of shareholders entitled to notice of or to vote at a shareholders' meeting is effective for any adjournment of the meeting unless the board of directors fixes a new record date or dates, which it shall do if the meeting is adjourned to a date more than one hundred twenty days after the date fixed for the original meeting.

4. If a court orders a meeting adjourned to a date more than one hundred twenty days after the date fixed for the original meeting, it may provide that the original record date or dates continue in effect or it may fix a new record date or dates.

5. The record date or dates for a shareholders' meeting fixed by or in the manner provided in the bylaws or by the board of directors shall be the record date for determining shareholders entitled both to notice of and to vote at the shareholders' meeting unless, in the case of a record date fixed by the board of directors and to the extent not prohibited by the bylaws, the board, at the time it fixes the record date for shareholders entitled to notice of the meeting, fixes a later record date on or before the date of the meeting to determine the shareholders entitled to vote at the meeting.

Sec. 65. Section 490.708, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.708 Conduct of meeting.

1. At each meeting of shareholders, a chair shall preside. The chair shall be appointed as provided in the bylaws or, in the absence of such provision, by the board of directors.

2. The chair, unless the articles of incorporation or bylaws provide otherwise, shall determine the order of business and shall have the authority to establish rules for the conduct of the meeting.

3. Any rules adopted for, and the conduct of, the meeting shall be fair to shareholders.

4. The chair of the meeting shall announce at the meeting when the polls close for each matter voted upon. If no announcement is made, the polls shall be deemed to have closed upon the final adjournment of the meeting. After the polls close, no ballots, proxies, or votes nor any revocations or changes to such ballots, proxies, or votes may be accepted.

Sec. 66. Section 490.709, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.709 Remote participation in shareholders' meetings.

1. Shareholders of any class or series of shares may participate in any meeting of shareholders by means of remote communication to the extent the board of directors authorizes such participation for such class or series. Participation as a shareholder by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with subsection 2.

2. Shareholders participating in a shareholders' meeting by means of remote communication shall be deemed present and may vote at such a meeting if the corporation has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a shareholder is a shareholder.

b. Provide such shareholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of shareholders to be held at a place, the board of directors may determine that any meeting of shareholders shall not be held at any place and

shall instead be held solely by means of remote communication, but only if the corporation implements the measures specified in subsection 2.

Sec. 67. Section 490.720, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.720 Shareholders' list for meeting.

1. After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all its shareholders who are entitled to notice of a shareholders' meeting. If the board of directors fixes a different record date under section 490.707, subsection 5, to determine the shareholders entitled to vote at the meeting, a corporation also shall prepare an alphabetical list of the names of all its shareholders who are entitled to vote at the meeting. A list must be arranged by voting group and within each voting group by class or series of shares, and show the address of and number of shares held by each shareholder. Nothing contained in this subsection shall require the corporation to include on such list the electronic mail address or other electronic contact information of a shareholder.

2. *a.* The shareholders' list for notice shall be available for inspection by any shareholder, beginning two business days after notice of the meeting is given for which the list was prepared and continuing through the meeting. The shareholders' list for notice shall be made available at any of the following:

(1) The corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held.

(2) A reasonably accessible electronic network, provided that the information required to gain access to such list is provided with the notice of the meeting. In the event that the corporation determines to make the list available on an electronic network, the corporation may take reasonable steps to ensure that such information is available only to shareholders of the corporation.

b. A shareholders' list for voting shall be similarly available for inspection promptly after the record date for voting. A shareholder, or the shareholder's agent or attorney, is entitled on written demand to inspect and, subject to the requirements of section 490.1602, subsection 3, to copy a list, during regular business hours and at the shareholder's expense, during the period it is available for inspection.

3. If the meeting is to be held at a place, the corporation shall make the list of shareholders entitled to vote available at the meeting, and any shareholder, or the shareholder's agent or attorney, is entitled to inspect the list at any time during the meeting or any adjournment. If the meeting is to be held solely by means of remote communication, then such list shall also be open to such inspection during the meeting on a reasonably accessible electronic network, and the information required to access such list shall be provided with the notice of the meeting.

4. If the corporation refuses to allow a shareholder, or the shareholder's agent or attorney, to inspect a shareholders' list before or at the meeting, or copy a list as permitted by subsection 2, the district court of the county where a corporation's principal office or, if none in this state, its registered office, is located, on application of the shareholder, may summarily order the inspection or copying at the corporation's expense and may postpone the meeting for which the list was prepared until the inspection or copying is complete.

5. Refusal or failure to prepare or make available the shareholders' list does not affect the validity of action taken at the meeting.

Sec. 68. Section 490.721, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.721 Voting entitlement of shares.

1. Except as provided in subsections 2 and 4 or unless the articles of incorporation provide otherwise, each outstanding share, regardless of class or series, is entitled to one vote on each matter voted on at a shareholders' meeting. Only shares are entitled to vote.

2. Shares of a corporation are not entitled to vote if they are owned by or otherwise belong to the corporation directly, or indirectly through an entity of which a majority of the voting power is held directly or indirectly by the corporation or which is otherwise controlled by the corporation.

3. Shares held by the corporation in a fiduciary capacity for the benefit of any person are entitled to vote unless they are held for the benefit of, or otherwise belong to, the corporation directly, or indirectly through an entity of which a majority of the voting power is held directly or indirectly by the corporation or which is otherwise controlled by the corporation.

4. Redeemable shares are not entitled to vote after delivery of written notice of redemption is effective and a sum sufficient to redeem the shares has been deposited with a bank, trust company, or other financial institution under an irrevocable obligation to pay the holders the redemption price on surrender of the shares.

5. As used in this section, “*voting power*” means the current power to vote in the election of directors of a corporation or to elect, select, or appoint governors of another entity.

Sec. 69. Section 490.722, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.722 Proxies.

1. A shareholder may vote the shareholder’s shares in person or by proxy.

2. A shareholder, or the shareholder’s agent or attorney-in-fact, may appoint a proxy to vote or otherwise act for the shareholder by signing an appointment form, or by an electronic transmission. An electronic transmission must contain or be accompanied by information from which the recipient can determine the date of the transmission and that the transmission was authorized by the sender or the sender’s agent or attorney-in-fact.

3. An appointment of a proxy is effective when a signed appointment form or an electronic transmission of the appointment is received by the inspector of election or the officer or agent of the corporation authorized to count votes. An appointment is valid for the term provided in the appointment form, and, if no term is provided, is valid for eleven months unless the appointment is irrevocable under subsection 4.

4. An appointment of a proxy is revocable unless the appointment form or electronic transmission states that it is irrevocable and the appointment is coupled with an interest. Appointments coupled with an interest include, but are not limited to, the appointment of any of the following:

a. A pledgee.

b. A person who purchased or agreed to purchase the shares.

c. A creditor of the corporation who extended the corporation credit under terms requiring the appointment.

d. An employee of the corporation whose employment contract requires the appointment.

e. A party to a voting agreement created under section 490.731.

5. The death or incapacity of the shareholder appointing a proxy does not affect the right of the corporation to accept the proxy’s authority unless notice of the death or incapacity is received by the secretary or other officer or agent authorized to tabulate votes before the proxy exercises the proxy’s authority under the appointment.

6. An appointment made irrevocable under subsection 4 is revoked when the interest with which it is coupled is extinguished.

7. Unless it otherwise provides, an appointment made irrevocable under subsection 4 continues in effect after a transfer of the shares and a transferee takes subject to the appointment, except that a transferee for value of shares subject to an irrevocable appointment may revoke the appointment if the transferee did not know of its existence when acquiring the shares and the existence of the irrevocable appointment was not noted conspicuously on the certificate representing the shares or on the information statement for shares without certificates.

8. Subject to section 490.724 and to any express limitation on the proxy’s authority stated in the appointment form or electronic transmission, a corporation is entitled to accept the proxy’s vote or other action as that of the shareholder making the appointment.

Sec. 70. Section 490.723, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.723 Shares held by intermediaries and nominees.

1. A corporation’s board of directors may establish a procedure under which a person on whose behalf shares are registered in the name of an intermediary or nominee may elect

to be treated by the corporation as the record shareholder by filing with the corporation a beneficial ownership certificate. The terms, conditions, and limitations of this treatment shall be specified in the procedure. To the extent such person is treated under such procedure as having rights or privileges that the record shareholder otherwise would have, the record shareholder shall not have those rights or privileges.

2. The procedure must specify all of the following:

a. The types of intermediaries or nominees to which it applies.

b. The rights or privileges that the corporation recognizes in a person with respect to whom a beneficial ownership certificate is filed.

c. The manner in which the procedure is selected which must include that the beneficial ownership certificate be signed or assented to by or on behalf of the record shareholder and the person on whose behalf the shares are held.

d. The information that must be provided when the procedure is selected.

e. The period for which selection of the procedure is effective.

f. Requirements for notice to the corporation with respect to the arrangement.

g. The form and contents of the beneficial ownership certificate.

3. The procedure may specify any other aspects of the rights and duties created by the filing of a beneficial ownership certificate.

Sec. 71. Section 490.724, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.724 Acceptance of votes and other instruments.

1. If the name signed on a vote, ballot, consent, waiver, shareholder demand, or proxy appointment corresponds to the name of a shareholder, the corporation, if acting in good faith, is entitled to accept the vote, ballot, consent, waiver, shareholder demand, or proxy appointment and give it effect as the act of the shareholder.

2. If the name signed on a vote, ballot, consent, waiver, shareholder demand, or proxy appointment does not correspond to the name of its shareholder, the corporation, if acting in good faith, is nevertheless entitled to accept the vote, ballot, consent, waiver, shareholder demand, or proxy appointment and give it effect as the act of the shareholder if any of the following applies:

a. The shareholder is an entity and the name signed purports to be that of an officer or agent of the entity.

b. The name signed purports to be that of an administrator, executor, guardian, or conservator representing the shareholder and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, ballot, consent, waiver, shareholder demand, or proxy appointment.

c. The name signed purports to be that of a receiver or trustee in bankruptcy of the shareholder and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the vote, ballot, consent, waiver, shareholder demand, or proxy appointment.

d. The name signed purports to be that of a pledgee, beneficial owner, or attorney-in-fact of the shareholder and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the shareholder has been presented with respect to the vote, ballot, consent, waiver, shareholder demand, or proxy appointment.

e. Two or more persons are the shareholder as co-tenants or fiduciaries and the name signed purports to be the name of at least one of the co-owners and the person signing appears to be acting on behalf of all the co-owners.

3. The corporation is entitled to reject a vote, ballot, consent, waiver, shareholder demand, or proxy appointment if the person authorized to accept or reject such instrument, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the shareholder.

4. Neither the corporation or any person authorized by it, nor an inspector of election appointed under section 490.729, that accepts or rejects a vote, ballot, consent, waiver, shareholder demand, or proxy appointment in good faith and in accordance with the standards of this section or section 490.722, subsection 2, is liable in damages to the shareholder for the consequences of the acceptance or rejection.

5. Corporate action based on the acceptance or rejection of a vote, ballot, consent, waiver, shareholder demand, or proxy appointment under this section is valid unless a court of competent jurisdiction determines otherwise.

6. If an inspector of election has been appointed under section 490.729, the inspector of election also has the authority to request information and make determinations under subsections 1, 2, and 3. Any determination made by the inspector of election under those subsections is controlling.

Sec. 72. Section 490.725, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.725 Quorum and voting requirements for voting groups.

1. Shares entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those shares exists with respect to that matter. Unless the articles of incorporation or bylaws provide otherwise, shares representing a majority of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter. Whenever this chapter requires a particular quorum for a specified action, the articles of incorporation shall not provide for a lower quorum.

2. Once a share is represented for any purpose at a meeting, it is deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is or must be fixed for that adjourned meeting.

3. If a quorum exists, action on a matter, other than the election of directors, by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless the articles of incorporation require a greater number of affirmative votes.

4. An amendment of the articles of incorporation adding, changing, or deleting a quorum or voting requirement for a voting group greater than specified in subsection 1 or 3 is governed by section 490.727.

5. The election of directors is governed by section 490.728.

6. Whenever a provision of this chapter provides for voting of classes or series as separate voting groups, the rules provided in section 490.1004, subsection 3, for amendments of the articles of incorporation apply to that provision.

Sec. 73. Section 490.726, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.726 Action by single or multiple voting groups.

1. If the articles of incorporation or this chapter provide for voting by a single voting group on a matter, action on that matter is taken when voted upon by that voting group as provided in section 490.725.

2. If the articles of incorporation or this chapter provide for voting by two or more voting groups on a matter, action on that matter is taken only when voted upon by each of those voting groups counted separately as provided in section 490.725. Action may be taken by different voting groups on a matter at different times.

Sec. 74. Section 490.727, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.727 Modifying quorum or voting requirements.

An amendment to the articles of incorporation or bylaws that adds, changes, or deletes a quorum or voting requirement shall meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, whichever is greater.

Sec. 75. Section 490.728, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.728 Voting for directors — cumulative voting.

1. Unless otherwise provided in the articles of incorporation, directors are elected by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present.

2. Shareholders do not have a right to cumulate their votes for directors unless the articles of incorporation so provide.

3. A statement included in the articles of incorporation that “[all] [a designated voting group of] shareholders are entitled to cumulate their votes for directors”, or words of similar import, means that the shareholders designated are entitled to multiply the number of votes they are entitled to cast by the number of directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among two or more candidates.

4. Shares otherwise entitled to vote cumulatively shall not be voted cumulatively at a particular meeting unless any of the following applies:

a. The meeting notice or proxy statement accompanying the notice states conspicuously that cumulative voting is authorized.

b. A shareholder who has the right to cumulate the shareholder’s votes gives notice to the corporation not less than forty-eight hours before the time set for the meeting of the shareholder’s intent to cumulate votes during the meeting, and if one shareholder gives this notice all other shareholders in the same voting group participating in the election are entitled to cumulate their votes without giving further notice.

Sec. 76. Section 490.729, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.729 Inspectors of election.

1. A corporation that has a class of equity securities registered pursuant to section 12 of the federal Securities Exchange Act of 1934 shall, and any other corporation may, appoint one or more inspectors to act at a meeting of shareholders in connection with determining voting results. Each inspector shall verify in writing that the inspector will faithfully execute the duties of inspector with strict impartiality and according to the best of the inspector’s ability. An inspector may be an officer or employee of the corporation. The inspectors may appoint or retain other persons to assist the inspectors in the performance of the duties of inspector under subsection 2, and may rely on information provided by such persons and other persons, including those appointed to tabulate votes, unless the inspectors believe reliance is unwarranted.

2. The inspectors shall do all of the following:

a. Ascertain the number of shares outstanding and the voting power of each.

b. Determine the shares represented at a meeting.

c. Determine the validity of proxy appointments and ballots.

d. Count all votes.

e. Make a written report of the results.

3. In performing their duties, the inspectors may examine any of the following:

a. The proxy appointment forms and any other information provided in accordance with section 490.722, subsection 2.

b. Any envelope or related writing submitted with those appointment forms.

c. Any ballots.

d. Any evidence or other information specified in section 490.724.

e. The relevant books and records of the corporation relating to its shareholders and their entitlement to vote, including any securities position list provided by a depository clearing agency.

4. a. The inspectors also may consider other information that they believe is relevant and reliable for the purpose of performing any of the duties assigned to them pursuant to subsection 2, including for all of the following purposes:

(1) Evaluating inconsistent, incomplete, or erroneous information.

(2) Reconciling information submitted on behalf of banks, brokers, their nominees, or similar persons that indicates more votes being cast than a proxy authorized by the record shareholder is entitled to cast.

b. If the inspectors consider other information allowed by this subsection, they shall in their report under subsection 2 specify the information considered by them, including the purpose or purposes for which the information was considered, the person or persons from whom they obtained the information, when the information was obtained, the means by which the

information was obtained, and the basis for the inspectors' belief that such information is relevant and reliable.

5. Determinations of law by the inspectors of election are subject to de novo review by a court in a proceeding under section 490.749 or other judicial proceeding.

Sec. 77. Section 490.730, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.730 Voting trusts.

1. One or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee shall prepare a list of the names and addresses of all voting trust beneficial owners, together with the number and class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation at its principal office.

2. A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name.

3. Limits, if any, on the duration of a voting trust shall be as set forth in the voting trust. A voting trust that became effective between December 31, 1989, and June 30, 2014, both dates inclusive, is governed by the provisions of this section concerning duration then in effect, unless the voting trust is amended to provide otherwise by unanimous agreement of the parties to the voting trust.

Sec. 78. Section 490.731, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.731 Voting agreement.

1. Two or more shareholders may provide for the manner in which they will vote their shares by signing an agreement for that purpose. A voting agreement created under this section is not subject to the provisions of section 490.730.

2. A voting agreement created under this section is specifically enforceable.

Sec. 79. Section 490.732, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.732 Shareholder agreement.

1. An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation even though it is inconsistent with one or more other provisions of this chapter in that it does any of the following:

a. Eliminates the board of directors or restricts the discretion or powers of the board of directors.

b. Governs the authorization or making of distributions, regardless of whether they are in proportion to ownership of shares, subject to the limitations in section 490.640.

c. Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal.

d. Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies.

e. Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any shareholder, director, officer, or employee of the corporation, or among any of them.

f. Transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or shareholders.

g. Requires dissolution of the corporation at the request of one or more of the shareholders or upon the occurrence of a specified event or contingency.

h. Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors, and the corporation, or among any of them, and is not contrary to public policy.

2. An agreement authorized by this section shall satisfy all of the following requirements:

a. Be as set forth in any of the following:

(1) The articles of incorporation or bylaws and approved by all persons who are shareholders at the time of the agreement.

(2) A written agreement that is signed by all persons who are shareholders at the time of the agreement and is made known to the corporation.

b. Be subject to amendment only by all persons who are shareholders at the time of the amendment, unless the agreement provides otherwise.

3. The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate for outstanding shares or on the information statement required by section 490.626, subsection 2. If at the time of the agreement the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate or information statement shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement shall be entitled to rescission of the purchase. A purchaser shall be deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate or information statement for the shares in compliance with this subsection and, if the shares are not represented by a certificate, the information statement is delivered to the purchaser at or before the time of purchase of the shares. An action to enforce the right of rescission authorized by this subsection shall be commenced within the earlier of ninety days after discovery of the existence of the agreement or two years after the time of purchase of the shares.

4. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.

5. An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.

6. The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

7. Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by this section if no shares have been issued when the agreement is made.

8. Limits, if any, on the duration of an agreement authorized by this section must be set forth in the agreement. An agreement that became effective between January 1, 2003, and June 30, 2014, both dates inclusive, unless the agreement provided otherwise, remains governed by the provisions of this section concerning duration then in effect.

Sec. 80. Section 490.740, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.740 Part definitions.

As used in this part:

1. "*Derivative proceeding*" means a civil suit in the right of a domestic corporation or, to the extent provided in section 490.747, in the right of a foreign corporation.

2. "*Shareholder*" means a record shareholder, a beneficial shareholder, and an unrestricted voting trust beneficial owner.

Sec. 81. Section 490.743, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.743 Stay of proceedings.

If the corporation commences an inquiry into the allegations made in the demand or complaint, the court may stay any derivative proceeding for such period as the court deems appropriate.

Sec. 82. Section 490.744, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.744 Dismissal.

1. A derivative proceeding shall be dismissed by the court on motion by the corporation if one of the groups specified in subsection 2 or 5 has determined in good faith, after conducting a reasonable inquiry upon which its conclusions are based, that the maintenance of the derivative proceeding is not in the best interests of the corporation. A corporation moving to dismiss on this basis shall submit in support of the motion a short and concise statement of the reasons for its determination.

2. Unless a panel is appointed pursuant to subsection 5, the determination in subsection 1 shall be made by any of the following:

a. A majority vote of qualified directors present at a meeting of the board of directors if the qualified directors constitute a quorum.

b. A majority vote of a committee consisting of two or more qualified directors appointed by majority vote of qualified directors present at a meeting of the board of directors, regardless of whether such qualified directors constitute a quorum.

3. a. If a derivative proceeding is commenced after a determination has been made rejecting a demand by a shareholder, the complaint shall allege with particularity facts establishing any of the following:

(1) That a majority of the board of directors did not consist of qualified directors at the time the determination was made.

(2) That the requirements of subsection 1 have not been met.

b. All discovery and other proceedings shall be stayed during the pendency of any motion to dismiss unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or prevent undue prejudice to that party.

4. If a majority of the board of directors consisted of qualified directors at the time the determination was made, the plaintiff shall have the burden of proving that the requirements of subsection 1 have not been met; if not, the corporation shall have the burden of proving that the requirements of subsection 1 have been met.

5. Upon motion by the corporation, the court may appoint a panel of one or more individuals to make a determination whether the maintenance of the derivative proceeding is in the best interests of the corporation. In such case, the plaintiff shall have the burden of proving that the requirements of subsection 1 have not been met.

Sec. 83. Section 490.745, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.745 Discontinuance or settlement.

A derivative proceeding shall not be discontinued or settled without the court's approval. If the court determines that a proposed discontinuance or settlement will substantially affect the interests of the corporation's shareholders or a class or series of shareholders, the court shall direct that notice be given to the shareholders affected.

Sec. 84. Section 490.746, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.746 Payment of expenses.

On termination of the derivative proceeding, the court may do any of the following:

1. Order the corporation to pay the plaintiff's expenses incurred in the proceeding if it finds that the proceeding has resulted in a substantial benefit to the corporation.

2. Order the plaintiff to pay any defendant's expenses incurred in defending the proceeding if it finds that the proceeding was commenced or maintained without reasonable cause or for an improper purpose.

3. Order a party to pay an opposing party's expenses incurred because of the filing of a pleading, motion, or other paper, if it finds that any of the following apply:

a. The pleading, motion, or other paper was not well grounded in fact, after reasonable inquiry, or warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

b. The pleading, motion, or other paper was interposed for an improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Sec. 85. Section 490.748, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.748 Shareholder action to appoint custodian or receiver.

1. The district court of the county where a corporation's principal office or, if none in this state, its registered office, is located may appoint one or more persons to be custodians, or, if the corporation is insolvent, to be receivers, of and for a corporation in a proceeding by a shareholder where it is established that any of the following applies:

a. The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered.

b. The directors or those in control of the corporation are acting fraudulently and irreparable injury to the corporation is threatened or being suffered.

2. a. The district court may issue injunctions, appoint a temporary custodian or temporary receiver with all the powers and duties the district court directs, take other action to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing is held.

b. The district court shall hold a full hearing, after notifying all parties to the proceeding and any interested persons designated by the district court, before appointing a custodian or receiver.

c. The district court has jurisdiction over the corporation and all of its property, wherever located.

3. The district court may appoint an individual or domestic or foreign corporation, registered to do business in this state, as a custodian or receiver and may require the custodian or receiver to post bond, with or without sureties, in an amount the district court directs.

4. The district court shall describe the powers and duties of the custodian or receiver in its appointing order, which may be amended from time to time. Among other powers, all of the following apply:

a. A custodian may exercise all of the powers of the corporation, through or in place of its board of directors, to the extent necessary to manage the business and affairs of the corporation.

b. A receiver may do any of the following:

(1) Dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the district court.

(2) Sue and defend in the receiver's own name as receiver in all courts of this state.

5. The district court during a custodianship may redesignate the custodian a receiver, and during a receivership may redesignate the receiver a custodian, if doing so is in the best interests of the corporation.

6. The district court from time to time during the custodianship or receivership may order compensation paid and expense disbursements or reimbursements made to the custodian or receiver from the assets of the corporation or proceeds from the sale of its assets.

7. As used in this section, "shareholder" means a record shareholder, a beneficial shareholder, and an unrestricted voting trust beneficial owner.

Sec. 86. NEW SECTION. **490.749 Judicial determination of corporate offices and review of elections and shareholder votes.**

1. Upon application of or in a proceeding commenced by a person specified in subsection 2, the district court of the county where the corporation's principal office or, if none in this state, its registered office, is located may determine all of the following:

a. The result or validity of the election, appointment, removal, or resignation of a director or officer of the corporation.

b. The right of an individual to hold the office of director or officer of the corporation.

c. The result or validity of any vote by the shareholders of the corporation.

d. The right of a director to membership on a committee of the board of directors.

e. The right of a person to nominate or an individual to be nominated as a candidate for election or appointment as a director of the corporation, and any right under a bylaw adopted pursuant to section 490.206, subsection 3, or any comparable right under any provision of the articles of incorporation, contract, or applicable law.

2. An application or proceeding pursuant to subsection 1 may be filed or commenced by any of the following persons:

a. The corporation.

b. Any record shareholder, beneficial shareholder, or unrestricted voting trust beneficial owner of the corporation.

c. A director of the corporation, an individual claiming the office of director, or a director whose membership on a committee of the board of directors is contested, in each case who is seeking a determination of a right to such office or membership.

d. An officer of the corporation or an individual claiming to be an officer of the corporation, in each case who is seeking a determination of a right to such office.

e. A person claiming a right covered by subsection 1, paragraph "e", and who is seeking a determination of such right.

3. In connection with any application or proceeding under subsection 1, the following shall be named as defendants, unless such person made the application or commenced the proceeding:

a. The corporation.

b. Any individual whose right to office or membership on a committee of the board of directors is contested.

c. Any individual claiming the office or membership at issue.

d. Any person claiming a right covered by subsection 1, paragraph "e", that is at issue.

4. In connection with any application or proceeding under subsection 1, service of process may be made upon each of the persons specified in subsection 3, by any of the following:

a. Service of process on the corporation addressed to such person in any manner provided by statute of this state or by rule of the applicable court for service on the corporation.

b. Service of process on the person in any manner provided by statute of this state or by rule of the applicable court.

5. When service of process is made upon a person other than the corporation by service upon the corporation pursuant to subsection 4, paragraph "a", the plaintiff and the corporation or its registered agent shall promptly provide written notice of such service, together with copies of all process and the application or complaint, to the person at the person's last known residence or business address, or as permitted by statute of this state or by rule of the applicable court.

6. In connection with any application or proceeding under subsection 1, the court shall dispose of the application or proceeding on an expedited basis and also may do any of the following:

a. Order such additional or further notice as the court deems proper under the circumstances.

b. Order that additional persons be joined as parties to the proceeding if the court determines that such joinder is necessary for a just adjudication of matters before the court.

c. Order an election or meeting be held in accordance with the provisions of section 490.703, subsection 2, or otherwise.

d. Appoint a master to conduct an election or meeting.

e. Enter temporary, preliminary, or permanent injunctive relief.

f. Resolve solely for the purpose of this proceeding any legal or factual issues necessary for the resolution of any of the matters specified in subsection 1, including the right and power of persons claiming to own shares to vote at any meeting of the shareholders.

g. Order such other relief as the court determines is equitable, just, and proper.

7. It is not necessary to make shareholders a party to a proceeding or application pursuant to this section unless the shareholder is a required defendant under subsection 3, paragraph “d”, relief is sought against the shareholder individually, or the court orders joinder pursuant to subsection 6, paragraph “b”.

8. Nothing in this section limits, restricts, or abolishes the subject matter jurisdiction or powers of the court as existed before the enactment of this section, and an application or proceeding pursuant to this section is not the exclusive remedy or proceeding available with respect to the matters specified in subsection 1.

Sec. 87. Section 490.801, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.801 Requirement for and functions of board of directors.

1. Except as may be provided in an agreement authorized under section 490.732, each corporation shall have a board of directors.

2. Except as may be provided in an agreement authorized under section 490.732, and subject to any limitation in the articles of incorporation permitted by section 490.202, subsection 2, all corporate powers shall be exercised by or under the authority of the board of directors, and the business and affairs of the corporation shall be managed by or under the direction, and subject to the oversight, of the board of directors.

Sec. 88. Section 490.802, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.802 Qualifications of directors.

1. The articles of incorporation or bylaws may prescribe qualifications for directors or for nominees for directors. Qualifications must be reasonable as applied to the corporation and be lawful.

2. A requirement that is based on a past, prospective, or current action, or expression of opinion, by a nominee or director that could limit the ability of a nominee or director to discharge his or her duties as a director is not a permissible qualification under this section. Notwithstanding the foregoing, qualifications may include not being or having been subject to specified criminal, civil, or regulatory sanctions or not having been removed as a director by judicial action or for cause.

3. A director need not be a resident of this state or a shareholder unless the articles of incorporation or bylaws so prescribe.

4. A qualification for nomination for director prescribed before a person’s nomination shall apply to such person at the time of nomination. A qualification for nomination for director prescribed after a person’s nomination shall not apply to such person with respect to such nomination.

5. A qualification for director prescribed before a director has been elected or appointed may apply only at the time an individual becomes a director or may apply during a director’s term. A qualification prescribed after a director has been elected or appointed shall not apply to that director before the end of that director’s term.

Sec. 89. Section 490.803, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.803 Number and election of directors.

1. A board of directors shall consist of one or more individuals, with the number specified in or fixed in accordance with the articles of incorporation or bylaws.

2. The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or bylaws.

3. Directors are elected at the first annual shareholders’ meeting and at each annual shareholders’ meeting thereafter unless elected by written consent in lieu of an annual

meeting as permitted by section 490.704 or unless their terms are staggered under section 490.806.

Sec. 90. Section 490.804, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.804 Election of directors by certain classes of series of shares.

If the articles of incorporation or action by the board of directors pursuant to section 490.602 authorize dividing the shares into classes or series, the articles of incorporation may also authorize the election of all or a specified number of directors by the holders of one or more authorized classes or series of shares. A class or series, or multiple classes or series, of shares entitled to elect one or more directors is a separate voting group for purposes of the election of directors.

Sec. 91. Section 490.805, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.805 Terms of directors generally.

1. The terms of the initial directors of a corporation expire at the first shareholders' meeting at which directors are elected.

2. *a.* The terms of all other directors expire at the next, or if their terms are staggered in accordance with section 490.806, at the applicable second or third, annual shareholders' meeting following their election.

b. Paragraph "a" does not apply in any of the following circumstances:

(1) To the extent provided in section 490.1022 if a bylaw electing to be governed by that section is in effect.

(2) A shorter term is specified in the articles of incorporation in the event of a director nominee failing to receive a specified vote for election.

3. A decrease in the number of directors does not shorten an incumbent director's term.

4. The term of a director elected to fill a vacancy expires at the next shareholders' meeting at which directors are elected.

5. Except to the extent otherwise provided in the articles of incorporation or under section 490.1022, if a bylaw electing to be governed by that section is in effect, despite the expiration of a director's term, the director continues to serve until the director's successor is elected and qualifies or there is a decrease in the number of directors.

Sec. 92. Section 490.806, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.806 Staggered terms for directors.

The articles of incorporation may provide for staggering the terms of directors by dividing the total number of directors into two or three groups, with each group containing one-half or one-third of the total, as near as may be practicable. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be elected for a term of two years or three years, as the case may be, to succeed those whose terms expire.

Sec. 93. Section 490.807, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.807 Resignation of directors.

1. A director may resign at any time by delivering a written notice of resignation to the board of directors or its chair, or to the secretary.

2. A resignation is effective as provided in section 490.141, subsection 9, unless the resignation provides for a delayed effectiveness, including effectiveness determined upon a future event or events. A resignation that is conditioned upon failing to receive a specified vote for election as a director may provide that it is irrevocable.

Sec. 94. Section 490.808, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.808 Removal of directors by shareholders.

1. The shareholders may remove one or more directors with or without cause unless the articles of incorporation provide that directors may be removed only for cause.

2. If a director is elected by a voting group of shareholders, only the shareholders of that voting group may participate in the vote to remove that director.

3. A director may be removed if the number of votes cast to remove exceeds the number of votes cast not to remove the director, except to the extent the articles of incorporation or bylaws require a greater number. However, if cumulative voting is authorized, a director shall not be removed if, in the case of a meeting, the number of votes sufficient to elect the director under cumulative voting is voted against removal and, if action is taken by less than unanimous written consent, voting shareholders entitled to the number of votes sufficient to elect the director under cumulative voting do not consent to the removal.

4. A director may be removed by the shareholders only at a meeting called for the purpose of removing the director, and the meeting notice must state that removal of the director is a purpose of the meeting.

Sec. 95. Section 490.809, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.809 Removal of directors by judicial proceeding.

1. The district court of the county where a corporation's principal office or, if none in this state, its registered office, is located may remove a director from office or may order other relief, including barring the director from reelection for a period prescribed by the court, in a proceeding commenced by or in the right of the corporation if the court finds that all of the following apply:

a. The director engaged in fraudulent conduct with respect to the corporation or its shareholders, grossly abused the position of director, or intentionally inflicted harm on the corporation.

b. Considering the director's course of conduct and the inadequacy of other available remedies, removal or such other relief would be in the best interest of the corporation.

2. A shareholder proceeding on behalf of the corporation under subsection 1 shall comply with all of the requirements of subchapter VII, part D, except section 490.741, subsection 1.

Sec. 96. Section 490.810, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.810 Vacancy on board of directors.

1. Unless the articles of incorporation provide otherwise, if a vacancy occurs on a board of directors, including a vacancy resulting from an increase in the number of directors, the vacancy may be filled in any of the following manners:

a. The shareholders may fill the vacancy.

b. The board of directors may fill the vacancy.

c. If the directors remaining in office are less than a quorum, they may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office.

2. If the vacant office was held by a director elected by a voting group of shareholders, only the holders of shares of that voting group are entitled to vote to fill the vacancy if it is filled by the shareholders, and only the remaining directors elected by that voting group, even if less than a quorum, are entitled to fill the vacancy if it is filled by the directors.

3. A vacancy that will occur at a specific later date, by reason of a resignation effective at a later date under section 490.807, subsection 2, or otherwise, may be filled before the vacancy occurs but the new director shall not take office until the vacancy occurs.

Sec. 97. Section 490.820, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.820 Meetings.

1. The board of directors may hold regular or special meetings in or out of this state.

2. Unless restricted by the articles of incorporation or bylaws, any director may participate in any meeting of the board of directors through the use of any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

Sec. 98. Section 490.821, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.821 Action without meeting.

1. Except to the extent that the articles of incorporation or bylaws require that action by the board of directors be taken at a meeting, action required or permitted by this chapter to be taken by the board of directors may be taken without a meeting if each director signs a consent describing the action to be taken and delivers it to the corporation.

2. Action taken under this section is the act of the board of directors when one or more consents signed by all the directors are delivered to the corporation. The consent may specify the time at which the action taken is to be effective. A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation before delivery to the corporation of unrevoked written consents signed by all the directors.

3. A consent signed under this section has the effect of action taken at a meeting of the board of directors and may be described as such in any document.

Sec. 99. Section 490.822, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.822 Notice of meeting.

1. Unless the articles of incorporation or bylaws provide otherwise, regular meetings of the board of directors may be held without notice of the date, time, place, or purpose of the meeting.

2. Unless the articles of incorporation or bylaws provide for a longer or shorter period, special meetings of the board of directors shall be preceded by at least two days' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting unless required by the articles of incorporation or bylaws.

Sec. 100. Section 490.823, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.823 Waiver of notice.

1. A director may waive any notice required by this chapter, the articles of incorporation, or the bylaws before or after the date and time stated in the notice. Except as provided by subsection 2, the waiver must be in writing, signed by the director entitled to the notice, and delivered to the corporation for filing by the corporation with the minutes or corporate records.

2. A director's attendance at or participation in a meeting waives any required notice to the director of the meeting unless all of the following apply:

a. The director at the beginning of the meeting, or promptly upon arrival, objects to holding the meeting or transacting business at the meeting.

b. The director does not, after objecting, vote for or assent to action taken at the meeting.

Sec. 101. Section 490.824, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.824 Quorum and voting.

1. Unless the articles of incorporation or bylaws provide for a greater or lesser number, or unless otherwise expressly provided in this chapter, a quorum of a board of directors consists of a majority of the number of directors specified in or fixed in accordance with the articles of incorporation or bylaws.

2. The quorum of the board of directors specified in or fixed in accordance with the articles of incorporation or bylaws shall not consist of less than one-third of the specified or fixed number of directors.

3. If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board of directors unless the articles of incorporation or bylaws

require the vote of a greater number of directors or unless otherwise expressly provided in this chapter.

4. *a.* A director who is present at a meeting of the board of directors or a committee when corporate action is taken is deemed to have assented to the action taken unless one or more of the following occurs:

(1) The director objects at the beginning of the meeting, or promptly upon arrival, to holding it or transacting business at the meeting.

(2) The dissent or abstention from the action taken is entered in the minutes of the meeting.

(3) The director delivers written notice of the director's dissent or abstention to the presiding officer of the meeting before its adjournment or to the corporation immediately after adjournment of the meeting.

b. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

Sec. 102. Section 490.825, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.825 Committees of the board.

1. Unless this chapter, the articles of incorporation, or the bylaws provide otherwise, a board of directors may establish one or more board committees composed exclusively of one or more directors to perform functions of the board of directors.

2. *a.* The establishment of a board committee and appointment of members to it shall be approved by the greater of the following:

(1) A majority of all the directors in office when the action is taken.

(2) The number of directors required by the articles of incorporation or bylaws to take action under section 490.824.

b. Paragraph "a" applies unless, in either case, this chapter or the articles of incorporation provide otherwise.

3. Sections 490.820 through 490.824 apply to board committees and their members.

4. A board committee may exercise the powers of the board of directors under section 490.801, to the extent specified by the board of directors or in the articles of incorporation or bylaws, except that a board committee shall not do any of the following:

a. Authorize or approve distributions, except according to a formula or method, or within limits, prescribed by the board of directors.

b. Approve or propose to shareholders action that this chapter requires be approved by shareholders.

c. Fill vacancies on the board of directors or, subject to subsection 5, on any board committees.

d. Adopt, amend, or repeal bylaws.

5. The board of directors may appoint one or more directors as alternate members of any board committee to replace any absent or disqualified member during the member's absence or disqualification. If the articles of incorporation, the bylaws, or the resolution creating the board committee so provide, the member or members present at any board committee meeting and not disqualified from voting may, by unanimous action, appoint another director to act in place of an absent or disqualified member during that member's absence or disqualification.

Sec. 103. Section 490.830, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.830 Standards of conduct for directors.

1. Each member of the board of directors, when discharging the duties of a director, shall act in conformity with all of the following:

a. In good faith.

b. In a manner the director reasonably believes to be in the best interests of the corporation.

2. The members of the board of directors or a board committee, when becoming informed in connection with their decision-making function or devoting attention to their oversight function, shall discharge their duties with the care that a person in a like position would reasonably believe appropriate under similar circumstances.

3. In discharging board or board committee duties, a director shall disclose, or cause to be disclosed, to the other board or committee members information which the director knows is not already known by them but known by the director to be material to the discharge of their decision-making or oversight functions, except that disclosure is not required to the extent that the director reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality, or a professional ethics rule.

4. In discharging board or board committee duties, a director who does not have knowledge that makes reliance unwarranted is entitled to rely on the performance by any of the persons specified in subsection 6, paragraph “a” or “c”, to whom the board may have delegated, formally or informally by course of conduct, the authority or duty to perform one or more of the board’s functions that are delegable under applicable law.

5. In discharging board or board committee duties, a director who does not have knowledge that makes reliance unwarranted is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, prepared or presented by any of the persons specified in subsection 6.

6. A director is entitled to rely, in accordance with subsection 4 or 5, on any of the following:

a. One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the functions performed or the information, opinions, reports, or statements provided.

b. Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the director reasonably believes are any of the following:

(1) Matters within the particular person’s professional or expert competence.

(2) Matters as to which the particular person merits confidence.

c. A board committee of which the director is not a member if the director reasonably believes the committee merits confidence.

Sec. 104. Section 490.831, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.831 Standards of liability for directors.

1. A director shall not be liable to the corporation or its shareholders for any decision to take or not to take action, or any failure to take any action, as a director, unless the party asserting liability in a proceeding establishes all of the following:

a. No defense interposed by the director based on any of the following precludes liability:

(1) A provision in the articles of incorporation authorized by section 490.202, subsection 2, paragraph “d” or “f”.

(2) The protection afforded by section 490.861 for action taken in compliance with section 490.862 or section 490.863.

(3) The protection afforded by section 490.870.

b. That the challenged conduct consisted or was the result of any of the following:

(1) Action not in good faith.

(2) A decision that satisfies any of the following:

(a) That which the director did not reasonably believe to be in the best interests of the corporation.

(b) As to which the director was not informed to an extent the director reasonably believed appropriate in the circumstances.

(3) A lack of objectivity due to the director’s familial, financial, or business relationship with, or a lack of independence due to the director’s domination or control by, another person having a material interest in the challenged conduct, which also meets all of the following criteria:

(a) Which relationship or which domination or control could reasonably be expected to have affected the director’s judgment respecting the challenged conduct in a manner adverse to the corporation.

(b) After a reasonable expectation to such effect has been established, the director shall not have established that the challenged conduct was reasonably believed by the director to be in the best interests of the corporation.

(4) A sustained failure of the director to devote attention to ongoing oversight of the business and affairs of the corporation, or a failure to devote timely attention, by making,

or causing to be made, appropriate inquiry, when particular facts and circumstances of significant concern materialize that would alert a reasonably attentive director to the need for such inquiry.

(5) Receipt of a financial benefit to which the director was not entitled or any other breach of the director's duties to deal fairly with the corporation and its shareholders that is actionable under applicable law.

2. *a.* The party seeking to hold the director liable for money damages shall also have the burden of establishing all of the following:

(1) That harm to the corporation or its shareholders has been suffered.

(2) The harm suffered was proximately caused by the director's challenged conduct.

b. A party seeking to hold the director liable for other money payment under a legal remedy, such as compensation for the unauthorized use of corporate assets, shall also have whatever persuasion burden may be called for to establish that the payment sought is appropriate in the circumstances.

c. A party seeking to hold the director liable for other money payment under an equitable remedy, such as profit recovery by or disgorgement to the corporation, shall also have whatever persuasion burden may be called for to establish that the equitable remedy sought is appropriate in the circumstances.

3. This section shall not do any of the following:

a. In any instance where fairness is at issue, such as consideration of the fairness of a transaction to the corporation under section 490.861, subsection 2, paragraph "c", alter the burden of proving the fact or lack of fairness otherwise applicable.

b. Alter the fact or lack of liability of a director under another section of this chapter, such as the provisions governing the consequences of an unlawful distribution under section 490.833 or a transactional interest under section 490.861.

c. Affect any rights to which the corporation or a shareholder may be entitled under another statute of this state or the United States.

Sec. 105. Section 490.833, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.833 Directors' liability for unlawful distributions.

1. A director who votes for or assents to a distribution in excess of what may be authorized and made pursuant to section 490.640, subsection 1, or section 490.1409, subsection 1, is personally liable to the corporation for the amount of the distribution that exceeds what could have been distributed without violating section 490.640, subsection 1, or section 490.1409, subsection 1, if the party asserting liability establishes that when taking the action the director did not comply with section 490.830.

2. A director held liable under subsection 1 for an unlawful distribution is entitled to all of the following:

a. Contribution from every other director who could be held liable under subsection 1 for the unlawful distribution.

b. Recoupment from each shareholder of the prorata portion of the amount of the unlawful distribution the shareholder accepted, knowing the distribution was made in violation of section 490.640, subsection 1, or section 490.1409, subsection 1.

3. *a.* A proceeding to enforce the liability of a director under subsection 1 is barred unless it is commenced within two years after any of the following:

(1) The date on which the effect of the distribution was measured under section 490.640, subsection 5 or 8.

(2) The date as of which the violation of section 490.640, subsection 1, occurred as the consequence of disregard of a restriction in the articles of incorporation.

(3) The date on which the distribution of assets to shareholders under section 490.1409, subsection 1, was made.

b. A proceeding to enforce contribution or recoupment under subsection 2 is barred unless it is commenced within one year after the liability of the claimant has been finally adjudicated under subsection 1.

Sec. 106. Section 490.840, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.840 Officers.

1. A corporation has the officers described in its bylaws or appointed by the board of directors in accordance with the bylaws.

2. The board of directors may elect individuals to fill one or more offices of the corporation. An officer may appoint one or more officers if authorized by the bylaws or the board of directors.

3. The bylaws or the board of directors shall assign to an officer responsibility for maintaining and authenticating the records of the corporation required to be kept under section 490.1601, subsection 1.

4. The same individual may simultaneously hold more than one office in a corporation.

Sec. 107. Section 490.842, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.842 Standards of conduct for officers.

1. An officer, when performing in such capacity, has the duty to act in conformity with all of the following:

a. In good faith.

b. With the care that a person in a like position would reasonably exercise under similar circumstances.

c. In a manner the officer reasonably believes to be in the best interests of the corporation.

2. The duty of an officer includes the obligation to do all of the following:

a. Inform the superior officer to whom, or the board of directors or the board committee to which, the officer reports of information about the affairs of the corporation known to the officer, within the scope of the officer's functions, and known to the officer to be material to such superior officer, board, or committee.

b. Inform the officer's superior officer, or another appropriate person within the corporation, or the board of directors, or a board committee, of any actual or probable material violation of law involving the corporation or material breach of duty to the corporation by an officer, employee, or agent of the corporation, that the officer believes has occurred or is likely to occur.

3. In discharging the officer's duties, an officer who does not have knowledge that makes reliance unwarranted is entitled to rely on any of the following:

a. The performance of properly delegated responsibilities by one or more employees of the corporation whom the officer reasonably believes to be reliable and competent in performing the responsibilities delegated.

b. Information, opinions, reports, or statements, including financial statements and other financial data, prepared or presented by one or more employees of the corporation whom the officer reasonably believes to be reliable and competent in the matters presented or by legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the officer reasonably believes are any of the following:

(1) Matters within the particular person's professional or expert competence.

(2) Matters as to which the particular person merits confidence.

4. An officer shall not be liable to the corporation or its shareholders for any decision to take or not to take action, or any failure to take any action, as an officer, if the duties of the office are performed in compliance with this section. Whether an officer who does not comply with this section shall have liability will depend in such instance on applicable law, including those principles of section 490.831 that have relevance.

Sec. 108. Section 490.843, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.843 Resignation and removal of officers.

1. An officer may resign at any time by delivering a written notice to the board of directors, or its chair, or to the appointing officer or the secretary. A resignation is effective as provided in section 490.141, subsection 9, unless the notice provides for a delayed effectiveness, including effectiveness determined upon a future event or events. If effectiveness of a

resignation is stated to be delayed and the board of directors or the appointing officer accepts the delay, the board of directors or the appointing officer may fill the pending vacancy before the delayed effectiveness but the new officer shall not take office until the vacancy occurs.

2. An officer may be removed at any time with or without cause by any of the following:

- a. The board of directors.
- b. The appointing officer, unless the bylaws or the board of directors provide otherwise.
- c. Any other officer if authorized by the bylaws or the board of directors.

3. As used in this section, “*appointing officer*” means the officer, including any successor to that officer, who appointed the officer resigning or being removed.

Sec. 109. Section 490.844, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.844 Contract rights of officers.

1. The election or appointment of an officer does not itself create contract rights.

2. An officer’s removal does not affect the officer’s contract rights, if any, with the corporation. An officer’s resignation does not affect the corporation’s contract rights, if any, with the officer.

Sec. 110. Section 490.850, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.850 Part definitions.

As used in this part:

1. “*Corporation*” includes any domestic or foreign predecessor entity of a corporation in a merger.

2. “*Director*” or “*officer*” means an individual who is or was a director or officer, respectively, of a corporation or who, while a director or officer of the corporation, is or was serving at the corporation’s request as a director, officer, manager, partner, trustee, employee, or agent of another entity or employee benefit plan. A director or officer is considered to be serving an employee benefit plan at the corporation’s request if the individual’s duties to the corporation also impose duties on, or otherwise involve services by, the individual to the plan or to participants in or beneficiaries of the plan. “*Director*” or “*officer*” includes, unless the context requires otherwise, the estate or personal representative of a director or officer.

3. “*Liability*” means the obligation to pay a judgment, settlement, penalty, fine, including an excise tax assessed with respect to an employee benefit plan, or expenses incurred with respect to a proceeding.

4. a. “*Official capacity*” means the following:

(1) When used with respect to a director, the office of director in a corporation.

(2) When used with respect to an officer, as contemplated in section 490.856, the office in a corporation held by the officer.

b. “*Official capacity*” does not include service for any other domestic or foreign corporation or any joint venture, trust, employee benefit plan, or other entity.

5. “*Party*” means an individual who was, is, or is threatened to be made a defendant or respondent in a proceeding.

6. “*Proceeding*” means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, arbitrative, or investigative and whether formal or informal.

Sec. 111. Section 490.851, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.851 Permissible indemnification.

1. Except as otherwise provided in this section, a corporation may indemnify an individual who is a party to a proceeding because the individual is a director against liability incurred in the proceeding if any of the following apply:

a. All of the following apply:

(1) The director’s conduct was in good faith.

(2) The director reasonably believed:

(a) In the case of conduct in an official capacity, that the director's conduct was in the best interests of the corporation.

(b) In all other cases, that the director's conduct was at least not opposed to the best interests of the corporation.

(3) In the case of any criminal proceeding, the director had no reasonable cause to believe the director's conduct was unlawful.

b. The director engaged in conduct for which broader indemnification has been made permissible or obligatory under a provision of the articles of incorporation, as authorized by section 490.202, subsection 2, paragraph "e".

2. A director's conduct with respect to an employee benefit plan for a purpose the director reasonably believed to be in the interests of the participants in, and the beneficiaries of, the plan is conduct that satisfies the requirement of subsection 1, paragraph "a", subparagraph (2), subparagraph division (b).

3. The termination of a proceeding by judgment, order, settlement, or conviction, or upon a plea of nolo contendere or its equivalent, is not, of itself, determinative that the director did not meet the relevant standard of conduct described in this section.

4. Unless ordered by a court under section 490.854, subsection 1, paragraph "c", a corporation shall not indemnify a director in any of the following circumstances:

a. In connection with a proceeding by or in the right of the corporation, except for expenses incurred in connection with the proceeding if it is determined that the director has met the relevant standard of conduct under subsection 1.

b. In connection with any proceeding with respect to conduct for which the director was adjudged liable on the basis of receiving a financial benefit to which the director was not entitled, regardless of whether it involved action in the director's official capacity.

Sec. 112. Section 490.852, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.852 Mandatory indemnification.

A corporation shall indemnify a director who was wholly successful, on the merits or otherwise, in the defense of any proceeding to which the director was a party because the director is or was a director of the corporation against expenses incurred by the director in connection with the proceeding.

Sec. 113. Section 490.853, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.853 Advance for expenses.

1. A corporation may, before final disposition of a proceeding, advance funds to pay for or reimburse expenses incurred in connection with the proceeding by an individual who is a party to the proceeding because that individual is a director, if the director delivers to the corporation a signed written undertaking of the director to repay any funds advanced and all of the following apply:

a. The director is not entitled to mandatory indemnification under section 490.852.

b. It is ultimately determined under section 490.854 or 490.855 that the director is not entitled to indemnification.

2. The undertaking required by subsection 1 must be an unlimited general obligation of the director but need not be secured and may be accepted without reference to the financial ability of the director to make repayment.

3. Authorizations under this section shall be made by any of the following:

a. By the board of directors as follows:

(1) If there are two or more qualified directors, by a majority vote of all of the qualified directors, a majority of whom shall for such purpose constitute a quorum, or by a majority of the members of a committee consisting solely of two or more qualified directors appointed by such a vote.

(2) If there are fewer than two qualified directors, by the vote necessary for action by the board of directors in accordance with section 490.824, subsection 3, in which authorization directors who are not qualified directors may participate.

b. By the shareholders, but shares owned by or voted under the control of a director who at the time is not a qualified director shall not be voted on the authorization.

Sec. 114. Section 490.854, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.854 Court-ordered indemnification and advance for expenses.

1. A person who is a party to a proceeding because the person is a director may apply for indemnification or an advance for expenses to the court conducting the proceeding or to another court of competent jurisdiction. After receipt of an application and after giving any notice it considers necessary, the court shall do any of the following:

a. Order indemnification if the court determines that the director is entitled to mandatory indemnification under section 490.852.

b. Order indemnification or advance for expenses if the court determines that the director is entitled to indemnification or advance for expenses pursuant to a provision authorized by section 490.858, subsection 1.

c. (1) Order indemnification or advance for expenses if the court determines, in view of all the relevant circumstances, that it is fair and reasonable to do any of the following:

(a) Indemnify the director.

(b) Advance expenses to the director.

(2) The court shall order indemnification or advance for expenses, even if in the case of subparagraph (1), subparagraph division (a) or (b), the director has not met the relevant standard of conduct set forth in section 490.851, subsection 1, failed to comply with section 490.853 or was adjudged liable in a proceeding referred to in section 490.851, subsection 4, paragraph "a" or "b". However, if the director was adjudged so liable the director's indemnification shall be limited to expenses incurred in connection with the proceeding.

2. If the court determines that the director is entitled to indemnification under subsection 1, paragraph "a", or to indemnification or advance for expenses under subsection 1, paragraph "b", it shall also order the corporation to pay the director's expenses incurred in connection with obtaining court-ordered indemnification or advance for expenses. If the court determines that the director is entitled to indemnification or advance for expenses under subsection 1, paragraph "c", it may also order the corporation to pay the director's expenses to obtain court-ordered indemnification or advance for expenses.

Sec. 115. Section 490.855, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.855 Determination and authorization of indemnification.

1. A corporation shall not indemnify a director under section 490.851 unless authorized for a specific proceeding after a determination has been made that indemnification is permissible because the director has met the relevant standard of conduct set forth in section 490.851.

2. The determination shall be made by any of the following:

a. If there are two or more qualified directors, by the board of directors by a majority vote of all the qualified directors, a majority of whom shall for such purpose constitute a quorum, or by a majority of the members of a committee of two or more qualified directors appointed by such a vote.

b. By special legal counsel selected in one of the following manners:

(1) In the manner prescribed in paragraph "a".

(2) If there are fewer than two qualified directors, selected by the board of directors, in which selection directors who are not qualified directors may participate.

c. By the shareholders, but shares owned by or voted under the control of a director who at the time is not a qualified director shall not be voted on the determination.

3. Authorization of indemnification shall be made in the same manner as the determination that indemnification is permissible, except that if there are fewer than two qualified directors or if the determination is made by special legal counsel, authorization of indemnification shall be made by those entitled to select special legal counsel under subsection 2, paragraph "b", subparagraph (2).

Sec. 116. Section 490.856, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.856 Indemnification of officers.

1. A corporation may indemnify and advance expenses under this part to an officer who is a party to a proceeding because the person is an officer, according to all of the following:

a. To the same extent as a director.

b. If the person is an officer but not a director, to such further extent as may be provided by the articles of incorporation or bylaws, or by a resolution adopted or a contract approved by the board of directors or shareholders, except for any of the following:

(1) Liability in connection with a proceeding by or in the right of the corporation other than for expenses incurred in connection with the proceeding.

(2) Liability arising out of conduct that constitutes any of the following:

(a) Receipt by the officer of a financial benefit to which the officer is not entitled.

(b) An intentional infliction of harm on the corporation or the shareholders.

(c) An intentional violation of criminal law.

2. The provisions of subsection 1, paragraph “b”, shall apply to an officer who is also a director, if the officer is made a party to the proceeding based on an act or omission solely as an officer.

3. An officer who is not a director is entitled to mandatory indemnification under section 490.852, and may apply to a court under section 490.854 for indemnification or an advance for expenses, in each case to the same extent to which a director may be entitled to indemnification or advance for expenses under those sections.

Sec. 117. Section 490.857, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.857 Insurance.

A corporation may purchase and maintain insurance on behalf of an individual who is a director or officer of the corporation, or who, while a director or officer of the corporation, serves at the corporation’s request as a director, officer, partner, trustee, employee, or agent of another domestic or foreign corporation, or a joint venture, trust, employee benefit plan, or other entity, against liability asserted against or incurred by the individual in that capacity or arising from the individual’s status as a director or officer, regardless of whether the corporation would have power to indemnify or advance expenses to the individual against the same liability under this part.

Sec. 118. Section 490.858, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.858 Variation by corporate action — application of part.

1. A corporation may, by a provision in its articles of incorporation or bylaws or in a resolution adopted or a contract approved by the board of directors or shareholders, obligate itself in advance of the act or omission giving rise to a proceeding to provide indemnification in accordance with section 490.851 or advance funds to pay for or reimburse expenses in accordance with section 490.853. Any such obligatory provision shall be deemed to satisfy the requirements for authorization referred to in section 490.853, subsection 3, and in section 490.855, subsection 3. Any such provision that obligates the corporation to provide indemnification to the fullest extent permitted by law shall be deemed to obligate the corporation to advance funds to pay for or reimburse expenses in accordance with section 490.853 to the fullest extent permitted by law, unless the provision expressly provides otherwise.

2. A right of indemnification or to advances for expenses created by this part or under subsection 1 and in effect at the time of an act or omission shall not be eliminated or impaired with respect to such act or omission by an amendment of the articles of incorporation or bylaws or a resolution of the board of directors or shareholders, adopted after the occurrence of such act or omission, unless, in the case of a right created under subsection 1, the provision creating such right and in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such act or omission has occurred.

3. Any provision pursuant to subsection 1 shall not obligate the corporation to indemnify or advance expenses to a director of a predecessor of the corporation, pertaining to conduct with respect to the predecessor, unless otherwise expressly provided. Any provision for indemnification or advance for expenses in the articles of incorporation, or bylaws, or a resolution of the board of directors or shareholders of a predecessor of the corporation in a merger or in a contract to which the predecessor is a party, existing at the time the merger takes effect, shall be governed by section 490.1107, subsection 1, paragraph “d”.

4. Subject to subsection 2, a corporation may, by a provision in its articles of incorporation, limit any of the rights to indemnification or advance for expenses created by or pursuant to this part.

5. This part does not limit a corporation’s power to pay or reimburse expenses incurred by a director or an officer in connection with appearing as a witness in a proceeding at a time when the director or officer is not a party.

6. This part does not limit a corporation’s power to indemnify, advance expenses to, or provide or maintain insurance on behalf of an employee or agent.

Sec. 119. Section 490.860, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.860 Part definitions.

As used in this part, unless otherwise specified:

1. “Control”, including the term “controlled by”, means any of the following:

a. Having the power, directly or indirectly, to elect or remove a majority of the members of the board of directors or other governing body of an entity, whether through the ownership of voting shares or interests, by contract, or otherwise.

b. Being subject to a majority of the risk of loss from the entity’s activities or entitled to receive a majority of the entity’s residual returns.

2. “Director’s conflicting interest transaction” means a transaction effected or proposed to be effected by the corporation, or by an entity controlled by the corporation, to which, or respecting which, any of the following applies:

a. To which, at the relevant time, the director is a party.

b. Respecting which, at the relevant time, the director had knowledge and a material financial interest known to the director.

c. Respecting which, at the relevant time, the director knew that a related person was a party or had a material financial interest.

3. “Fair to the corporation” means, for purposes of section 490.861, subsection 2, paragraph “c”, that the transaction as a whole was beneficial to the corporation, taking into appropriate account whether it was all of the following:

a. Fair in terms of the director’s dealings with the corporation.

b. Comparable to what might have been obtainable in an arm’s length transaction, given the consideration paid or received by the corporation.

4. “Material financial interest” means a financial interest in a transaction that would reasonably be expected to impair the objectivity of the director’s judgment when participating in action on the authorization of the transaction.

5. “Related person” means any of the following:

a. The individual’s spouse.

b. A child, stepchild, grandchild, parent, stepparent, grandparent, sibling, stepsibling, half sibling, aunt, uncle, niece, or nephew, or spouse of any such person, of the individual or of the individual’s spouse.

c. A natural person living in the same home as the individual.

d. An entity, other than the corporation or an entity controlled by the corporation, controlled by the individual or any person specified in this subsection.

e. Any of the following:

(1) A domestic or foreign business or nonprofit corporation, other than the corporation or an entity controlled by the corporation, of which the individual is a director.

(2) A domestic or foreign unincorporated entity of which the individual is a general partner or a member of the governing body.

(3) A domestic or foreign individual, trust, or estate for whom or of which the individual is a trustee, guardian, personal representative, or like fiduciary.

f. A person that is, or an entity that is controlled by, an employer of the individual.

6. “*Relevant time*” means the following:

a. The time at which directors’ action respecting the transaction is taken in compliance with section 490.862.

b. If the transaction is not brought before the board of directors or a board committee for action under section 490.862, at the time the corporation or an entity controlled by the corporation becomes legally obligated to consummate the transaction.

7. “*Required disclosure*” means disclosure of all of the following:

a. The existence and nature of the director’s conflicting interest.

b. All facts known to the director respecting the subject matter of the transaction that a director free of such conflicting interest would reasonably believe to be material in deciding whether to proceed with the transaction.

Sec. 120. Section 490.861, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.861 Judicial action.

1. A transaction effected or proposed to be effected by the corporation, or by an entity controlled by the corporation, shall not be the subject of equitable relief, or give rise to an award of damages or other sanctions against a director of the corporation, in a proceeding by a shareholder or by or in the right of the corporation, on the ground that the director has an interest respecting the transaction, if it is not a director’s conflicting interest transaction.

2. A director’s conflicting interest transaction shall not be the subject of equitable relief, or give rise to an award of damages or other sanctions against a director of the corporation, in a proceeding by a shareholder or by or in the right of the corporation, on the ground that the director has an interest respecting the transaction, if any of the following apply:

a. Directors’ action respecting the transaction was taken in compliance with section 490.862 at any time.

b. Shareholders’ action respecting the transaction was taken in compliance with section 490.863 at any time.

c. The transaction, judged according to the circumstances at the relevant time, is established to have been fair to the corporation.

Sec. 121. Section 490.862, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.862 Directors’ action.

1. Directors’ action respecting a director’s conflicting interest transaction is effective for purposes of section 490.861, subsection 2, paragraph “*a*”, if the transaction has been authorized by the affirmative vote of a majority, but no fewer than two, of the qualified directors who voted on the transaction, after required disclosure by the conflicted director of information not already known by such qualified directors, or after modified disclosure in compliance with subsection 2, provided that all of the following apply:

a. The qualified directors have deliberated and voted outside the presence of and without the participation by any other director.

b. Where the action has been taken by a board committee, all members of the committee were qualified directors, and any of the following apply:

(1) The committee was composed of all the qualified directors on the board of directors.

(2) The members of the committee were appointed by the affirmative vote of a majority of the qualified directors on the board of directors.

2. Notwithstanding subsection 1, when a transaction is a director’s conflicting interest transaction only because a related person described in section 490.860, subsection 5, paragraph “*e*” or “*f*”, is a party to or has a material financial interest in the transaction, the conflicted director is not obligated to make required disclosure to the extent that the director reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality, or a professional ethics rule, provided that the

conflicted director discloses to the qualified directors voting on the transaction all of the following:

- a. All information required to be disclosed that is not so violative.
- b. The existence and nature of the director's conflicting interest.
- c. The nature of the conflicted director's duty not to disclose the confidential information.

3. A majority, but no fewer than two, of all the qualified directors on the board of directors, or on the board committee, constitutes a quorum for purposes of action that complies with this section.

4. Where directors' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by reason of the articles of incorporation or bylaws, or a provision of law, independent action to satisfy those authorization requirements shall be taken by the board of directors or a board committee, in which action directors who are not qualified directors may participate.

Sec. 122. Section 490.863, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.863 Shareholders' action.

1. a. Shareholders' action respecting a director's conflicting interest transaction is effective for purposes of section 490.861, subsection 2, paragraph "b", if a majority of the votes cast by the holders of all qualified shares are in favor of the transaction after all of the following occur:

- (1) Notice to shareholders describing the action to be taken respecting the transaction.
- (2) Provision to the corporation of the information referred to in subsection 2.

(3) Communication to the shareholders entitled to vote on the transaction of the information that is the subject of required disclosure, to the extent the information is not known by them.

b. In the case of shareholders' action at a meeting, the shareholders entitled to vote shall be determined as of the record date for notice of the meeting.

2. A director who has a conflicting interest respecting the transaction shall, before the shareholders' vote, inform the secretary or other officer or agent of the corporation authorized to tabulate votes, in writing, of the number of shares that the director knows are not qualified shares under subsection 3, and the identity of the holders of those shares.

3. As used in this section:

a. "Holder" means and "held by" refers to shares held by a record shareholder, a beneficial shareholder, or an unrestricted voting trust beneficial owner.

b. "Qualified shares" means all shares entitled to be voted with respect to the transaction except for shares that the secretary or other officer or agent of the corporation authorized to tabulate votes either knows, or under subsection 2 is notified, are held by any of the following:

(1) A director who has a conflicting interest respecting the transaction.

(2) A related person of the director, excluding a person described in section 490.860, subsection 5, paragraph "f".

4. A majority of the votes entitled to be cast by the holders of all qualified shares constitutes a quorum for purposes of compliance with this section. Subject to the provisions of subsection 5, shareholders' action that otherwise complies with this section is not affected by the presence of holders, or by the voting, of shares that are not qualified shares.

5. If a shareholders' vote does not comply with subsection 1 solely because of a director's failure to comply with subsection 2, and if the director establishes that the failure was not intended to influence and did not in fact determine the outcome of the vote, the court may take such action respecting the transaction and the director, and may give such effect, if any, to the shareholders' vote, as the court considers appropriate in the circumstances.

6. Where shareholders' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by reason of the articles of incorporation or bylaws, or a provision of law, independent action to satisfy those authorization requirements shall be taken by the shareholders, in which action shares that are not qualified shares may participate.

Sec. 123. Section 490.870, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.870 Business opportunities.

1. If a director or officer pursues or takes advantage of a business opportunity directly, or indirectly through or on behalf of another person, that action shall not be the subject of equitable relief, or give rise to an award of damages or other sanctions against the director, officer, or other person, in a proceeding by or in the right of the corporation on the ground that the opportunity should have first been offered to the corporation, if any of the following apply:

a. Before the director, officer, or other person becomes legally obligated respecting the opportunity, the director or officer brings it to the attention of the corporation and any of the following apply:

(1) Action by qualified directors disclaiming the corporation's interest in the opportunity is taken in compliance with the same procedures as are set forth in section 490.862.

(2) Shareholders' action disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in section 490.863, in either case as if the decision being made concerned a director's conflicting interest transaction; except that, rather than making required disclosure as defined in section 490.860, the director or officer shall have made prior disclosure to those acting on behalf of the corporation of all material facts concerning the business opportunity known to the director or officer.

b. The duty to offer the corporation the business opportunity has been limited or eliminated pursuant to a provision of the articles of incorporation adopted, and where required, made effective by action of qualified directors, in accordance with section 490.202, subsection 2, paragraph "f".

2. In any proceeding seeking equitable relief or other remedies based upon an alleged improper pursuit or taking advantage of a business opportunity by a director or officer, directly, or indirectly through or on behalf of another person, the fact that the director or officer did not employ the procedure described in subsection 1, paragraph "a", subparagraph (1) or (2), before pursuing or taking advantage of the opportunity shall not create an implication that the opportunity should have been first presented to the corporation or alter the burden of proof otherwise applicable to establish that the director or officer breached a duty to the corporation in the circumstances.

Sec. 124. NEW SECTION. **490.901A Subchapter definitions.**

1. As used in this subchapter:

a. "Conversion" means a transaction pursuant to part C.

b. "Converted entity" means the converting entity as it continues in existence after a conversion.

c. "Converting entity" means the domestic corporation that approves a plan of conversion pursuant to section 490.932 or the domestic or foreign eligible entity that approves a conversion pursuant to the organic law of the eligible entity.

d. "Domesticated corporation" means the domesticating corporation as it continues in existence after a domestication.

e. "Domesticating corporation" means the domestic corporation that approves a plan of domestication pursuant to section 490.921 or the foreign corporation that approves a domestication pursuant to the organic law of the foreign corporation.

f. "Domestication" means a transaction pursuant to part B.

g. "Protected agreement" means any of the following:

(1) A document evidencing indebtedness of a domestic corporation or eligible entity and any related agreement in effect immediately before the enactment date.

(2) An agreement that is binding on a domestic corporation or eligible entity immediately before the enactment date.

(3) The articles of incorporation or bylaws of a domestic corporation or the organic rules of a domestic eligible entity, in each case in effect immediately before the enactment date.

(4) An agreement that is binding on any of the shareholders, members, interest holders, directors, or other governors of a domestic corporation or eligible entity, in their capacities as such, immediately before the enactment date.

2. As used in subsection 1 and sections 490.920 and 490.930, “*enactment date*” means January 1, 2022, as it relates to domestications and January 1, 2009, as it relates to conversions.

Sec. 125. Section 490.902, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.902 Excluded transactions.

This subchapter shall not be used to effect a transaction that converts a company organized on the mutual principle to one organized on the basis of share ownership.

Sec. 126. NEW SECTION. **490.903 Required approvals.**

If a domestic or foreign corporation or eligible entity shall not be a party to a merger without the approval of the superintendent of banking, the commissioner of insurance, or the Iowa utility board, and the applicable statutes or regulations do not specifically deal with transactions under this subchapter but do require such approval for mergers, a corporation or eligible entity shall not be a party to a transaction under this subchapter without the prior approval of that agency or official.

Sec. 127. NEW SECTION. **490.904 Relationship of subchapter to other laws.**

A transaction effected under this subchapter shall not create or impair a right, duty, or obligation of a person under the statutory law of this state other than this subchapter relating to a change in control, business combination, control-share acquisition, or similar transaction involving a domesticating or converting domestic corporation, unless the approval of the plan of domestication or conversion is by a vote of the shareholders or the board of directors which would be sufficient to create or impair the right, duty, or obligation directly under that law.

Sec. 128. NEW SECTION. **490.905 Foreign insurance companies becoming domestic.**

1. The secretary of state, upon a corporation complying with this section and upon the filing of articles of incorporation and upon receipt of the fees as provided in this chapter, shall issue an acknowledgment of receipt of document as of the date of the filing of the articles of incorporation with the secretary of state. The acknowledgment of receipt of document shall state on its face that it is issued in accordance with this section. The secretary of state shall then notify the appropriate officer of the state or country of the corporation’s last domicile that the corporation is now a domestic corporation domiciled in this state. This section applies to life insurance companies, and to insurance companies doing business under chapter 515.

2. A corporation becoming domiciled in this state under subsection 1 shall not be required to comply with any other requirements under this subchapter.

Sec. 129. NEW SECTION. **490.920 Domestication.**

1. By complying with the provisions of this part applicable to foreign corporations, a foreign corporation may become a domestic corporation if the domestication is permitted by the organic law of the foreign corporation.

2. By complying with the provisions of this part, a domestic corporation may become a foreign corporation pursuant to a plan of domestication if the domestication is permitted by the organic law of the foreign corporation.

3. The plan of domestication must include all of the following:

a. The name of the domesticating corporation.

b. The name and jurisdiction of formation of the domesticated corporation.

c. The manner and basis of reclassifying the shares of the domesticating corporation into shares or other securities, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing.

d. The proposed articles of incorporation and bylaws of the domesticated corporation.

e. The other terms and conditions of the domestication.

4. In addition to the requirements of subsection 3, a plan of domestication may contain any other provision not prohibited by law.

5. The terms of a plan of domestication may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 490.120, subsection 11.

6. If a protected agreement of a domestic domesticating corporation in effect immediately before the domestication becomes effective contains a provision applying to a merger of the corporation and the agreement does not refer to a domestication of the corporation, the provision applies to a domestication of the corporation as if the domestication were a merger until such time as the provision is first amended after the enactment date.

Sec. 130. NEW SECTION. 490.921 Action on a plan of domestication.

In the case of a domestication of a domestic corporation into a foreign jurisdiction, the plan of domestication shall be adopted in the following manner:

1. The plan of domestication shall first be adopted by the board of directors.

2. *a.* The plan of domestication shall then be approved by the shareholders. In submitting the plan of domestication to the shareholders for approval, the board of directors shall recommend that the shareholders approve the plan, unless any of the following applies:

(1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation.

(2) Section 490.826 applies.

b. If paragraph “*a*”, subparagraph (1) or (2) applies, the board shall inform the shareholders of the basis for its so proceeding.

3. The board of directors may set conditions for approval of the plan of domestication by the shareholders or the effectiveness of the plan of domestication.

4. If the approval of the shareholders is to be given at a meeting, the corporation shall notify each shareholder, regardless of whether entitled to vote, of the meeting of shareholders at which the plan of domestication is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of domestication and must contain or be accompanied by a copy or summary of the plan. The notice must include or be accompanied by a copy of the articles of incorporation and the bylaws as they will be in effect immediately after the domestication.

5. Unless the articles of incorporation, bylaws, or the board of directors acting pursuant to subsection 3, require a greater vote or a greater quorum, approval of the plan of domestication requires all of the following:

a. The approval of the shareholders at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the plan.

b. Except as provided in subsection 6, the approval of each class or series of shares voting as a separate voting group at a meeting at which a quorum of the voting group exists consisting of a majority of the votes entitled to be cast on the plan by that voting group.

6. The articles of incorporation may expressly limit or eliminate the separate voting rights provided in subsection 5, paragraph “*b*”, as to any class or series of shares, except when the articles of incorporation of the foreign corporation resulting from the domestication include what would be in effect an amendment that would entitle the class or series to vote as a separate group under section 490.1004 if it were a proposed amendment of the articles of incorporation of the domestic domesticating corporation.

7. If as a result of a domestication one or more shareholders of a domestic domesticating corporation would become subject to interest holder liability, approval of the plan of domestication shall require the signing in connection with the domestication, by each such shareholder, of a separate written consent to become subject to such interest holder liability, unless in the case of a shareholder that already has interest holder liability with respect to the domesticating corporation, the terms and conditions of the interest holder liability with respect to the domesticated corporation are substantially identical to those of the existing interest holder liability, other than for changes that eliminate or reduce such interest holder liability.

Sec. 131. NEW SECTION. 490.922 Articles of domestication — effectiveness.

1. After a plan of domestication of a domestic corporation has been adopted and approved as required by this chapter, or a foreign corporation that is the domesticating corporation has approved a domestication as required under its organic law, articles of domestication shall be signed by the domesticating corporation. The articles must set forth all of the following:

a. The name of the domesticating corporation and its jurisdiction of formation.

b. The name and jurisdiction of formation of the domesticated corporation.

c. If the domesticating corporation is a domestic corporation, a statement that the plan of domestication was approved in accordance with this subchapter or, if the domesticating corporation is a foreign corporation, a statement that the domestication was approved in accordance with its organic law.

2. If the domesticated corporation is a domestic corporation, the articles of domestication must attach articles of incorporation of the domesticated corporation that satisfy the requirements of section 490.202. Provisions that would not be required to be included in restated articles of incorporation may be omitted from the articles of incorporation attached to the articles of domestication.

3. The articles of domestication shall be delivered to the secretary of state for filing, and shall take effect at the effective date determined in accordance with section 490.123.

4. If the domesticated corporation is a domestic corporation, the domestication becomes effective when the articles of domestication are effective. If the domesticated corporation is a foreign corporation, the domestication becomes effective on the later of the following:

a. The date and time provided by the organic law of the domesticated corporation.

b. When the articles of domestication are effective.

5. If the domesticating corporation is a foreign corporation that is registered to do business in this state under subchapter XV, its registration statement shall be canceled automatically when the domestication becomes effective.

Sec. 132. NEW SECTION. 490.923 Amendment of plan of domestication — abandonment.

1. A plan of domestication of a domestic corporation may be amended by any of the following manners:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. In the manner provided in the plan, except that a shareholder that was entitled to vote on or consent to approval of the plan is entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of shares or other securities, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing, to be received by any of the shareholders of the domesticating corporation under the plan.

(2) The articles of incorporation or bylaws of the domesticated corporation that will be in effect immediately after the domestication becomes effective, except for changes that do not require approval of the shareholders of the domesticated corporation under its organic law or its proposed articles of incorporation or bylaws as set forth in the plan.

(3) Any of the other terms or conditions of the plan, if the change would adversely affect the shareholder in any material respect.

2. After a plan of domestication has been adopted and approved by a domestic corporation as required by this part, and before the articles of domestication have become effective, the plan may be abandoned by the corporation without action by its shareholders in accordance with any procedures set forth in the plan or, if no such procedures are set forth in the plan, in the manner determined by the board of directors.

3. If a domestication is abandoned after the articles of domestication have been delivered to the secretary of state for filing but before the articles of domestication have become effective, articles of abandonment, signed by the domesticating corporation, must be delivered to the secretary of state for filing before the articles of domestication become effective. The articles of abandonment take effect upon filing, and the domestication shall be deemed abandoned and shall not become effective. The articles of abandonment must contain all of the following:

a. The name of the domesticating corporation.

b. The date on which the articles of domestication were filed by the secretary of state.

c. A statement that the domestication has been abandoned in accordance with this section.

Sec. 133. NEW SECTION. 490.924 Effect of domestication.

1. When a domestication becomes effective all of the following apply:

a. All property owned by, and every contract right possessed by, the domesticating corporation are the property and contract rights of the domesticated corporation without transfer, reversion, or impairment.

b. All debts, obligations, and other liabilities of the domesticating corporation are the debts, obligations, and other liabilities of the domesticated corporation.

c. The name of the domesticated corporation may but need not be substituted for the name of the domesticating corporation in any pending proceeding.

d. The articles of incorporation and bylaws of the domesticated corporation become effective.

e. The shares of the domesticating corporation are reclassified into shares or other securities, obligations, rights to acquire shares or other securities, cash, or other property in accordance with the terms of the domestication, and the shareholders of the domesticating corporation are entitled only to the rights provided to them by those terms and to any appraisal rights they may have under the organic law of the domesticating corporation.

f. The domesticated corporation is all of the following:

(1) Incorporated under and subject to the organic law of the domesticated corporation.

(2) The same corporation without interruption as the domesticating corporation.

(3) Deemed to have been incorporated on the date the domesticating corporation was originally incorporated.

2. When a domestication of a domestic corporation into a foreign jurisdiction becomes effective, the domesticated corporation is deemed to have done all of the following:

a. Appointed the secretary of state as its agent for service of process in a proceeding to enforce the rights of shareholders who exercise appraisal rights in connection with the domestication.

b. Agreed that it will promptly pay the amount, if any, to which such shareholders are entitled under subchapter XIII.

3. Except as otherwise provided in the organic law or organic rules of a domesticating foreign corporation, the interest holder liability of a shareholder in a foreign corporation that is domesticated into this state who had interest holder liability in respect of such domesticating corporation before the domestication becomes effective shall be as follows:

a. The domestication does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the domestication becomes effective.

b. The provisions of the organic law of the domesticating corporation shall continue to apply to the collection or discharge of any interest holder liabilities preserved by paragraph "a", as if the domestication had not occurred.

c. The shareholder shall have such rights of contribution from other persons as are provided by the organic law of the domesticating corporation with respect to any interest holder liabilities preserved by paragraph "a", as if the domestication had not occurred.

d. The shareholder shall not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that are incurred after the domestication becomes effective.

4. A shareholder who becomes subject to interest holder liability in respect of the domesticated corporation as a result of the domestication shall have such interest holder liability only in respect of interest holder liabilities that arise after the domestication becomes effective.

5. A domestication does not constitute or cause the dissolution of the domesticating corporation.

6. Property held for charitable purposes under the laws of this state by a domestic or foreign corporation immediately before a domestication shall not, as a result of the transaction, be diverted from the objects for which it was donated, granted, devised, or otherwise transferred except and to the extent permitted by or pursuant to the laws of this state addressing cy pres or dealing with nondiversion of charitable assets.

7. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to the domesticating corporation and which takes effect or remains payable after the domestication inures to the domesticated corporation.

8. A trust obligation that would govern property if transferred to the domesticating corporation applies to property that is transferred to the domesticated corporation after the domestication takes effect.

Sec. 134. NEW SECTION. 490.930 Conversion.

1. By complying with this subchapter, a domestic corporation may become any of the following:

a. A domestic eligible entity.

b. A foreign eligible entity if the conversion is permitted by the organic law of the foreign entity.

2. By complying with this part and applicable provisions of its organic law, a domestic eligible entity may become a domestic corporation. If procedures for the approval of a conversion are not provided by the organic law or organic rules of a domestic eligible entity, the conversion shall be adopted and approved in the same manner as a merger of that eligible entity. If the organic law or organic rules of a domestic eligible entity do not provide procedures for the approval of either a conversion or a merger, a plan of conversion may nonetheless be adopted and approved by the unanimous consent of all the interest holders of such eligible entity. In either such case, the conversion thereafter may be effected as provided in the other provisions of this part; and for purposes of applying this subchapter in such a case all of the following apply:

a. The eligible entity, its members or interest holders, eligible interests and organic rules taken together, shall be deemed to be a domestic business corporation, shareholders, shares and articles of incorporation, respectively and vice versa, as the context may require.

b. If the business and affairs of the eligible entity are managed by a person or persons that are not identical to the members or interest holders, that person or persons shall be deemed to be the board of directors.

3. By complying with the provisions of this part applicable to foreign entities, a foreign eligible entity may become a domestic corporation if the organic law of the foreign eligible entity permits it to become a business corporation in another jurisdiction.

4. If a protected agreement of a domestic converting corporation in effect immediately before the conversion becomes effective contains a provision applying to a merger of the corporation that is a converting entity and the agreement does not refer to a conversion of the corporation, the provision applies to a conversion of the corporation as if the conversion were a merger, until such time as the provision is first amended after the enactment date.

Sec. 135. NEW SECTION. 490.931 Plan of conversion.

1. A domestic corporation may convert to a domestic or foreign eligible entity under this part by approving a plan of conversion. The plan of conversion must include all of the following:

a. The name of the converting corporation.

b. The name, jurisdiction of formation, and type of entity of the converted entity.

c. The manner and basis of converting the shares of the domestic corporation into eligible interests or other securities, obligations, rights to acquire eligible interests or other securities, cash, other property, or any combination of the foregoing.

d. The other terms and conditions of the conversion.

e. The full text, as it will be in effect immediately after the conversion becomes effective, of the organic rules of the converted entity which are to be in writing.

2. In addition to the requirements of subsection 1, a plan of conversion may contain any other provision not prohibited by law.

3. The terms of a plan of conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 490.120, subsection 11.

Sec. 136. NEW SECTION. 490.932 Action on a plan of conversion.

In the case of a conversion of a domestic corporation to a domestic or foreign eligible entity, the plan of conversion shall be adopted in the following manner:

1. The plan of conversion shall first be adopted by the board of directors.

2. *a.* The plan of conversion shall then be approved by the shareholders. In submitting the plan of conversion to the shareholders for their approval, the board of directors must recommend that the shareholders approve the plan, unless any of the following applies:

(1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation.

(2) Section 490.826 applies.

b. If paragraph “*a*”, subparagraph (1) or (2) applies, the board of directors shall inform the shareholders of the basis for its so proceeding.

3. The board of directors may set conditions for approval of the plan of conversion by the shareholders or the effectiveness of the plan of conversion.

4. If the approval of the shareholders is to be given at a meeting, the corporation shall notify each shareholder, regardless of whether entitled to vote, of the meeting of shareholders at which the plan of conversion is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of conversion and must contain or be accompanied by a copy or summary of the plan. The notice must include or be accompanied by a copy of the organic rules of the converted entity which are to be in writing as they will be in effect immediately after the conversion.

5. Unless the articles of incorporation, bylaws, or the board of directors acting pursuant to subsection 3, require a greater vote or a greater quorum, approval of the plan of conversion requires all of the following:

a. The approval of the shareholders at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the plan.

b. Except as provided in subsection 6, the approval of each class or series of shares voting as a separate voting group at a meeting at which a quorum of the voting group exists consisting of a majority of the votes entitled to be cast on the plan by that voting group.

6. If as a result of the conversion one or more shareholders of the converting domestic corporation would become subject to interest holder liability, approval of the plan of conversion shall require the signing in connection with the transaction, by each such shareholder, of a separate written consent to become subject to such interest holder liability.

Sec. 137. NEW SECTION. 490.933 Articles of conversion — effectiveness.

1. Articles of conversion shall be signed by the converting entity after either a plan of conversion of a domestic corporation has been adopted and approved as required by this chapter or a domestic or foreign eligible entity that is the converting entity has approved a conversion as required under its organic law. The articles of conversion must do all of the following:

a. State the name, jurisdiction of formation, and type of entity of the converting entity.

b. State the name, jurisdiction of formation, and type of entity of the converted entity.

c. (1) If the converting entity is a domestic corporation, state that the plan of conversion was approved in accordance with this part.

(2) If the converting entity is an eligible entity, state that the conversion was approved by the eligible entity in accordance with its organic law.

(3) If the converting entity is a domestic eligible entity the organic law of which does not provide for approval of the conversion, state that the conversion was approved by the domestic eligible entity in accordance with this part.

d. (1) If the converted entity is a domestic business corporation, or a domestic nonprofit corporation or filing entity, have attached the public organic record of the converted entity, except that provisions that would not be required to be included in a restated public organic record may be omitted.

(2) If the converted entity is a domestic limited liability partnership, have attached the filing required to become a limited liability partnership.

2. If the converted entity is a domestic corporation, its articles of incorporation must satisfy the requirements of section 490.202, except that provisions that would not be required to be included in restated articles of incorporation may be omitted from the articles of incorporation. If the converted entity is a domestic eligible entity, its public organic record, if any, must satisfy the requirements of the organic law of this state, except that the public organic record does not need to be signed.

3. The articles of conversion shall be delivered to the secretary of state for filing, and shall take effect at the effective date determined in accordance with section 490.123.

4. If a converted entity is a domestic entity, the conversion becomes effective when the articles of conversion are effective. With respect to a conversion in which the converted entity is a foreign eligible entity, the conversion itself shall become effective at the later of the following:

- a. The date and time provided by the organic law of that eligible entity.
- b. When the articles of conversion become effective.

5. Articles of conversion under this section may be combined with any required conversion filing under the organic law of a domestic eligible entity that is the converting entity or converted entity if the combined filing satisfies the requirements of both this section and the other organic law.

6. If the converting entity is a foreign eligible entity that is registered to do business in this state under a provision of law similar to subchapter XV, its registration statement or other type of foreign qualification shall be canceled automatically on the effective date of its conversion.

Sec. 138. NEW SECTION. 490.934 Amendment of plan of conversion — abandonment.

1. A plan of conversion of a converting entity that is a domestic corporation may be amended in any of the following manners:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. In the manner provided in the plan, except that shareholders that were entitled to vote on or consent to approval of the plan are entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of eligible interests or other securities, obligations, rights to acquire eligible interests or other securities, cash, other property, or any combination of the foregoing, to be received by any of the shareholders of the converting corporation under the plan.

(2) The organic rules of the converted entity that will be in effect immediately after the conversion becomes effective, except for changes that do not require approval of the eligible interest holders of the converted entity under its organic law or organic rules.

(3) Any other terms or conditions of the plan, if the change would adversely affect such shareholders in any material respect.

2. After a plan of conversion has been approved by a converting entity that is a domestic corporation in the manner required by this part and before the articles of conversion become effective, the plan may be abandoned by the corporation without action by its shareholders in accordance with any procedures set forth in the plan or, if no such procedures are set forth in the plan, in the manner determined by the board of directors.

3. If a conversion is abandoned after the articles of conversion have been delivered to the secretary of state for filing and before the articles of conversion become effective, articles of abandonment, signed by the converting entity, must be delivered to the secretary of state for filing before the articles of conversion become effective. The articles of abandonment take effect on filing, and the conversion is abandoned and does not become effective. The articles of abandonment must contain all of the following:

- a. The name of the converting entity.
- b. The date on which the articles of conversion were filed by the secretary of state.
- c. A statement that the conversion has been abandoned in accordance with this section.

Sec. 139. NEW SECTION. 490.935 Effect of conversion.

1. When a conversion becomes effective all of the following shall apply:

a. All property owned by, and every contract right possessed by, the converting entity remain the property and contract rights of the converted entity without transfer, reversion, or impairment.

b. All debts, obligations, and other liabilities of the converting entity remain the debts, obligations, and other liabilities of the converted entity.

c. The name of the converted entity may but need not be substituted for the name of the converting entity in any pending action or proceeding.

d. If the converted entity is a filing entity or a domestic business corporation or a domestic or foreign nonprofit corporation, its public organic record and its private organic rules become effective.

e. If the converted entity is a nonfiling entity, its private organic rules become effective.

f. If the converted entity is a limited liability partnership, the filing required to become a limited liability partnership and its private organic rules become effective.

g. The shares or eligible interests of the converting entity are reclassified into shares, eligible interests or other securities, obligations, rights to acquire shares, eligible interests or other securities, cash, or other property in accordance with the terms of the conversion, and the shareholders or interest holders of the converting entity are entitled only to the rights provided to them by those terms and to any appraisal rights they may have under the organic law of the converting entity.

h. The converted entity is all of the following:

(1) Incorporated or organized under and subject to the organic law of the converted entity.

(2) The same entity without interruption as the converting entity.

(3) Deemed to have been incorporated or otherwise organized on the date that the converting entity was originally incorporated or organized.

2. When a conversion of a domestic corporation to a foreign eligible entity becomes effective, the converted entity is deemed to have done all of the following:

a. Appointed the secretary of state as its agent for service of process in a proceeding to enforce the rights of shareholders who exercise appraisal rights in connection with the conversion.

b. Agreed that it will promptly pay the amount, if any, to which such shareholders are entitled under subchapter XIII.

3. Except as otherwise provided in the articles of incorporation of a domestic corporation or the organic law or organic rules of a foreign corporation or a domestic or foreign eligible entity, a shareholder or eligible interest holder who becomes subject to interest holder liability in respect of a domestic corporation or eligible entity as a result of the conversion shall have such interest holder liability only in respect of interest holder liabilities that arise after the conversion becomes effective.

4. Except as otherwise provided in the organic law or the organic rules of the eligible entity, the interest holder liability of an interest holder in a converting eligible entity that converts to a domestic corporation who had interest holder liability in respect of such converting eligible entity before the conversion becomes effective shall be as follows:

a. The conversion does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the conversion became effective.

b. The provisions of the organic law of the eligible entity shall continue to apply to the collection or discharge of any interest holder liabilities preserved by paragraph "a", as if the conversion had not occurred.

c. The eligible interest holder shall have such rights of contribution from other persons as are provided by the organic law of the eligible entity with respect to any interest holder liabilities preserved by paragraph "a", as if the conversion had not occurred.

d. The eligible interest holder shall not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that arise after the conversion becomes effective.

5. A conversion does not require the converting entity to wind up its affairs and does not constitute or cause the dissolution or termination of the entity.

6. Property held for charitable purposes under the laws of this state by a corporation or a domestic or foreign eligible entity immediately before a conversion shall not, as a result of the transaction, be diverted from the objects for which it was donated, granted, devised, or otherwise transferred except and to the extent permitted by or pursuant to the laws of this state addressing cy pres or dealing with nondiversion of charitable assets.

7. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to the converting entity and which takes effect or remains payable after the conversion inures to the converted entity.

8. A trust obligation that would govern property if transferred to the converting entity applies to property that is transferred to the converted entity after the conversion takes effect.

Sec. 140. Section 490.1003, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1003 Amendment by board of directors and shareholders.

If a corporation has issued shares, an amendment to the articles of incorporation shall be adopted in the following manner:

1. The proposed amendment shall first be adopted by the board of directors.

2. *a.* Except as provided in sections 490.1005, 490.1007, and 490.1008, the amendment shall then be approved by the shareholders. In submitting the proposed amendment to the shareholders for approval, the board of directors shall recommend that the shareholders approve the amendment, unless any of the following applies:

(1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation.

(2) Section 490.826 applies.

b. If paragraph “*a*”, subparagraph (1) or (2) applies, the board must inform the shareholders of the basis for its so proceeding.

3. The board of directors may set conditions for the approval of the amendment by the shareholders or the effectiveness of the amendment.

4. If the amendment is required to be approved by the shareholders, and the approval is to be given at a meeting, the corporation shall notify each shareholder, regardless of whether entitled to vote, of the meeting of shareholders at which the amendment is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the amendment. The notice must contain or be accompanied by a copy of the amendment.

5. Unless the articles of incorporation or bylaws, or the board of directors acting pursuant to subsection 3, require a greater vote or a greater quorum, approval of the amendment requires the approval of the shareholders at a meeting at which a quorum consisting of a majority of the votes entitled to be cast on the amendment exists, and, if any class or series of shares is entitled to vote as a separate group on the amendment, except as provided in section 490.1004, subsection 3, the approval of each such separate voting group at a meeting at which a quorum of the voting group exists consisting of a majority of the votes entitled to be cast on the amendment by that voting group.

6. *a.* If as a result of an amendment of the articles of incorporation one or more shareholders of a domestic corporation would become subject to new interest holder liability, approval of the amendment requires the signing in connection with the amendment, by each such shareholder, of a separate written consent to become subject to such new interest holder liability.

b. Paragraph “*a*” does not apply in the case of a shareholder that already has interest holder liability and the terms and conditions of the new interest holder liability are any of the following:

(1) Substantially identical to those of the existing interest holder liability.

(2) Substantially identical to those of the existing interest holder liability, other than changes that eliminate or reduce such interest holder liability.

7. As used in subsection 6 and section 490.1009, “*new interest holder liability*” means interest holder liability of a person resulting from an amendment of the articles of incorporation if any of the following applies:

a. The person did not have interest holder liability before the amendment becomes effective.

b. The person had interest holder liability before the amendment becomes effective, the terms and conditions of which are changed when the amendment becomes effective.

Sec. 141. Section 490.1004, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1004 Voting on amendments by voting groups.

1. The holders of the outstanding shares of a class are entitled to vote as a separate voting group, if shareholder voting is otherwise required by this chapter, on a proposed amendment to the articles of incorporation if the amendment would do any of the following:

a. Effect an exchange or reclassification of all or part of the shares of the class into shares of another class.

b. Effect an exchange or reclassification, or create the right of exchange, of all or part of the shares of another class into shares of the class.

c. Change the rights, preferences, or limitations of all or part of the shares of the class.

d. Change the shares of all or part of the class into a different number of shares of the same class.

e. Create a new class of shares having rights or preferences with respect to distributions that are prior or superior to the shares of the class.

f. Increase the rights, preferences, or number of authorized shares of any class that, after giving effect to the amendment, have rights or preferences with respect to distributions that are prior or superior to the shares of the class.

g. Limit or deny an existing preemptive right of all or part of the shares of the class.

h. Cancel or otherwise affect rights to distributions that have accumulated but not yet been authorized on all or part of the shares of the class.

2. If a proposed amendment would affect a series of a class of shares in one or more of the ways described in subsection 1, the holders of shares of that series are entitled to vote as a separate voting group on the proposed amendment.

3. If a proposed amendment that entitles the holders of two or more classes or series of shares to vote as separate voting groups under this section would affect those two or more classes or series in the same or a substantially similar way, the holders of shares of all the classes or series so affected shall vote together as a single voting group on the proposed amendment, unless otherwise provided in the articles of incorporation or added as a condition by the board of directors pursuant to section 490.1003, subsection 3.

4. A class or series of shares is entitled to the voting rights granted by this section even if the articles of incorporation provide that the shares are nonvoting shares.

Sec. 142. Section 490.1006, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1006 Articles of amendment.

1. After an amendment to the articles of incorporation has been adopted and approved in the manner required by this chapter and by the articles of incorporation, the corporation shall deliver to the secretary of state, for filing, articles of amendment, which must set forth all of the following:

a. The name of the corporation.

b. The text of each amendment adopted, or the information required by section 490.120, subsection 11, paragraph "e".

c. If an amendment provides for an exchange, reclassification, or cancellation of issued shares, provisions for implementing the amendment, if not contained in the amendment itself, which may be made dependent upon facts objectively ascertainable outside the articles of amendment in accordance with section 490.120, subsection 11, paragraph "e".

d. The date of each amendment's adoption.

e. For an amendment, the following:

(1) If it was adopted by the incorporators or board of directors without shareholder approval, a statement that the amendment was duly adopted by the incorporators or by the board of directors, as the case may be, and that shareholder approval was not required.

(2) If it required approval by the shareholders, a statement that the amendment was duly approved by the shareholders in the manner required by this chapter and by the articles of incorporation.

(3) If being filed pursuant to section 490.120, subsection 11, paragraph "e", a statement to that effect.

2. Articles of amendment shall take effect at the effective date determined in accordance with section 490.123.

Sec. 143. Section 490.1007, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1007 Restated articles of incorporation.

1. A corporation's board of directors may restate its articles of incorporation at any time, without shareholder approval, to consolidate all amendments into a single document.
2. If the restated articles include one or more new amendments that require shareholder approval, the amendments shall be adopted and approved as provided in section 490.1003.
3. A corporation that restates its articles of incorporation shall deliver to the secretary of state for filing articles of restatement setting forth all of the following:
 - a. The name of the corporation.
 - b. The text of the restated articles of incorporation.
 - c. A statement that the restated articles consolidate all amendments into a single document.
 - d. If a new amendment is included in the restated articles, the statements required under section 490.1006 with respect to the new amendment.
4. Duly adopted restated articles of incorporation supersede the original articles of incorporation and all amendments to the articles of incorporation.
5. The secretary of state may certify restated articles of incorporation as the articles of incorporation currently in effect, without including the statements required by subsection 3, paragraph "d".

Sec. 144. Section 490.1009, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1009 Effect of amendment.

1. An amendment to the articles of incorporation does not affect a cause of action existing against or in favor of the corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than the shareholders. An amendment changing a corporation's name does not affect a proceeding brought by or against the corporation in its former name.
2. A shareholder who becomes subject to new interest holder liability in respect of the corporation as a result of an amendment to the articles of incorporation shall have that new interest holder liability only in respect of interest holder liabilities that arise after the amendment becomes effective.
3. Except as otherwise provided in the articles of incorporation of the corporation, the interest holder liability of a shareholder who had interest holder liability in respect of the corporation before the amendment becomes effective and has new interest holder liability after the amendment becomes effective shall be as follows:
 - a. The amendment does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the amendment becomes effective.
 - b. The provisions of the articles of incorporation of the corporation relating to interest holder liability as in effect immediately prior to the amendment shall continue to apply to the collection or discharge of any interest holder liabilities preserved by paragraph "a", as if the amendment had not occurred.
 - c. The shareholder shall have such rights of contribution from other persons as are provided by the articles of incorporation relating to interest holder liability as in effect immediately prior to the amendment with respect to any interest holder liabilities preserved by paragraph "a", as if the amendment had not occurred.
 - d. The shareholder shall not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that arise after the amendment becomes effective.

Sec. 145. Section 490.1020, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1020 Authority to amend.

1. A corporation's shareholders may amend or repeal the corporation's bylaws.
2. A corporation's board of directors may amend or repeal the corporation's bylaws unless any of the following apply:

a. The articles of incorporation, section 490.1021, or, if applicable, section 490.1022, reserve that power exclusively to the shareholders in whole or part.

b. Except as provided in section 490.206, subsection 4, the shareholders in amending, repealing, or adopting a bylaw expressly provide that the board of directors shall not amend, repeal, or adopt that bylaw.

3. A shareholder of the corporation does not have a vested property right resulting from any provision in the bylaws.

Sec. 146. Section 490.1021, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1021 Bylaw increasing quorum or voting requirement for directors.

1. A bylaw that increases a quorum or voting requirement for the board of directors or that requires a meeting of shareholders to be held at a place may be amended or repealed as follows:

a. If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides.

b. If adopted by the board of directors, either by the shareholders or by the board of directors.

2. A bylaw adopted or amended by the shareholders that increases a quorum or voting requirement for the board of directors may provide that it can be amended or repealed only by a specified vote of either the shareholders or the board of directors.

3. Action by the board of directors under subsection 1 to amend or repeal a bylaw that changes a quorum or voting requirement for the board of directors shall meet the same quorum requirement and be adopted by the same vote required to take action under the quorum and voting requirement then in effect or proposed to be adopted, whichever is greater.

Sec. 147. NEW SECTION. **490.1022 Bylaw provisions relating to the election of directors.**

1. Unless the articles of incorporation specifically prohibit the adoption of a bylaw pursuant to this section, alter the vote specified in section 490.728, subsection 1, or provide for cumulative voting, a corporation may elect in its bylaws to be governed in the election of directors as follows:

a. Each vote entitled to be cast may be voted for or against up to that number of candidates that is equal to the number of directors to be elected, or a shareholder may indicate an abstention, but without cumulating the votes.

b. To be elected, a nominee shall have received a plurality of the votes cast by holders of shares entitled to vote in the election at a meeting at which a quorum is present, provided that a nominee who is elected but receives more votes against than for election shall serve as a director for a term that shall terminate on the date that is the earlier of the following:

(1) (a) Ninety days from the date on which the voting results are determined pursuant to section 490.729, subsection 2, paragraph "e".

(b) The date on which an individual is selected by the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which section 490.810 applies.

(2) Subject to subsection 1, paragraph "c", a nominee who is elected but receives more votes against than for election shall not serve as a director beyond the ninety-day period provided in subparagraph division (a).

c. The board of directors may select any qualified individual to fill the office held by a director who received more votes against than for election.

2. a. Subsection 1 does not apply to an election of directors by a voting group if any of the following applies:

(1) At the expiration of the time fixed under a provision requiring advance notification of director candidates.

(2) Absent such a provision, at a time fixed by the board of directors which is not more than fourteen days before notice is given of the meeting at which the election is to occur, there are

more candidates for election by the voting group than the number of directors to be elected, one or more of whom are properly proposed by shareholders.

b. An individual shall not be considered a candidate for purposes of paragraph “a”, if the board of directors determines before the notice of meeting is given that such individual’s candidacy does not create a bona fide election contest.

3. A bylaw electing to be governed by this section may be repealed under any of the following circumstances:

a. If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides.

b. If adopted by the board of directors, by the board of directors or the shareholders.

Sec. 148. Section 490.1101, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1101 Subchapter definitions.

As used in this subchapter:

1. “*Acquired entity*” means the domestic or foreign corporation or eligible entity that will have all of one or more classes or series of its shares or eligible interests acquired in a share exchange.

2. “*Acquiring entity*” means the domestic or foreign corporation or eligible entity that will acquire all of one or more classes or series of shares or eligible interests of the acquired entity in a share exchange.

3. “*New interest holder liability*” means interest holder liability of a person, resulting from a merger or share exchange, that is any of the following:

a. In respect of an entity which is different from the entity in which the person held shares or eligible interests immediately before the merger or share exchange became effective.

b. In respect of the same entity as the one in which the person held shares or eligible interests immediately before the merger or share exchange became effective if any of the following apply:

(1) The person did not have interest holder liability immediately before the merger or share exchange became effective.

(2) The person had interest holder liability immediately before the merger or share exchange became effective, the terms and conditions of which were changed when the merger or share exchange became effective.

4. “*Party to a merger*” means any domestic or foreign corporation or eligible entity that will merge under a plan of merger but does not include a survivor created by the merger.

5. “*Survivor*” in a merger means the domestic or foreign corporation or eligible entity into which one or more other corporations or eligible entities are merged.

Sec. 149. Section 490.1102, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1102 Merger.

1. By complying with this subchapter, all of the following apply:

a. One or more domestic business corporations may merge with one or more domestic or foreign business corporations or eligible entities pursuant to a plan of merger, resulting in a survivor.

b. Two or more foreign business corporations or domestic or foreign eligible entities may merge, resulting in a survivor that is a domestic business corporation created in the merger.

2. By complying with the provisions of this subchapter applicable to foreign entities, a foreign business corporation or a foreign eligible entity may be a party to a merger with a domestic business corporation, or may be created as the survivor in a merger in which a domestic business corporation is a party, but only if the merger is permitted by the organic law of the foreign business corporation or eligible entity.

3. If the organic law or organic rules of a domestic eligible entity do not provide procedures for the approval of a merger, a plan of merger may nonetheless be adopted and approved by the unanimous consent of all of the interest holders of such eligible entity, and the merger may thereafter be effected as provided in the other provisions of this subchapter; and for the purposes of applying this subchapter in such a case all of the following shall apply:

a. The eligible entity, its members or interest holders, eligible interests and articles of incorporation or other organic rules taken together shall be deemed to be a domestic business corporation, shareholders, shares and articles of incorporation, respectively and vice versa as the context may require.

b. If the business and affairs of the eligible entity are managed by a person or persons that are not identical to the members or interest holders, that group shall be deemed to be the board of directors.

4. The plan of merger must include all of the following:

a. As to each party to the merger, its name, jurisdiction of formation, and type of entity.

b. The survivor's name, jurisdiction of formation, and type of entity, and, if the survivor is to be created in the merger, a statement to that effect.

c. The terms and conditions of the merger.

d. The manner and basis of converting the shares of each merging domestic or foreign business corporation and eligible interests of each merging domestic or foreign eligible entity into shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property, or any combination of the foregoing.

e. The articles of incorporation of any domestic or foreign business or nonprofit corporation, or the public organic record of any domestic or foreign unincorporated entity, to be created by the merger, or if a new domestic or foreign business or nonprofit corporation or unincorporated entity is not to be created by the merger, any amendments to the survivor's articles of incorporation or other public organic record.

f. Any other provisions required by the laws under which any party to the merger is organized or by which it is governed, or by the articles of incorporation or organic rules of any such party.

5. In addition to the requirements of subsection 4, a plan of merger may contain any other provision not prohibited by law.

6. Terms of a plan of merger may be made dependent on facts objectively ascertainable outside the plan in accordance with section 490.120, subsection 11.

7. A plan of merger may be amended only with the consent of each party to the merger, except as provided in the plan. A domestic party to a merger may approve an amendment to a plan in any of the following manners:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. In the manner provided in the plan, except that shareholders, members, or interest holders that were entitled to vote on or consent to approval of the plan are entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, or other property to be received under the plan by the shareholders, members, or interest holders of any party to the merger.

(2) The articles of incorporation of any domestic or foreign business or nonprofit corporation, or the organic rules of any unincorporated entity, that will be the survivor of the merger, except for changes permitted by section 490.1005 or by comparable provisions of the organic law of any such foreign corporation or domestic or foreign nonprofit corporation or unincorporated entity.

(3) Any of the other terms or conditions of the plan if the change would adversely affect such shareholders, members, or interest holders in any material respect.

Sec. 150. Section 490.1103, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1103 Share exchange.

1. By complying with this subchapter all of the following apply:

a. A domestic corporation may acquire all of the shares of one or more classes or series of shares of another domestic or foreign corporation, or all of the eligible interests of one or more classes or series of interests of a domestic or foreign eligible entity, in exchange for shares or other securities, eligible interests, obligations, rights to acquire shares or other securities or eligible interests, cash, other property, or any combination of the foregoing, pursuant to a plan of share exchange.

b. All of the shares of one or more classes or series of shares of a domestic corporation may be acquired by another domestic or foreign corporation or eligible entity, in exchange for shares or other securities, eligible interests, obligations, rights to acquire shares or other securities or eligible interests, cash, other property, or any combination of the foregoing, pursuant to a plan of share exchange.

2. A foreign corporation or eligible entity may be the acquired entity in a share exchange only if the share exchange is permitted by the organic law of that corporation or other entity.

3. If the organic law or organic rules of a domestic eligible entity do not provide procedures for the approval of a share exchange, a plan of share exchange may be adopted and approved, and the share exchange effected, in accordance with the procedures, if any, for a merger. If the organic law or organic rules of a domestic eligible entity do not provide procedures for the approval of either a share exchange or a merger, a plan of share exchange may nonetheless be adopted and approved by the unanimous consent of all of the interest holders of such eligible entity whose interests will be exchanged under the plan of share exchange, and the share exchange may thereafter be effected as provided in the other provisions of this subchapter; and for purposes of applying this subchapter in such a case all of the following apply:

a. The eligible entity, its interest holders, interests, and articles of incorporation or other organic rules taken together shall be deemed to be a domestic business corporation, shareholders, shares and articles of incorporation, respectively and vice versa as the context may require.

b. If the business and affairs of the eligible entity are managed by a person or persons that are not identical to the members or interest holders, that person or those persons shall be deemed to be the board of directors.

4. The plan of share exchange must include all of the following:

a. The name of each domestic or foreign corporation or other eligible entity the shares or eligible interests of which will be acquired and the name of the domestic or foreign corporation or eligible entity that will acquire those shares or eligible interests.

b. The terms and conditions of the share exchange.

c. The manner and basis of exchanging shares of a domestic or foreign corporation or eligible interests in a domestic or foreign eligible entity the shares or eligible interests of which will be acquired under the share exchange for shares or other securities, eligible interests, obligations, rights to acquire shares, other securities, or eligible interests, cash, other property, or any combination of the foregoing.

d. Any other provisions required by the organic law governing the acquired entity or its articles of incorporation or organic rules.

5. The terms of a plan of share exchange may be made dependent on facts objectively ascertainable outside the plan in accordance with section 490.120, subsection 11.

6. A plan of share exchange may be amended only with the consent of each party to the share exchange, except as provided in the plan. A domestic entity may approve an amendment to a plan in any of the following manners:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. In the manner provided in the plan, except that shareholders, members, or interest holders that were entitled to vote on or consent to approval of the plan are entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, or other property to be received under the plan by the shareholders, members, or interest holders of the acquired entity.

(2) Any of the other terms or conditions of the plan if the change would adversely affect such shareholders, members, or interest holders in any material respect.

Sec. 151. Section 490.1104, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1104 Action on a plan of merger or share exchange.

In the case of a domestic corporation that is a party to a merger or the acquired entity in a share exchange, the plan of merger or share exchange shall be adopted in the following manner:

1. The plan of merger or share exchange shall first be adopted by the board of directors.
2. *a.* Except as provided in subsections 8, 10, and 12, and in section 490.1105, the plan of merger or share exchange shall then be approved by the shareholders. In submitting the plan of merger or share exchange to the shareholders for approval, the board of directors shall recommend that the shareholders approve the plan, or, in the case of an offer referred to in subsection 10, paragraph “*b*”, that the shareholders tender their shares to the offeror in response to the offer, unless any of the following apply:
 - (1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation.
 - (2) Section 490.826 applies.*b.* If either paragraph “*a*”, subparagraph (1) or (2), applies, the board shall inform the shareholders of the basis for its so proceeding.
3. The board of directors may set conditions for the approval of the plan of merger or share exchange by the shareholders or the effectiveness of the plan of merger or share exchange.
4. If the plan of merger or share exchange is required to be approved by the shareholders, and if the approval is to be given at a meeting, the corporation shall notify each shareholder, regardless of whether entitled to vote, of the meeting of shareholders at which the plan is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing foreign or domestic corporation or eligible entity, the notice must also include or be accompanied by a copy or summary of the articles of incorporation and bylaws or the organic rules of that corporation or eligible entity. If the corporation is to be merged with a domestic or foreign corporation or eligible entity and a new domestic or foreign corporation or eligible entity is to be created pursuant to the merger, the notice must include or be accompanied by a copy or a summary of the articles of incorporation and bylaws or the organic rules of the new corporation or eligible entity.
5. Unless the articles of incorporation, bylaws, or the board of directors acting pursuant to subsection 3, require a greater vote or a greater quorum, approval of the plan of merger or share exchange requires the approval of the shareholders at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the plan, and, if any class or series of shares is entitled to vote as a separate group on the plan of merger or share exchange, the approval of each such separate voting group at a meeting at which a quorum of the voting group is present consisting of a majority of the votes entitled to be cast on the merger or share exchange by that voting group.
6. Subject to subsection 7, separate voting by voting groups is required for each of the following:
 - a.* On a plan of merger, by each class or series of shares that are any of the following:
 - (1) To be converted under the plan of merger into shares, other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property, or any combination of the foregoing.
 - (2) Entitled to vote as a separate group on a provision in the plan that constitutes a proposed amendment to the articles of incorporation of a surviving corporation that requires action by separate voting groups under section 490.1004.
 - b.* On a plan of share exchange, by each class or series of shares included in the exchange, with each class or series constituting a separate voting group.
 - c.* On a plan of merger or share exchange, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of merger or share exchange, respectively.
7. The articles of incorporation may expressly limit or eliminate the separate voting rights provided in subsection 6, paragraph “*a*”, subparagraph (1), and subsection 6, paragraph “*b*”, as to any class or series of shares, except when all of the following apply:
 - a.* The plan of merger or share exchange includes what is or would be in effect an amendment subject to subsection 6, paragraph “*a*”, subparagraph (2).
 - b.* The plan of merger or share exchange will not effect a substantive business combination.
8. Unless the articles of incorporation otherwise provide, approval by the corporation’s shareholders of a plan of merger is not required if all of the following conditions are satisfied:
 - a.* The corporation will survive the merger.

b. Except for amendments permitted by section 490.1005, its articles of incorporation will not be changed.

c. Each shareholder of the corporation whose shares were outstanding immediately before the effective date of the merger or share exchange will hold the same number of shares, with identical preferences, rights, and limitations, immediately after the effective date of the merger.

d. The issuance in the merger of shares or other securities convertible into or rights exercisable for shares does not require a vote under section 490.621, subsection 6.

9. a. If, as a result of a merger or share exchange, one or more shareholders of a domestic corporation would become subject to new interest holder liability, approval of the plan of merger or share exchange requires the signing in connection with the transaction, by each such shareholder, of a separate written consent to become subject to such new interest holder liability.

b. Paragraph "a" does not apply in the case of a shareholder that already has interest holder liability with respect to such domestic corporation, if all of the following apply:

(1) The new interest holder liability is with respect to a domestic or foreign corporation, which may be a different or the same domestic corporation in which the person is a shareholder.

(2) The terms and conditions of the new interest holder liability are substantially identical to those of the existing interest holder liability, other than for changes that eliminate or reduce such interest holder liability.

10. Unless the articles of incorporation otherwise provide, approval by the shareholders of a plan of merger or share exchange is not required if all of the following apply:

a. The plan of merger or share exchange expressly permits or requires the merger or share exchange to be effected under this subsection and provides that, if the merger or share exchange is to be effected under this subsection, the merger or share exchange will be effected as soon as practicable following the satisfaction of the requirement set forth in paragraph "f".

b. Another party to the merger, the acquiring entity in the share exchange, or a parent of another party to the merger or the acquiring entity in the share exchange, makes an offer to purchase, on the terms provided in the plan of merger or share exchange, any and all of the outstanding shares of the corporation that, absent this subsection, would be entitled to vote on the plan of merger or share exchange, except that the offer may exclude shares of the corporation that are owned at the commencement of the offer by the corporation, the offeror, or any parent of the offeror, or by any wholly owned subsidiary of any of the foregoing.

c. The offer discloses that the plan of merger or share exchange provides that the merger or share exchange will be effected as soon as practicable following the satisfaction of the requirement set forth in paragraph "f" and that the shares of the corporation that are not tendered in response to the offer will be treated as set forth in paragraph "h".

d. The offer remains open for at least ten days.

e. The offeror purchases all shares properly tendered in response to the offer and not properly withdrawn.

f. The shares listed below are collectively entitled to cast at least the minimum number of votes on the merger or share exchange that, absent this subsection, would be required by this subchapter and by the articles of incorporation for the approval of the merger or share exchange by the shareholders and by any other voting group entitled to vote on the merger or share exchange at a meeting at which all shares entitled to vote on the approval were present and voted:

(1) Shares purchased by the offeror in accordance with the offer.

(2) Shares otherwise owned by the offeror or by any parent of the offeror or any wholly owned subsidiary of any of the foregoing.

(3) Shares subject to an agreement that they are to be transferred, contributed, or delivered to the offeror, any parent of the offeror, or any wholly owned subsidiary of any of the foregoing in exchange for shares or eligible interests in such offeror, parent, or subsidiary.

g. The offeror or a wholly owned subsidiary of the offeror merges with or into, or effects a share exchange in which it acquires shares of, the corporation.

h. Each outstanding share of each class or series of shares of the corporation that the offeror is offering to purchase in accordance with the offer, and that is not purchased in accordance with the offer, is to be converted in the merger into, or into the right to receive, or is to be exchanged in the share exchange for, or for the right to receive, the same amount and kind of securities, eligible interests, obligations, rights, cash, or other property to be paid or exchanged in accordance with the offer for each share of that class or series of shares that is tendered in response to the offer, except that shares of the corporation that are owned by the corporation or that are described in paragraph “f”, subparagraph (2) or (3), need not be converted into or exchanged for the consideration described in this paragraph “h”.

11. As used in subsection 10:

a. “Offer” means the offer referred to in subsection 10, paragraph “b”.

b. “Offeror” means the person making the offer.

c. “Parent” of an entity means a person that owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares of or eligible interests in that entity.

d. Shares tendered in response to the offer shall be deemed to have been “purchased” in accordance with the offer at the earliest time as of which the following applies:

(1) The offeror has irrevocably accepted those shares for payment.

(2) Either of the following applies:

(a) In the case of shares represented by certificates, the offeror, or the offeror’s designated depository or other agent, has physically received the certificates representing those shares.

(b) In the case of shares without certificates, those shares have been transferred into the account of the offeror or its designated depository or other agent, or an agent’s message relating to those shares has been received by the offeror or its designated depository or other agent.

e. “Wholly owned subsidiary” of a person means an entity of or in which that person owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares or eligible interests.

12. Unless the articles of incorporation otherwise provide, all of the following applies:

a. Approval of a plan of share exchange by the shareholders of a domestic corporation is not required if the corporation is the acquiring entity in the share exchange.

b. Shares not to be exchanged under the plan of share exchange are not entitled to vote on the plan.

Sec. 152. Section 490.1105, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1105 Merger between parent and subsidiary or between subsidiaries.

1. A domestic or foreign parent entity that owns shares of a domestic corporation which carry at least ninety percent of the voting power of each class and series of the outstanding shares of the subsidiary that has voting power may do any of the following:

a. Merge the subsidiary into itself, if it is a domestic or foreign corporation or eligible entity, or into another domestic or foreign corporation or eligible entity in which the parent entity owns at least ninety percent of the voting power of each class and series of the outstanding shares or eligible interests which have voting power.

b. Merge itself, if it is a domestic or foreign corporation or eligible entity, into such subsidiary, in either case without the approval of the board of directors or shareholders of the subsidiary, unless the articles of incorporation or organic rules of the parent entity or the articles of incorporation of the subsidiary corporation otherwise provide.

c. Section 490.1104, subsection 9, applies to a merger under this section. The articles of merger relating to a merger under this section do not need to be signed by the subsidiary.

2. A parent entity shall, within ten days after the effective date of a merger approved under subsection 1, notify each of the subsidiary’s shareholders that the merger has become effective.

3. Except as provided in subsections 1 and 2, a merger between a parent entity and a domestic subsidiary corporation shall be governed by the provisions of this subchapter applicable to mergers generally.

Sec. 153. Section 490.1106, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1106 Articles of merger or share exchange.

1. After a plan of merger has been adopted and approved as required by this chapter, or if the merger is being effected under section 490.1102, subsection 1, paragraph “b”, the merger has been approved as required by the organic law governing the parties to the merger, then articles of merger shall be signed by each party to the merger except as provided in section 490.1105, subsection 1. The articles must set forth all of the following:

a. The name, jurisdiction of formation, and type of entity of each party to the merger.
b. The name, jurisdiction of formation, and type of entity of the survivor.
c. If the survivor of the merger is a domestic corporation and its articles of incorporation are amended, or if a new domestic corporation is created as a result of the merger, any of the following:

(1) The amendments to the survivor’s articles of incorporation.

(2) The articles of incorporation of the new corporation.

d. If the survivor of the merger is a domestic eligible entity and its public organic record is amended, or if a new domestic eligible entity is created as a result of the merger, any of the following:

(1) The amendments to the public organic record of the survivor.

(2) The public organic record, if any, of the new eligible entity.

e. If the plan of merger required approval by the shareholders of a domestic corporation that is a party to the merger, a statement that the plan was duly approved by the shareholders and, if voting by any separate voting group was required, by each such separate voting group, in the manner required by this chapter and the articles of incorporation.

f. If the plan of merger or share exchange did not require approval by the shareholders of a domestic corporation that is a party to the merger, a statement to that effect.

g. As to each foreign corporation that is a party to the merger, a statement that the participation of the foreign corporation was duly authorized as required by its organic law.

h. As to each domestic or foreign eligible entity that is a party to the merger, a statement that the merger was approved in accordance with its organic law or section 490.1102, subsection 3.

i. If the survivor is created by the merger and is a domestic limited liability partnership, the filing required to become a limited liability partnership, as an attachment.

2. After a plan of share exchange in which the acquired entity is a domestic corporation or eligible entity has been adopted and approved as required by this chapter, articles of share exchange shall be signed by the acquired entity and the acquiring entity. The articles shall set forth all of the following:

a. The name of the acquired entity.

b. The name, jurisdiction of formation, and type of entity of the domestic or foreign corporation or eligible entity that is the acquiring entity.

c. A statement that the plan of share exchange was duly approved by the acquired entity by all of the following:

(1) The required vote or consent of each class or series of shares or eligible interests included in the exchange.

(2) The required vote or consent of each other class or series of shares or eligible interests entitled to vote on approval of the exchange by the articles of incorporation or organic rules of the acquired entity or section 490.1103, subsection 3.

3. In addition to the requirements of subsection 1 or 2, articles of merger or share exchange may contain any other provision not prohibited by law.

4. The articles of merger or share exchange shall be delivered to the secretary of state for filing and, subject to subsection 5, the merger or share exchange shall take effect on the effective date determined in accordance with section 490.123.

5. With respect to a merger in which one or more foreign entities is a party or a foreign entity created by the merger is the survivor, the merger itself shall become effective at the later of the following:

a. When all documents required to be filed in foreign jurisdictions to effect the merger have become effective.

b. When the articles of merger take effect.

6. Articles of merger filed under this section may be combined with any filing required under the organic law governing any domestic eligible entity involved in the transaction if the combined filing satisfies the requirements of both this section and the other organic law.

Sec. 154. Section 490.1107, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1107 Effect of merger or share exchange.

1. When a merger becomes effective, all of the following apply:

a. The domestic or foreign corporation or eligible entity that is designated in the plan of merger as the survivor continues or comes into existence, as the case may be.

b. The separate existence of every domestic or foreign corporation or eligible entity that is a party to the merger, other than the survivor, ceases.

c. All property owned by, and every contract right possessed by, each domestic or foreign corporation or eligible entity that is a party to the merger, other than the survivor, are the property and contract rights of the survivor without transfer, reversion, or impairment.

d. All debts, obligations, and other liabilities of each domestic or foreign corporation or eligible entity that is a party to the merger, other than the survivor, are debts, obligations, or liabilities of the survivor.

e. The name of the survivor may, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger.

f. If the survivor is a domestic entity, the articles of incorporation and bylaws or the organic rules of the survivor are amended to the extent provided in the plan of merger.

g. The articles of incorporation and bylaws or the organic rules of a survivor that is a domestic entity and is created by the merger become effective.

h. The shares of each domestic or foreign corporation that is a party to the merger, and the eligible interests in an eligible entity that is a party to a merger, that are to be converted in accordance with the terms of the merger into shares, or other securities, eligible interests, obligations, rights to acquire shares, other securities, or eligible interests, cash, other property, or any combination of the foregoing, are converted, and the former holders of such shares or eligible interests are entitled only to the rights provided to them by those terms or to any rights they may have under subchapter XIII or the organic law governing the eligible entity or foreign corporation.

i. Except as provided by law or the terms of the merger, all the rights, privileges, franchises, and immunities of each entity that is a party to the merger, other than the survivor, are the rights, privileges, franchises, and immunities of the survivor.

j. If the survivor exists before the merger, all of the following apply:

(1) All the property and contract rights of the survivor remain its property and contract rights without transfer, reversion, or impairment.

(2) The survivor remains subject to all its debts, obligations, and other liabilities.

(3) Except as provided by law or the plan of merger, the survivor continues to hold all of its rights, privileges, franchises, and immunities.

2. When a share exchange becomes effective, the shares or eligible interests in the acquired entity that are to be exchanged for shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, other property, or any combination of the foregoing, are entitled only to the rights provided to them in the plan of share exchange or to any rights they may have under subchapter XIII or under the organic law governing the acquired entity.

3. Except as otherwise provided in the articles of incorporation of a domestic corporation or the organic law governing or organic rules of a foreign corporation or a domestic or foreign eligible entity, the effect of a merger or share exchange on interest holder liability is as follows:

a. A person who becomes subject to new interest holder liability in respect of an entity as a result of a merger or share exchange shall have that new interest holder liability only in respect of interest holder liabilities that arise after the merger or share exchange becomes effective.

b. If a person had interest holder liability with respect to a party to the merger or the acquired entity before the merger or share exchange becomes effective with respect to shares

or eligible interests of such party or acquired entity which were exchanged in the merger or share exchange, were canceled in the merger, or the terms and conditions of which relating to interest holder liability were amended pursuant to the merger, then all of the following apply:

(1) The merger or share exchange does not discharge that prior interest holder liability with respect to any interest holder liabilities that arose before the merger or share exchange becomes effective.

(2) The provisions of the organic law governing any entity for which the person had that prior interest holder liability shall continue to apply to the collection or discharge of any interest holder liabilities preserved by subparagraph (1), as if the merger or share exchange had not occurred.

(3) The person shall have such rights of contribution from other persons as are provided by the organic law governing the entity for which the person had that prior interest holder liability with respect to any interest holder liabilities preserved by subparagraph (1), as if the merger or share exchange had not occurred.

(4) The person shall not, by reason of such prior interest holder liability, have interest holder liability with respect to any interest holder liabilities that arise after the merger or share exchange becomes effective.

c. If a person has interest holder liability both before and after a merger becomes effective with unchanged terms and conditions with respect to the entity that is the survivor by reason of owning the same shares or eligible interests before and after the merger becomes effective, the merger has no effect on such interest holder liability.

d. A share exchange has no effect on interest holder liability related to shares or eligible interests of the acquired entity that were not exchanged in the share exchange.

4. Upon a merger becoming effective, a foreign corporation, or a foreign eligible entity, that is the survivor of the merger is deemed to have done all of the following:

a. Appointed the secretary of state as its agent for service of process in a proceeding to enforce the rights of shareholders of each domestic corporation that is a party to the merger who exercise appraisal rights.

b. Agreed that it will promptly pay the amount, if any, to which such shareholders are entitled under subchapter XIII.

5. Except as provided in the organic law governing a party to a merger or in its articles of incorporation or organic rules, the merger does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of that party. The merger does not require a party to the merger to wind up its affairs and does not constitute or cause its dissolution or termination.

6. Property held for a charitable purpose under the law of this state by a domestic or foreign corporation or eligible entity immediately before a merger becomes effective shall not, as a result of the transaction, be diverted from the objects for which it was donated, granted, devised, or otherwise transferred except and to the extent permitted by or pursuant to the laws of this state addressing cy pres or dealing with nondiversion of charitable assets.

7. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to an entity that is a party to a merger that is not the survivor and which takes effect or remains payable after the merger inures to the survivor.

8. A trust obligation that would govern property if transferred to a nonsurviving entity applies to property that is transferred to the survivor after a merger becomes effective.

Sec. 155. Section 490.1108, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1108 Abandonment of a merger or share exchange.

1. After a plan of merger or share exchange has been adopted and approved as required by this subchapter, and before articles of merger or share exchange have become effective, the plan may be abandoned by a domestic business corporation that is a party to the plan without action by its shareholders in accordance with any procedures set forth in the plan of merger or share exchange or, if no such procedures are set forth in the plan, in the manner determined by the board of directors.

2. If a merger or share exchange is abandoned under subsection 1 after articles of merger or share exchange have been delivered to the secretary of state for filing but before the merger or share exchange has become effective, a statement of abandonment signed by all the parties that signed the articles of merger or share exchange shall be delivered to the secretary of state for filing before the articles of merger or share exchange become effective. The statement shall take effect on filing and the merger or share exchange shall be deemed abandoned and shall not become effective. The statement of abandonment must contain all of the following:

a. The name of each party to the merger or the names of the acquiring and acquired entities in a share exchange.

b. The date on which the articles of merger or share exchange were filed by the secretary of state.

c. A statement that the merger or share exchange has been abandoned in accordance with this section.

Sec. 156. Section 490.1201, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1201 Disposition of assets not requiring shareholder approval.

No approval of the shareholders is required to do any of the following, unless the articles of incorporation otherwise provide:

1. Sell, lease, exchange, or otherwise dispose of any of the corporation's assets in the usual and regular course of business.

2. Mortgage, pledge, dedicate to the repayment of indebtedness, whether with or without recourse, or otherwise encumber any or all of the corporation's assets, regardless of whether in the usual and regular course of business.

3. Transfer any or all of the corporation's assets to one or more domestic or foreign corporations or other entities, all of the shares or interests of which are owned by the corporation.

4. Distribute assets pro rata to the holders of one or more classes or series of the corporation's shares.

Sec. 157. Section 490.1202, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1202 Shareholder approval of certain dispositions.

1. A sale, lease, exchange, or other disposition of assets, other than a disposition described in section 490.1201, requires approval of the corporation's shareholders if the disposition would leave the corporation without a significant continuing business activity. A corporation will conclusively be deemed to have retained a significant continuing business activity if it retains a business activity that represented, for the corporation and its subsidiaries on a consolidated basis, at least twenty-five percent of total assets at the end of the most recently completed fiscal year, and either twenty-five percent of either income from continuing operations before taxes or twenty-five percent of revenues from continuing operations, in each case for the most recently completed fiscal year; but no presumption that the disposition will leave the corporation without a significant continuing business activity shall arise from the fact that the corporation's continuing business activity does not equal or exceed any of these percentages.

2. To obtain the approval of the shareholders under subsection 1, all of the following shall apply:

a. The board of directors shall first adopt a resolution authorizing the disposition. The disposition shall then be approved by the shareholders. In submitting the disposition to the shareholders for approval, the board of directors shall recommend that the shareholders approve the disposition, unless any of the following apply:

(1) The board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation.

(2) Section 490.826 applies.

b. If paragraph "a", subparagraph (1) or (2), applies, the board shall inform the shareholders of the basis for its so proceeding.

3. The board of directors may set conditions for the approval by the shareholders of a disposition or the effectiveness of the disposition.

4. If a disposition is required to be approved by the shareholders under subsection 1, and if the approval is to be given at a meeting, the corporation shall notify each shareholder, regardless of whether entitled to vote, of the meeting of shareholders at which the disposition is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the disposition and must contain a description of the disposition, including the terms and conditions of the disposition and the consideration to be received by the corporation.

5. Unless the articles of incorporation, bylaws, or the board of directors acting pursuant to subsection 3 require a greater vote or a greater quorum, the approval of a disposition by the shareholders shall require the approval of the shareholders at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the disposition.

6. After a disposition has been approved by the shareholders under this subchapter, and at any time before the disposition has been consummated, it may be abandoned by the corporation without action by the shareholders, subject to any contractual rights of other parties to the disposition.

7. A disposition of assets in the course of dissolution under subchapter XIV is not governed by this section.

8. The assets of a direct or indirect consolidated subsidiary shall be deemed to be the assets of the parent corporation for the purposes of this section.

Sec. 158. Section 490.1301, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1301 Subchapter definitions.

As used in this subchapter:

1. “*Affiliate*” means a person that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with another person or is a senior executive of such person. For purposes of section 490.1302, subsection 2, paragraph “d”, a person is deemed to be an affiliate of its senior executives.

2. “*Corporation*” means the domestic corporation that is the issuer of the shares held by a shareholder demanding appraisal and, for matters covered in sections 490.1322 through 490.1331, “*corporation*” includes the survivor of a merger.

3. “*Fair value*” means the value of the corporation’s shares determined according to the following:

a. Immediately before the effectiveness of the corporate action to which the shareholder objects.

b. Using customary and current valuation concepts and techniques generally employed for similar businesses in the context of the transaction requiring appraisal.

c. Without discounting for lack of marketability or minority status except, if appropriate, for amendments to the articles of incorporation pursuant to section 490.1302, subsection 1, paragraph “d”.

4. “*Interest*” means interest from the date the corporate action becomes effective until the date of payment, at the rate of interest on judgments in this state on the effective date of the corporate action.

5. “*Interested transaction*” means a corporate action described in section 490.1302, subsection 1, other than a merger pursuant to section 490.1105, involving an interested person in which any of the shares or assets of the corporation are being acquired or converted. As used in this subsection:

a. “*Beneficial owner*” means any person who, directly or indirectly, through any contract, arrangement, or understanding, other than a revocable proxy, has or shares the power to vote, or to direct the voting of, shares; except that a member of a national securities exchange is not deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person if the member is precluded by the rules of the exchange from voting without instruction on contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted. When two or more persons agree to act together for the purpose of voting their shares of the corporation, each member

of the group formed thereby is deemed to have acquired beneficial ownership, as of the date of the agreement, of all shares having voting power of the corporation beneficially owned by any member of the group.

b. “*Excluded shares*” means shares acquired pursuant to an offer for all shares having voting power if the offer was made within one year before the corporate action for consideration of the same kind and of a value equal to or less than that paid in connection with the corporate action.

c. “*Interested person*” means a person, or an affiliate of a person, who at any time during the one-year period immediately preceding approval by the board of directors of the corporate action was or had any of the following:

(1) Was the beneficial owner of twenty percent or more of the voting power of the corporation, other than as owner of excluded shares.

(2) Had the power, contractually or otherwise, other than as owner of excluded shares, to cause the appointment or election of twenty-five percent or more of the directors to the board of directors of the corporation.

(3) Was a senior executive or director of the corporation or a senior executive of any affiliate of the corporation, and that senior executive or director will receive, as a result of the corporate action, a financial benefit not generally available to other shareholders as such, other than any of the following:

(a) Employment, consulting, retirement, or similar benefits established separately and not as part of or in contemplation of the corporate action.

(b) Employment, consulting, retirement, or similar benefits established in contemplation of, or as part of, the corporate action that are not more favorable than those existing before the corporate action or, if more favorable, that have been approved on behalf of the corporation in the same manner as is provided in section 490.862.

(c) In the case of a director of the corporation who will, in the corporate action, become a director or governor of the acquiror or any of its affiliates, rights, and benefits as a director or governor that are provided on the same basis as those afforded by the acquiror generally to other directors or governors of such entity or such affiliate.

6. “*Preferred shares*” means a class or series of shares whose holders have preference over any other class or series of shares with respect to distributions.

7. “*Senior executive*” means the chief executive officer, chief operating officer, chief financial officer, and any individual in charge of a principal business unit or function.

8. “*Shareholder*” means a record shareholder, a beneficial shareholder, and a voting trust beneficial owner.

Sec. 159. Section 490.1302, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1302 Right to appraisal.

1. A shareholder is entitled to appraisal rights, and to obtain payment of the fair value of that shareholder’s shares, in the event of any of the following corporate actions:

a. Consummation of a merger to which the corporation is a party if any of the following apply:

(1) Shareholder approval is required for the merger by section 490.1104 or would be required but for the provisions of section 490.1104, subsection 10, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger.

(2) The corporation is a subsidiary and the merger is governed by section 490.1105.

b. Consummation of a share exchange to which the corporation is a party the shares of which will be acquired, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not acquired in the share exchange.

c. Consummation of a disposition of assets pursuant to section 490.1202 if the shareholder is entitled to vote on the disposition, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series if all of the following apply:

(1) Under the terms of the corporate action approved by the shareholders there is to be distributed to shareholders in cash the corporation's net assets, in excess of a reasonable amount reserved to meet claims of the type described in sections 490.1406 and 490.1407, if the distribution is made subject to all of the following:

(a) Within one year after the shareholders' approval of the action.

(b) In accordance with the shareholders' respective interests determined at the time of distribution.

(2) The disposition of assets is not an interested transaction.

d. An amendment of the articles of incorporation with respect to a class or series of shares that reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created.

e. Any other merger, share exchange, disposition of assets, or amendment to the articles of incorporation, in each case to the extent provided by the articles of incorporation, bylaws, or a resolution of the board of directors.

f. Consummation of a domestication pursuant to section 490.920 if the shareholder does not receive shares in the foreign corporation resulting from the domestication that have terms as favorable to the shareholder in all material respects, and represent at least the same percentage interest of the total voting rights of the outstanding shares of the foreign corporation, as the shares held by the shareholder before the domestication.

g. Consummation of a conversion of the corporation to a nonprofit corporation pursuant to section 490.930.

h. Consummation of a conversion of the corporation to an unincorporated entity pursuant to section 490.930.

2. Notwithstanding subsection 1, the availability of appraisal rights under subsection 1, paragraphs "a", "b", "c", "d", "f", and "h", shall be limited in accordance with the following provisions:

a. Appraisal rights shall not be available for the holders of shares of any class or series of shares which is any of the following:

(1) A covered security under section 18(b)(1)(A) or (B) of the federal Securities Act of 1933, as amended.

(2) Traded in an organized market and has at least two thousand shareholders and a market value of at least twenty million dollars, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives and directors, and by any beneficial shareholder and any voting trust beneficial owner owning more than ten percent of such shares.

(3) Issued by an open-end management investment company registered with the United States securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., and which may be redeemed at the option of the holder at net asset value.

b. The applicability of paragraph "a" shall be determined according to the following:

(1) The record date fixed to determine the shareholders entitled to receive notice of the meeting of shareholders to act upon the corporate action requiring appraisal rights or in the case of an offer made pursuant to section 490.1104, subsection 10, the date of such offer.

(2) If there is no meeting of shareholders and no offer made pursuant to section 490.1104, subsection 10, the day before the consummation of the corporate action or effective date of the amendment of the articles of incorporation, as applicable.

c. Paragraph "a" shall not be applicable and appraisal rights shall be available pursuant to subsection 1 under the following circumstances:

(1) For the holders of any class or series of shares who are required by the terms of the corporate action requiring appraisal rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in paragraph "a", at the time the corporate action becomes effective.

(2) For the holders of any class or series of shares, in the case of the consummation of a disposition of assets pursuant to section 490.1202, unless the cash, shares, or proprietary interests received in the disposition are, under the terms of the corporate action approved

by the shareholders, to be distributed to the shareholders, as part of a distribution to shareholders of the net assets of the corporation in excess of a reasonable amount to meet claims of the type described in sections 490.1406 and 490.1407, if the distribution is made subject to all of the following:

(a) Within one year after the shareholders' approval of the action.

(b) In accordance with the shareholders' respective interests determined at the time of the distribution.

d. Paragraph "a" shall not be applicable and appraisal rights shall be available pursuant to subsection 1 for the holders of any class or series of shares where the corporate action is an interested transaction.

3. Notwithstanding any other provision of this section, the articles of incorporation as originally filed or any amendment to the articles of incorporation may limit or eliminate appraisal rights for any class or series of preferred shares, except that the following shall apply:

a. Except as provided in paragraph "b", no such limitation or elimination shall be effective if the class or series does not have the right to vote separately as a voting group, alone or as part of a group, on the action or if the action is a conversion under section 490.930, or a merger having a similar effect as a conversion in which the converted entity is an eligible entity.

b. Any such limitation or elimination contained in an amendment to the articles of incorporation that limits or eliminates appraisal rights for any of such shares that are outstanding immediately before the effective date of such amendment or that the corporation is or may be required to issue or sell thereafter pursuant to any conversion, exchange, or other right existing immediately before the effective date of such amendment, shall not apply to any corporate action that becomes effective within one year after the effective date of such amendment if such action would otherwise afford appraisal rights.

Sec. 160. Section 490.1303, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1303 Assertion of rights by nominees and beneficial shareholders.

1. A record shareholder may assert appraisal rights as to fewer than all the shares registered in the record shareholder's name but owned by a beneficial shareholder or a voting trust beneficial owner only if the record shareholder objects with respect to all shares of a class or series owned by the beneficial shareholder or the voting trust beneficial owner and notifies the corporation in writing of the name and address of each beneficial shareholder or voting trust beneficial owner on whose behalf appraisal rights are being asserted. The rights of a record shareholder who asserts appraisal rights for only part of the shares held of record in the record shareholder's name under this subsection shall be determined as if the shares as to which the record shareholder objects and the record shareholder's other shares were registered in the names of different record shareholders.

2. A beneficial shareholder and a voting trust beneficial owner may assert appraisal rights as to shares of any class or series held on behalf of the shareholder only if such shareholder does all of the following:

a. Submits to the corporation the record shareholder's written consent to the assertion of such rights no later than the date referred to in section 490.1322, subsection 2, paragraph "b", subparagraph (2).

b. Does so with respect to all shares of the class or series that are beneficially owned by the beneficial shareholder or the voting trust beneficial owner.

Sec. 161. Section 490.1320, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1320 Notice of appraisal rights.

1. Where any corporate action specified in section 490.1302, subsection 1, is to be submitted to a vote at a shareholders' meeting, the meeting notice, or where no approval of such action is required pursuant to section 490.1104, subsection 10, the offer made pursuant to that section, must state that the corporation has concluded that appraisal rights are, are not, or may be available under this subchapter. If the corporation concludes that appraisal

rights are or may be available, a copy of this subchapter must accompany the meeting notice or offer sent to those record shareholders entitled to exercise appraisal rights.

2. In a merger pursuant to section 490.1105, the parent entity shall notify in writing all record shareholders of the subsidiary who are entitled to assert appraisal rights that the corporate action became effective. Such notice shall be sent within ten days after the corporate action became effective and include the materials described in section 490.1322.

3. Where any corporate action specified in section 490.1302, subsection 1, is to be approved by written consent of the shareholders pursuant to section 490.704, all of the following apply:

a. Written notice that appraisal rights are, are not, or may be available shall be sent to each record shareholder from whom a consent is solicited at the time consent of such shareholder is first solicited and, if the corporation has concluded that appraisal rights are or may be available, the notice must be accompanied by a copy of this subchapter.

b. Written notice that appraisal rights are, are not, or may be available must be delivered together with the notice to nonconsenting and nonvoting shareholders required by section 490.704, subsections 5 and 6, may include the materials described in section 490.1322, and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this subchapter.

4. Where corporate action described in section 490.1302, subsection 1, is proposed, or a merger pursuant to section 490.1105 is effected, the notice referred to in subsection 1 or 3, if the corporation concludes that appraisal rights are or may be available, and in subsection 2 must be accompanied by all of the following:

a. Financial statements of the corporation that issued the shares that may be subject to appraisal, consisting of a balance sheet as of the end of a fiscal year ending not more than sixteen months before the date of the notice, an income statement for that year, and a cash flow statement for that year; provided that, if such financial statements are not reasonably available, the corporation shall provide reasonably equivalent financial information.

b. The latest interim financial statements of such corporation, if any.

5. The right to receive the information described in subsection 4 may be waived in writing by a shareholder before or after the corporate action.

Sec. 162. Section 490.1321, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1321 Notice of intent to demand payment and consequences of voting or consenting.

1. If a corporate action specified in section 490.1302, subsection 1, is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares must do all of the following:

a. Deliver to the corporation, before the vote is taken, written notice of the shareholder's intent to demand payment if the proposed action is effectuated.

b. Not vote, or cause or permit to be voted, any shares of such class or series in favor of the proposed action.

2. If a corporate action specified in section 490.1302, subsection 1, is to be approved by written consent, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares shall not sign a consent in favor of the proposed action with respect to that class or series of shares.

3. If a corporate action specified in section 490.1302, subsection 1, does not require shareholder approval pursuant to section 490.1104, subsection 10, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares must do all of the following:

a. Deliver to the corporation before the shares are purchased pursuant to the offer written notice of the shareholder's intent to demand payment if the proposed action is effected.

b. Not tender, or cause or permit to be tendered, any shares of such class or series in response to such offer.

4. A shareholder who fails to satisfy the requirements of subsection 1, 2, or 3 is not entitled to payment under this subchapter.

Sec. 163. Section 490.1322, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1322 Appraisal notice and form.

1. If a corporate action requiring appraisal rights under section 490.1302, subsection 1, becomes effective, the corporation shall deliver a written appraisal notice and form required by subsection 2, to all shareholders who satisfy the requirements of section 490.1321, subsection 1, 2, or 3. In the case of a merger under section 490.1105, the parent shall deliver an appraisal notice and form to all record shareholders who may be entitled to assert appraisal rights.

2. The appraisal notice shall be delivered no earlier than the date the corporate action specified in section 490.1302, subsection 1, became effective, and no later than ten days after such date, and must do all of the following:

a. Supply a form that does all of the following:

(1) Specifies the first date of any announcement to shareholders made before the date the corporate action became effective of the principal terms of the proposed corporate action.

(2) If such announcement was made, requires the shareholder asserting appraisal rights to certify whether beneficial ownership of those shares for which appraisal rights are asserted was acquired before that date.

(3) Requires the shareholder asserting appraisal rights to certify that such shareholder did not vote for or consent to the transaction as to the class or series of shares for which appraisal is sought.

b. State all of the following:

(1) Where the form shall be sent and where certificates for certificated shares shall be deposited and the date by which those certificates must be deposited, which date shall not be earlier than the date by which the corporation must receive the required form under subparagraph (2).

(2) A date by which the corporation shall receive the form, which date shall not be fewer than forty nor more than sixty days after the date the appraisal notice is sent under subsection 1, and state that the shareholder shall have waived the right to demand appraisal with respect to the shares unless the form is received by the corporation by such specified date.

(3) The corporation's estimate of the fair value of the shares.

(4) That, if requested in writing, the corporation will provide, to the shareholder so requesting, within ten days after the date specified in subparagraph (2) the number of shareholders who return the forms by the specified date and the total number of shares owned by them.

(5) The date by which the notice to withdraw under section 490.1323 shall be received, which date shall be within twenty days after the date specified in subparagraph (2).

c. Be accompanied by a copy of this subchapter.

Sec. 164. Section 490.1323, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1323 Perfection of rights — right to withdraw.

1. A shareholder who receives notice pursuant to section 490.1322 and who wishes to exercise appraisal rights shall sign and return the form sent by the corporation and, in the case of certificated shares, deposit the shareholder's certificates in accordance with the terms of the notice by the date referred to in the notice pursuant to section 490.1322, subsection 2, paragraph "b", subparagraph (2). In addition, if applicable, the shareholder shall certify on the form whether the beneficial owner of such shares acquired beneficial ownership of the shares before the date required to be set forth in the notice pursuant to section 490.1322, subsection 2, paragraph "a", subparagraph (1). If a shareholder fails to make this certification, the corporation may elect to treat the shareholder's shares as after-acquired shares under section 490.1325. Once a shareholder deposits that shareholder's certificates or, in the case of uncertificated shares, returns the signed forms, that shareholder loses all rights as a shareholder, unless the shareholder withdraws pursuant to subsection 2.

2. A shareholder who has complied with subsection 1 may nevertheless decline to exercise appraisal rights and withdraw from the appraisal process by so notifying the corporation in writing by the date set forth in the appraisal notice pursuant to section 490.1322, subsection 2,

paragraph “b”, subparagraph (5). A shareholder who fails to so withdraw from the appraisal process shall not thereafter withdraw without the corporation’s written consent.

3. A shareholder who does not sign and return the form and, in the case of certificated shares, deposit that shareholder’s share certificates where required, each by the date set forth in the notice described in section 490.1322, subsection 2, shall not be entitled to payment under this subchapter.

Sec. 165. Section 490.1324, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1324 Payment.

1. Except as provided in section 490.1325, within thirty days after the form required by section 490.1322, subsection 2, paragraph “b”, subparagraph (2), is due, the corporation shall pay in cash to those shareholders who complied with section 490.1323, subsection 1, the amount the corporation estimates to be the fair value of their shares, plus interest.

2. The payment to each shareholder pursuant to subsection 1 must be accompanied by all of the following:

a. (1) Financial statements of the corporation that issued the shares to be appraised, consisting of a balance sheet as of the end of a fiscal year ending not more than sixteen months before the date of payment, an income statement for that year, and a cash flow statement for that year; provided that, if such annual financial statements are not reasonably available, the corporation shall provide reasonably equivalent financial information.

(2) The latest interim financial statements of such corporation, if any.

b. A statement of the corporation’s estimate of the fair value of the shares, which estimate shall equal or exceed the corporation’s estimate given pursuant to section 490.1322, subsection 2, paragraph “b”, subparagraph (3).

c. A statement that shareholders described in subsection 1 have the right to demand further payment under section 490.1326 and that if any such shareholder does not do so within the time period specified in section 490.1326, subsection 2, such shareholder shall be deemed to have accepted the payment under subsection 1 in full satisfaction of the corporation’s obligations under this subchapter.

Sec. 166. Section 490.1325, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1325 After-acquired shares.

1. A corporation may elect to withhold payment required by section 490.1324 from any shareholder who was required to, but did not certify that beneficial ownership of all of the shareholder’s shares for which appraisal rights are asserted was acquired before the date set forth in the appraisal notice sent pursuant to section 490.1322, subsection 2, paragraph “a”.

2. If the corporation elected to withhold payment under subsection 1, within thirty days after the form required by section 490.1322, subsection 2, paragraph “b”, subparagraph (2), is due, the corporation shall notify all shareholders who are described in subsection 1 regarding all of the following:

a. Of the information required by section 490.1324, subsection 2, paragraph “a”.

b. Of the corporation’s estimate of fair value pursuant to section 490.1324, subsection 2, paragraph “b”.

c. That they may accept the corporation’s estimate of fair value, plus interest, in full satisfaction of their demands or demand appraisal under section 490.1326.

d. That those shareholders who wish to accept such offer shall so notify the corporation of their acceptance of the corporation’s offer within thirty days after receiving the offer.

e. That those shareholders who do not satisfy the requirements for demanding appraisal under section 490.1326 shall be deemed to have accepted the corporation’s offer.

3. Within ten days after receiving the shareholder’s acceptance pursuant to subsection 2, paragraph “d”, the corporation shall pay in cash the amount it offered under subsection 2, paragraph “b”, plus interest to each shareholder who agreed to accept the corporation’s offer in full satisfaction of the shareholder’s demand.

4. Within forty days after delivering the notice described in subsection 2, the corporation shall pay in cash the amount it offered to pay under subsection 2, paragraph “b”, plus interest to each shareholder described in subsection 2, paragraph “e”.

Sec. 167. Section 490.1326, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1326 Procedure if shareholder dissatisfied with payment or offer.

1. A shareholder paid pursuant to section 490.1324 who is dissatisfied with the amount of the payment shall notify the corporation in writing of that shareholder’s estimate of the fair value of the shares and demand payment of that estimate, less any payment under section 490.1324 plus interest. A shareholder offered payment under section 490.1325 who is dissatisfied with that offer shall reject the offer and demand payment of the shareholder’s stated estimate of the fair value of the shares plus interest.

2. A shareholder who fails to notify the corporation in writing of that shareholder’s demand to be paid the shareholder’s stated estimate of the fair value plus interest under subsection 1 within thirty days after receiving the corporation’s payment or offer of payment under section 490.1324 or 490.1325, respectively, waives the right to demand payment under this section and shall be entitled only to the payment made or offered pursuant to those respective sections.

Sec. 168. Section 490.1330, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1330 Court action.

1. If a shareholder makes a demand for payment under section 490.1326 which remains unsettled, the corporation shall commence a proceeding within sixty days after receiving the payment demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation does not commence the proceeding within the sixty-day period, it shall pay in cash to each shareholder the amount the shareholder demanded pursuant to section 490.1326 plus interest.

2. The corporation shall commence the proceeding in the district court of the county where the corporation’s principal office or, if none, its registered office, in this state is located. If the corporation is a foreign corporation without a registered office in this state, it shall commence the proceeding in the county in this state where the principal office or registered office of the domestic corporation merged with the foreign corporation was located at the time of the transaction.

3. The corporation shall make all shareholders, regardless of whether they are residents of this state, whose demands remain unsettled parties to the proceeding as in an action against their shares, and all parties shall be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

4. The jurisdiction of the court in which the proceeding is commenced under subsection 2 is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have the powers described in the order appointing them, or in any amendment to it. The shareholders demanding appraisal rights are entitled to the same discovery rights as parties in other civil proceedings. There shall be no right to a jury trial.

5. Each shareholder made a party to the proceeding is entitled to judgment for any of the following:

a. The amount, if any, by which the court finds the fair value of the shareholder’s shares exceeds the amount paid by the corporation to the shareholder for such shares, plus interest.

b. The fair value, plus interest, of the shareholder’s shares for which the corporation elected to withhold payment under section 490.1325.

Sec. 169. Section 490.1331, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1331 Court costs and expenses.

1. The court in an appraisal proceeding commenced under section 490.1330 shall determine all court costs of the proceeding, including the reasonable compensation and

expenses of appraisers appointed by the court. The court shall assess the court costs against the corporation, except that the court may assess court costs against all or some of the shareholders demanding appraisal, in amounts which the court finds equitable, to the extent the court finds such shareholders acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this subchapter.

2. The court in an appraisal proceeding may also assess the expenses of the respective parties in amounts the court finds equitable, against any of the following:

a. The corporation and in favor of any or all shareholders demanding appraisal if the court finds the corporation did not substantially comply with the requirements of section 490.1320, 490.1322, 490.1324, or 490.1325.

b. Either the corporation or a shareholder demanding appraisal, in favor of any other party, if the court finds that the party against whom expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this subchapter.

3. If the court in an appraisal proceeding finds that the expenses incurred by any shareholder were of substantial benefit to other shareholders similarly situated and that such expenses should not be assessed against the corporation, the court may direct that such expenses be paid out of the amounts awarded the shareholders who were benefited.

4. To the extent the corporation fails to make a required payment pursuant to section 490.1324, 490.1325, or 490.1326, the shareholder may sue directly for the amount owed, and to the extent successful, shall be entitled to recover from the corporation all expenses of the suit.

Sec. 170. Section 490.1340, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1340 Other remedies limited.

1. The legality of a proposed or completed corporate action described in section 490.1302, subsection 1, shall not be contested, nor may the corporate action be enjoined, set aside, or rescinded, in a legal or equitable proceeding by a shareholder after the shareholders have approved the corporate action.

2. Subsection 1 does not apply to a corporate action that meets any of the following conditions:

a. Was not authorized and approved in accordance with the applicable provisions of any of the following:

(1) Subchapter IX, X, XI, or XII.

(2) The articles of incorporation or bylaws.

(3) The resolution of the board of directors authorizing the corporate action.

b. Was procured as a result of fraud, a material misrepresentation, or an omission of a material fact necessary to make statements made, in light of the circumstances in which they were made, not misleading.

c. Is an interested transaction, unless it has been recommended by the board of directors in the same manner as is provided in section 490.862 and has been approved by the shareholders in the same manner as is provided in section 490.863 as if the interested transaction were a director's conflicting interest transaction.

d. Is approved by less than unanimous consent of the voting shareholders pursuant to section 490.704 if all of the following apply:

(1) The challenge to the corporate action is brought by a shareholder who did not consent and as to whom notice of the approval of the corporate action was not effective at least ten days before the corporate action was effected.

(2) The proceeding challenging the corporate action is commenced within ten days after notice of the approval of the corporate action is effective as to the shareholder bringing the proceeding.

Sec. 171. Section 490.1402, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1402 Dissolution by board of directors and shareholders.

1. The board of directors may propose dissolution for submission to the shareholders by first adopting a resolution authorizing the dissolution.

2. *a.* For a proposal to dissolve to be adopted, it shall then be approved by the shareholders. In submitting the proposal to dissolve to the shareholders for approval, the board of directors shall recommend that the shareholders approve the dissolution, unless any of the following apply:

(1) The board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation.

(2) Section 490.826 applies.

b. If paragraph “*a*”, subparagraph (1) or (2), applies, the board shall inform the shareholders of the basis for its so proceeding.

3. The board of directors may set conditions for the approval of the proposal for dissolution by shareholders or the effectiveness of the dissolution.

4. If the approval of the shareholders is to be given at a meeting, the corporation shall notify each shareholder, regardless of whether entitled to vote, of the meeting of shareholders at which the dissolution is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider dissolving the corporation.

5. Unless the articles of incorporation, bylaws, or the board of directors acting pursuant to subsection 3 require a greater vote, a greater quorum, or a vote by voting groups, adoption of the proposal to dissolve shall require the approval of the shareholders at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the proposal to dissolve.

Sec. 172. Section 490.1403, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1403 Articles of dissolution.

1. At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth all of the following:

a. The name of the corporation.

b. The date that dissolution was authorized.

c. If dissolution was approved by the shareholders, a statement that the proposal to dissolve was duly approved by the shareholders in the manner required by this chapter and by the articles of incorporation and bylaws.

2. The articles of dissolution shall take effect at the effective date determined in accordance with section 490.123. A corporation is dissolved upon the effective date of its articles of dissolution.

3. As used in this part, “*dissolved corporation*” means a corporation whose articles of dissolution have become effective and includes a successor entity to which the remaining assets of the corporation are transferred subject to its liabilities for purposes of liquidation.

Sec. 173. Section 490.1404, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1404 Revocation of dissolution.

1. A corporation may revoke its dissolution within one hundred twenty days after its effective date.

2. Revocation of dissolution shall be authorized in the same manner as the dissolution was authorized unless that authorization permitted revocation by action of the board of directors alone, in which event the board of directors may revoke the dissolution without shareholder action.

3. After the revocation of dissolution is authorized, the corporation may revoke the dissolution by delivering to the secretary of state for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth all of the following:

a. The name of the corporation.

b. The effective date of the dissolution that was revoked.

c. The date that the revocation of dissolution was authorized.

d. If the corporation’s board of directors or incorporators revoked the dissolution, a statement to that effect.

e. If the corporation's board of directors revoked a dissolution as authorized by the shareholders, a statement that revocation was permitted by action by the board of directors alone pursuant to that authorization.

f. If shareholder action was required to revoke the dissolution, a statement that the revocation was duly approved by the shareholders in the manner required by this chapter and by the articles of incorporation and bylaws.

4. The articles of revocation of dissolution shall take effect at the effective date determined in accordance with section 490.123. Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.

5. When the revocation of dissolution is effective, it relates back to and takes effect as of the effective date of the dissolution and the corporation resumes carrying on its business as if the dissolution had never occurred.

Sec. 174. Section 490.1405, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1405 Effect of dissolution.

1. A corporation that has dissolved continues its corporate existence but the dissolved corporation shall not carry on any business except that appropriate to wind up and liquidate its business and affairs, including by doing any of the following:

- a. Collecting its assets.
- b. Disposing of its properties that will not be distributed in kind to its shareholders.
- c. Discharging or making provision for discharging its liabilities.
- d. Making distributions of its remaining assets among its shareholders according to their interests.
- e. Doing every other act necessary to wind up and liquidate its business and affairs.

2. Dissolution of a corporation does not do any of the following:

- a. Transfer title to the corporation's property.
- b. Prevent transfer of its shares or securities.
- c. Subject its directors or officers to standards of conduct different from those prescribed in subchapter VIII.

d. Change any of the following:

- (1) Quorum or voting requirements for its board of directors or shareholders.
- (2) Provisions for selection, resignation, or removal of its directors or officers or both.
- (3) Provisions for amending its bylaws.

e. Prevent commencement of a proceeding by or against the corporation in its corporate name.

f. Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution.

g. Terminate the authority of the registered agent of the corporation.

3. A distribution in liquidation under this section may only be made by a dissolved corporation. For purposes of determining the shareholders entitled to receive a distribution in liquidation, the board of directors may fix a record date for determining shareholders entitled to a distribution in liquidation, which date shall not be retroactive. If the board of directors does not fix a record date for determining shareholders entitled to a distribution in liquidation, the record date is the date the board of directors authorizes the distribution in liquidation.

Sec. 175. Section 490.1406, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1406 Known claims against dissolved corporation.

1. A dissolved corporation may dispose of the known claims against it by notifying its known claimants in writing of the dissolution at any time after its effective date.

2. The written notice must do all of the following:

- a. Describe information that must be included in a claim.
- b. Provide a mailing address where a claim may be sent.

c. State the deadline, which must not be fewer than one hundred twenty days after the written notice is effective, by which the dissolved corporation shall receive the claim.

- d. State that the claim will be barred if not received by the deadline.
3. A claim against the dissolved corporation is barred if any of the following occurs:
 - a. A claimant who was given written notice under subsection 2 does not deliver the claim to the dissolved corporation by the deadline.
 - b. A claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within ninety days after the rejection notice is effective.
 4. As used in this section, “claim” does not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

Sec. 176. Section 490.1407, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1407 Other claims against dissolved corporation.

1. A dissolved corporation may publish notice of its dissolution and request that persons with claims against the dissolved corporation present them in accordance with the notice.
2. The notice must meet all of the following requirements:
 - a. Be published in compliance with any of the following:
 - (1) One time in a newspaper of general circulation in the county where the dissolved corporation’s principal office, or, if none in this state, its registered office, is or was last located.
 - (2) Be posted conspicuously for at least thirty days on the dissolved corporation’s internet site.
 - b. Describe the information that must be included in a claim and provide a mailing address where the claim may be sent.
 - c. State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.
3. If the dissolved corporation publishes a notice in accordance with subsection 2, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within three years after the publication date of the notice:
 - a. A claimant who was not given written notice under section 490.1406.
 - b. A claimant whose claim was timely sent to the dissolved corporation but not acted on by the corporation.
 - c. A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.
4. A claim that is not barred by section 490.1406, subsection 2, or subsection 3 of this section, may be enforced in any of the following ways:
 - a. Against the dissolved corporation, to the extent of its undistributed assets.
 - b. Except as provided in section 490.1408, subsection 4, if the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of the shareholder’s pro rata share of the claim or the corporate assets distributed to the shareholder in liquidation, whichever is less, but a shareholder’s total liability for all claims under this section shall not exceed the total amount of assets distributed to the shareholder in liquidation.

Sec. 177. Section 490.1409, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1409 Director duties.

1. Directors shall cause the dissolved corporation to discharge or make reasonable provision for the payment of claims and make distributions in liquidation of assets to shareholders after payment or provision for claims.
2. Directors of a dissolved corporation which has disposed of claims under section 490.1406, 490.1407, or 490.1408 shall not be liable for breach of subsection 1 with respect to claims against the dissolved corporation that are barred or satisfied under section 490.1406, 490.1407, or 490.1408.

Sec. 178. Section 490.1420, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1420 Grounds for administrative dissolution.

The secretary of state may commence a proceeding under section 490.1421 to dissolve a corporation administratively, if any of the following apply:

1. The corporation does not pay within sixty days after they are due any fees, taxes, interest, or penalties imposed by this chapter or other laws of this state.
2. The corporation does not deliver its biennial report required by section 490.1622 to the secretary of state within sixty days after it is due.
3. The corporation is without a registered agent or registered office in this state for sixty days or more.
4. The secretary of state has not been notified within sixty days that the corporation's registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.
5. The corporation's period of duration stated in its articles of incorporation expires.

Sec. 179. Section 490.1421, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1421 Procedure for and effect of administrative dissolution.

1. If the secretary of state determines that one or more grounds exist under section 490.1420 for dissolving a corporation, the secretary of state shall serve the corporation with written notice of such determination under section 490.504.

2. If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty days after service of the notice under section 490.504, the secretary of state shall administratively dissolve the corporation by signing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the corporation under section 490.504.

3. A corporation administratively dissolved continues its corporate existence but shall not carry on any business except that necessary to wind up and liquidate its business and affairs under section 490.1405 and notify claimants under sections 490.1406 and 490.1407.

4. The administrative dissolution of a corporation does not terminate the authority of its registered agent.

Sec. 180. Section 490.1422, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1422 Reinstatement following administrative dissolution.

1. A corporation administratively dissolved under section 490.1421 may apply to the secretary of state for reinstatement at any time after the effective date of dissolution. The application must meet all of the following requirements:

a. State the name of the corporation at its date of dissolution and the effective date of its administrative dissolution.

b. State that the ground or grounds for dissolution either did not exist or have been eliminated.

c. If the application is received more than five years after the effective date of dissolution, state a corporate name that satisfies the requirements of section 490.401.

d. State the federal tax identification number of the corporation.

2. a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the department of workforce development. The department shall report to the secretary of state the tax status of the corporation. If 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.

b. (1) If the secretary of state determines that the application contains the information required by subsection 1, and that a delinquency or liability reported pursuant to paragraph "a" has been satisfied, and that the information is correct, the secretary of state shall cancel

the certificate of dissolution and prepare a certificate of reinstatement that recites the secretary of state's determination and the effective date of reinstatement, file the certificate of reinstatement, and deliver a copy to the corporation under section 490.504.

(2) If the corporate name in subsection 1, paragraph "c", is different from the corporate name in subsection 1, paragraph "a", the certificate of reinstatement shall constitute an amendment to the articles of incorporation insofar as it pertains to the corporate name. A corporation shall not relinquish the right to retain its corporate name if the reinstatement is effective within five years of the effective date of the corporation's dissolution.

3. When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution as if the administrative dissolution had never occurred.

Sec. 181. Section 490.1423, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1423 Appeal from denial of reinstatement.

1. If the secretary of state denies a corporation's application for reinstatement following administrative dissolution, the secretary of state shall serve the corporation under section 490.504 with a written notice that explains the reason or reasons for denial.

2. The corporation may appeal the denial of reinstatement to the district court of the county where the corporation's principal office or, if none in this state, its registered office, is located within thirty days after service of the notice of denial is effected. The corporation appeals by petitioning the court to set aside the dissolution and attaching to the petition copies of the secretary of state's certificate of dissolution, the corporation's application for reinstatement, and the secretary of state's notice of denial.

3. The court may summarily order the secretary of state to reinstate the dissolved corporation or may take other action the court considers appropriate.

4. The court's final decision may be appealed as in other civil proceedings.

Sec. 182. Section 490.1430, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1430 Grounds for judicial dissolution.

1. The district court may dissolve a corporation in any of the following ways:

a. A proceeding by the attorney general if it is established that any of the following apply:

(1) The corporation obtained its articles of incorporation through fraud.

(2) The corporation has continued to exceed or abuse the authority conferred upon it by law.

b. A proceeding by a shareholder if it is established that any of the following conditions exist:

(1) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered, or the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally, because of the deadlock.

(2) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent.

(3) The shareholders are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired.

(4) The corporate assets are being misapplied or wasted.

c. A proceeding by a creditor if it is established that any of the following applies:

(1) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent.

(2) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent.

d. A proceeding by the corporation to have its voluntary dissolution continued under court supervision.

e. A proceeding by a shareholder if the corporation has abandoned its business and has failed within a reasonable time to liquidate and distribute its assets and dissolve.

2. Subsection 1, paragraph “b”, shall not apply in the case of a corporation that, on the date of the filing of the proceeding, has a class or series of shares which is any of the following:

a. A covered security under section 18(b)(1)(A) or (B) of the federal Securities Act of 1933.

b. Not a covered security, but is held by at least three hundred shareholders and the shares outstanding have a market value of at least twenty million dollars, exclusive of the value of such shares held by the corporation’s subsidiaries, senior executives, directors, and if they own more than ten percent of such shares, beneficial shareholders, and voting trust beneficial owners.

3. a. As used in subsection 1, “shareholder” means a record shareholder, a beneficial shareholder, and an unrestricted voting trust beneficial owner.

b. As used in subsection 2, “shareholder” means a record shareholder, a beneficial shareholder, and a voting trust beneficial owner.

Sec. 183. Section 490.1431, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1431 Procedure for judicial dissolution.

1. Venue for a proceeding by the attorney general to dissolve a corporation lies in Polk county. Venue for a proceeding brought by any other party named in section 490.1430, subsection 1, lies in the county where a corporation’s principal office or, if none in this state, its registered office is or was last located.

2. It is not necessary to make shareholders parties to a proceeding to dissolve a corporation unless relief is sought against them individually.

3. A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian during the proceeding with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing can be held.

4. Within ten days of the commencement of a proceeding to dissolve a corporation under section 490.1430, subsection 1, paragraph “b”, the corporation shall deliver to all shareholders, other than the petitioner, a notice stating that the shareholders are entitled to avoid the dissolution of the corporation by electing to purchase the petitioner’s shares under section 490.1434, and accompanied by a copy of section 490.1434.

Sec. 184. Section 490.1432, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1432 Receivership or custodianship.

1. Unless an election to purchase has been filed under section 490.1434, a court in a judicial proceeding brought to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the business and affairs of the corporation. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has jurisdiction over the corporation and all of its property wherever located.

2. The court may appoint an individual or a domestic or foreign corporation or eligible entity as a receiver or custodian, which, if a foreign corporation or foreign eligible entity, must be registered to do business in this state. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

3. The court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers all of the following apply:

a. The receiver may do any or all of the following:

(1) Dispose of all or any part of the assets of the corporation wherever located, at a public or private sale.

(2) Sue and defend in the receiver’s own name as receiver of the corporation in all courts of this state.

b. The custodian may exercise all of the powers of the corporation, through or in place of its board of directors, to the extent necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors.

c. The receiver or custodian shall have such other powers and duties as the court may provide in the appointing order, which may be amended from time to time.

4. The court during a receivership may redesignate the receiver a custodian and during a custodianship may redesignate the custodian a receiver.

5. The court from time to time during the receivership or custodianship may order compensation paid and expenses paid or reimbursed to the receiver or custodian from the assets of the corporation or proceeds from the sale of the assets.

Sec. 185. Section 490.1434, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1434 Election to purchase in lieu of dissolution.

1. In a proceeding under section 490.1430, subsection 1, paragraph “b”, to dissolve a corporation, the corporation may elect or, if it fails to elect, one or more shareholders may elect to purchase all shares owned by the petitioning shareholder at the fair value of the shares. An election pursuant to this section shall be irrevocable unless the court determines that it is equitable to set aside or modify the election.

2. An election to purchase pursuant to this section may be filed with the court at any time within ninety days after the filing of the petition under section 490.1430, subsection 1, paragraph “b”, or at such later time as the court in its discretion may allow. If the election to purchase is filed by one or more shareholders, the corporation shall, within ten days thereafter, give written notice to all shareholders, other than the petitioner. The notice must state the name and number of shares owned by the petitioner and the name and number of shares owned by each electing shareholder and must advise the recipients of their right to join in the election to purchase shares in accordance with this section. Shareholders who wish to participate shall file notice of their intention to join in the purchase no later than thirty days after the effectiveness of the notice to them. All shareholders who have filed an election or notice of their intention to participate in the election to purchase thereby become parties to the proceeding and shall participate in the purchase in proportion to their ownership of shares as of the date the first election was filed, unless they otherwise agree or the court otherwise directs. After an election has been filed by the corporation or one or more shareholders, the proceeding under section 490.1430, subsection 1, paragraph “b”, shall not be discontinued or settled, nor shall the petitioning shareholder sell or otherwise dispose of the shareholder’s shares, unless the court determines that it would be equitable to the corporation and the shareholders, other than the petitioner, to permit such discontinuance, settlement, sale, or other disposition.

3. If, within sixty days of the filing of the first election, the parties reach agreement as to the fair value and terms of purchase of the petitioner’s shares, the court shall enter an order directing the purchase of the petitioner’s shares upon the terms and conditions agreed to by the parties.

4. If the parties are unable to reach an agreement as provided for in subsection 3, the court, upon application of any party, shall stay the proceedings under section 490.1430, subsection 1, paragraph “b”, and determine the fair value of the petitioner’s shares as of the day before the date on which the petition under section 490.1430, subsection 1, paragraph “b”, was filed or as of such other date as the court deems appropriate under the circumstances.

5. Upon determining the fair value of the shares, the court shall enter an order directing the purchase upon such terms and conditions as the court deems appropriate, which may include payment of the purchase price in installments, where necessary in the interests of equity, provision for security to assure payment of the purchase price and any additional expenses as may have been awarded, and, if the shares are to be purchased by shareholders, the allocation of shares among them. In allocating the petitioner’s shares among holders of different classes or series of shares, the court should attempt to preserve the existing distribution of voting rights among holders of different classes or series insofar as practicable and may direct that holders of a specific class or classes or series shall not participate in the purchase. Interest may be allowed at the rate and from the date determined by the court to be equitable, but if the court finds that the refusal of the petitioning shareholder to accept an offer of payment was arbitrary or otherwise not in good faith, no interest shall be allowed. If the court finds that the

petitioning shareholder had probable grounds for relief under section 490.1430, subsection 1, paragraph “b”, subparagraph (2) or (4), it may award expenses to the petitioning shareholder.

6. Upon entry of an order under subsection 3 or 5, the court shall dismiss the petition to dissolve the corporation under section 490.1430, subsection 1, paragraph “b”, and the petitioning shareholder shall no longer have any rights or status as a shareholder of the corporation, except the right to receive the amounts awarded by the order of the court which shall be enforceable in the same manner as any other judgment.

7. The purchase ordered pursuant to subsection 5 shall be made within ten days after the date the order becomes final.

8. Any payment by the corporation pursuant to an order under subsection 3 or 5, other than an award of expenses pursuant to subsection 5, is subject to the provisions of section 490.640.

Sec. 186. Section 490.1440, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1440 Deposit with state treasurer.

Assets of a dissolved corporation that should be transferred to a creditor, claimant, or shareholder of the corporation who cannot be found or who is not competent to receive them shall be reduced to cash and deposited with the treasurer of state or other appropriate state official for safekeeping. When the creditor, claimant, or shareholder furnishes satisfactory proof of entitlement to the amount deposited, the treasurer of state or other appropriate state official shall pay such person, or the representative of such person, that amount.

Sec. 187. Section 490.1501, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1501 Governing law.

1. The law of the jurisdiction of formation of a foreign corporation governs all of the following:

- a. The internal affairs of the foreign corporation.
- b. The interest holder liability of its shareholders.

2. A foreign corporation is not precluded from registering to do business in this state because of any difference between the law of the foreign corporation’s jurisdiction of formation and the law of this state.

3. Registration of a foreign corporation to do business in this state does not permit the foreign corporation to engage in any business or affairs or exercise any power that a domestic corporation cannot lawfully engage in or exercise in this state.

Sec. 188. Section 490.1502, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1502 Registration to do business in this state.

1. A foreign corporation shall not do business in this state until it registers with the secretary of state under this chapter.

2. A foreign corporation doing business in this state shall not maintain a proceeding in any court of this state until it is registered to do business in this state.

3. The failure of a foreign corporation to register to do business in this state does not impair the validity of a contract or act of the foreign corporation or preclude it from defending a proceeding in this state.

4. A limitation on the liability of a shareholder or director of a foreign corporation is not waived solely because the foreign corporation does business in this state without registering.

5. Section 490.1501, subsection 1, applies even if a foreign corporation fails to register under this chapter.

Sec. 189. Section 490.1503, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1503 Foreign registration statement.

1. To register to do business in this state, a foreign corporation shall deliver a foreign registration statement to the secretary of state for filing. The registration statement must be signed by the foreign corporation and state all of the following:

a. The corporate name of the foreign corporation and, if the name does not comply with section 490.401, an alternate name as required by section 490.1506.

b. The foreign corporation's jurisdiction of formation.

c. The street and mailing addresses of the foreign corporation's principal office and, if the law of the foreign corporation's jurisdiction of formation requires the foreign corporation to maintain an office in that jurisdiction, the street and mailing addresses of that office.

d. The street and mailing addresses of the foreign corporation's registered office in this state and the name of its registered agent at that office.

e. The names and business addresses of its directors and principal officers.

2. The foreign corporation shall deliver the completed foreign registration statement to the secretary of state, and also deliver to the secretary of state a certificate of existence or a document of similar import duly authenticated by the secretary of state or other official having custody of corporate records in the state or country under whose law it is incorporated which is dated no earlier than ninety days prior to the date the application is filed by the secretary of state.

Sec. 190. Section 490.1504, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1504 Amendment of foreign registration statement.

A registered foreign corporation shall sign and deliver to the secretary of state for filing an amendment to its foreign registration statement if there is a change in any of the following:

1. Its name or alternate name.

2. Its jurisdiction of formation, unless its registration is deemed to have been withdrawn under section 490.1508 or transferred under section 490.1510.

3. An address required by section 490.1503, subsection 1, paragraph "c".

Sec. 191. Section 490.1505, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1505 Activities not constituting doing business.

1. Activities of a foreign corporation that do not constitute doing business in this state for purposes of this subchapter include all of the following:

a. Maintaining, defending, mediating, arbitrating, or settling a proceeding.

b. Carrying on any activity concerning the internal affairs of the foreign corporation, including holding meetings of its shareholders or board of directors.

c. Maintaining accounts in financial institutions.

d. Maintaining offices or agencies for the transfer, exchange, and registration of securities of the foreign corporation or maintaining trustees or depositories with respect to those securities.

e. Selling through independent contractors.

f. Soliciting or obtaining orders by any means if the orders require acceptance outside this state before they become contracts.

g. Creating or acquiring indebtedness, mortgages, or security interests in property.

h. Securing or collecting debts or enforcing mortgages or security interests in property securing the debts, and holding, protecting, or maintaining property so acquired.

i. Conducting an isolated transaction that is not in the course of similar transactions.

j. Owning, protecting, and maintaining property.

k. Doing business in interstate commerce.

2. This section does not apply in determining the contacts or activities that may subject a foreign corporation to service of process, taxation, or regulation under the laws of this state other than this chapter.

Sec. 192. Section 490.1506, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1506 Noncomplying name of foreign corporation.

1. A foreign corporation whose name does not comply with section 490.401 shall not register to do business in this state until it adopts, for the purpose of doing business in this state, an alternate name that complies with section 490.401 by filing a foreign registration

statement under section 490.1503, or if applicable, a transfer of registration statement under section 490.1510, setting forth that alternate name. After registering to do business in this state with an alternate name, a foreign corporation shall do business in this state under any of the following:

- a. The alternate name.
 - b. The foreign corporation's name, with the addition of its jurisdiction of formation.
2. If a registered foreign corporation changes its name after registration to a name that does not comply with section 490.401, it shall not do business in this state until it complies with subsection 1 by amending its registration statement to adopt an alternate name that complies with section 490.401.

Sec. 193. Section 490.1507, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1507 Withdrawal of registration of registered foreign corporation.

1. A registered foreign corporation may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing. The statement of withdrawal must be signed by the foreign corporation and state all of the following:

- a. The name of the foreign corporation and its jurisdiction of formation.
- b. That the foreign corporation is not doing business in this state and that it withdraws its registration to do business in this state.
- c. That the foreign corporation revokes the authority of its registered agent in this state.
- d. An address to which process on the foreign corporation may be sent by the secretary of state under section 490.504, subsection 3.

2. After the withdrawal of the registration of a foreign corporation, service of process in any proceeding based on a cause of action arising during the time the entity was registered to do business in this state may be made as provided in section 490.504.

Sec. 194. Section 490.1508, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1508 Deemed withdrawal upon domestication or conversion to certain domestic entities.

A registered foreign corporation that domesticates to a domestic business corporation or converts to a domestic nonprofit corporation or any type of domestic filing entity or to a domestic limited liability partnership is deemed to have withdrawn its registration on the effectiveness of such event.

Sec. 195. Section 490.1509, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1509 Withdrawal upon dissolution or conversion to certain nonfiling entities.

1. A registered foreign corporation that has dissolved and completed winding up or has converted to a domestic or foreign nonfiling entity other than a limited liability partnership shall deliver to the secretary of state for filing a statement of withdrawal. The statement must be signed by the dissolved corporation or the converted domestic or foreign nonfiling entity and state:

- a. In the case of a foreign corporation that has completed winding up all of the following:
 - (1) Its name and jurisdiction of formation.
 - (2) That the foreign corporation withdraws its registration to do business in this state and revokes the authority of its registered agent to accept service on its behalf.
 - (3) An address to which process on the foreign corporation may be sent by the secretary of state under section 490.504, subsection 3.

b. In the case of a foreign corporation that has converted to a domestic or foreign nonfiling entity other than a limited liability partnership all of the following:

- (1) The name of the converting foreign corporation and its jurisdiction of formation.
- (2) The type of the nonfiling entity to which it has converted and its name and jurisdiction of formation.
- (3) That it withdraws its registration to do business in this state and revokes the authority of its registered agent to accept service on its behalf.

(4) An address to which process on the foreign corporation may be sent by the secretary of state under section 490.504, subsection 3.

2. After the withdrawal of the registration of a foreign corporation, service of process in any proceeding based on a cause of action arising during the time the entity was registered to do business in this state may be made as provided in section 490.504.

Sec. 196. Section 490.1510, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1510 Transfer of registration.

1. If a registered foreign corporation merges into a nonregistered foreign corporation or converts to a foreign corporation required to register with the secretary of state to do business in this state, the foreign corporation shall deliver to the secretary of state for filing a transfer of registration statement. The transfer of registration statement must be signed by the surviving or converted foreign corporation and state all of the following:

a. The name of the registered foreign corporation and its jurisdiction of formation before the merger or conversion.

b. The name of the surviving or converted foreign corporation and its jurisdiction of formation after the merger or conversion and, if the name does not comply with section 490.401, an alternate name adopted pursuant to section 490.1506.

c. All of the following information regarding the surviving or converted foreign corporation after the merger or conversion:

(1) The street and mailing addresses of the principal office of the foreign corporation and, if the law of the foreign corporation's jurisdiction of formation requires it to maintain an office in that jurisdiction, the street and mailing addresses of that office.

(2) The street and mailing addresses of the foreign corporation's registered office in this state and the name of its registered agent at that office.

2. On the effective date of a transfer of registration statement as determined in accordance with section 490.123, the registration of the registered foreign corporation to do business in this state is transferred without interruption to the foreign corporation into which it has merged or to which it has been converted.

Sec. 197. **NEW SECTION. 490.1511 Administrative termination of registration.**

1. The secretary of state may terminate the registration of a registered foreign corporation in the manner provided in subsections 2 and 3, if any of the following applies:

a. The foreign corporation does not pay within sixty days after they are due any fees, taxes, interest, or penalties imposed by this chapter or other laws of this state.

b. The foreign corporation does not deliver its biennial report to the secretary of state within sixty days after it is due.

c. The foreign corporation is without a registered agent or registered office in this state for sixty days or more.

d. The secretary of state has not been notified within sixty days that the foreign corporation's registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

2. The secretary of state may terminate the registration of a registered foreign corporation by doing all of the following:

a. Filing a certificate of termination.

b. Delivering a copy of the certificate of termination to the foreign corporation's registered agent or, if the foreign corporation does not have a registered agent, to the foreign corporation's principal office.

3. The certificate of termination must state all of the following:

a. The effective date of the termination, which must be not less than sixty days after the secretary of state delivers the copy of the certificate of termination as prescribed in subsection 2, paragraph "b".

b. The grounds for termination under subsection 1.

4. The registration of a registered foreign corporation to do business in this state ceases on the effective date of the termination as set forth in the certificate of termination, unless before that date the foreign corporation cures each ground for termination stated in the certificate

of termination. If the foreign corporation cures each ground, the secretary of state shall file a statement that the certificate of termination is withdrawn.

5. After the effective date of the termination as set forth in the certificate of termination, service of process in any proceeding based on a cause of action arising during the time the entity was registered to do business in this state may be made as provided in section 490.504.

Sec. 198. NEW SECTION. 490.1512 Action by attorney general.

The attorney general may maintain an action to enjoin a foreign corporation from doing business in this state in violation of this chapter.

Sec. 199. Section 490.1601, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1601 Corporate records.

1. A corporation shall maintain all of the following records:

a. Its articles of incorporation as currently in effect.

b. Any notices to shareholders referred to in section 490.120, subsection 11, paragraph "e", specifying facts on which a filed document is dependent if those facts are not included in the articles of incorporation or otherwise available as specified in section 490.120, subsection 11, paragraph "e".

c. Its bylaws as currently in effect.

d. All written communications within the past three years to shareholders generally.

e. Minutes of all meetings of, and records of all actions taken without a meeting by, its shareholders, its board of directors, and board committees established under section 490.825.

f. A list of the names and business addresses of its current directors and officers.

g. Its most recent biennial report delivered to the secretary of state under section 490.1622.

2. A corporation shall maintain all annual financial statements prepared for the corporation for its last three fiscal years, or such shorter period of existence, and any audit or other reports with respect to such financial statements.

3. A corporation shall maintain accounting records in a form that permits preparation of its financial statements.

4. A corporation shall maintain a record of its current shareholders in alphabetical order by class or series of shares showing the address of, and the number and class or series of shares held by, each shareholder. Nothing contained in this subsection shall require the corporation to include in such record the electronic mail address or other electronic contact information of a shareholder.

5. A corporation shall maintain the records specified in this section in a manner so that they may be made available for inspection within a reasonable time.

Sec. 200. Section 490.1602, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1602 Inspection rights of shareholders.

1. A shareholder of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office, any of the records of the corporation described in section 490.1601, subsection 1, excluding minutes of meetings of, and records of actions taken without a meeting by, the corporation's board of directors and board committees established under section 490.825, if the shareholder gives the corporation a signed written notice of the shareholder's demand at least five business days before the date on which the shareholder wishes to inspect and copy.

2. A shareholder of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of subsection 3 and gives the corporation a signed written notice of the shareholder's demand at least five business days before the date on which the shareholder wishes to inspect and copy any of the following:

a. The financial statements of the corporation maintained in accordance with section 490.1601, subsection 2.

b. Accounting records of the corporation.

c. Excerpts from minutes of any meeting of, or records of any actions taken without a meeting by, the corporation's board of directors and board committees maintained in accordance with section 490.1601, subsection 1.

d. The record of shareholders maintained in accordance with section 490.1601, subsection 4.

3. A shareholder may inspect and copy the records described in subsection 2 only if all of the following apply:

a. The shareholder's demand is made in good faith and for a proper purpose.

b. The shareholder's demand describes with reasonable particularity the shareholder's purpose and the records the shareholder desires to inspect.

c. The records are directly connected with the shareholder's purpose.

4. The corporation may impose reasonable restrictions on the confidentiality, use, or distribution of records described in subsection 2.

5. For any meeting of shareholders for which the record date for determining shareholders entitled to vote at the meeting is different from the record date for notice of the meeting, any person who becomes a shareholder subsequent to the record date for notice of the meeting and is entitled to vote at the meeting is entitled to obtain from the corporation upon request the notice and any other information provided by the corporation to shareholders in connection with the meeting, unless the corporation has made such information generally available to shareholders by posting it on its internet site or by other generally recognized means. Failure of a corporation to provide such information does not affect the validity of action taken at the meeting.

6. The right of inspection granted by this section shall not be abolished or limited by a corporation's articles of incorporation or bylaws.

7. This section does not affect any of the following:

a. The right of a shareholder to inspect records under section 490.720 or, if the shareholder is in litigation with the corporation, to the same extent as any other litigant.

b. The power of a court, independently of this chapter, to compel the production of corporate records for examination and to impose reasonable restrictions as provided in section 490.1604, subsection 3, provided that, in the case of production of records described in subsection 2, at the request of a shareholder, the shareholder has met the requirements of subsection 3.

8. As used in this section, "shareholder" means a record shareholder, a beneficial shareholder, and an unrestricted voting trust beneficial owner.

Sec. 201. Section 490.1603, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1603 Scope of inspection right.

1. A shareholder may appoint an agent or attorney to exercise the shareholder's inspection and copying rights under section 490.1602.

2. The corporation may, if reasonable, satisfy the right of a shareholder to copy records under section 490.1602 by furnishing to the shareholder copies by photocopy or other means chosen by the corporation, including furnishing copies through an electronic transmission.

3. The corporation may comply at its expense with a shareholder's demand to inspect the record of shareholders under section 490.1602, subsection 2, paragraph "d", by providing the shareholder with a list of shareholders that was compiled no earlier than the date of the shareholder's demand.

4. The corporation may impose a reasonable charge to cover the costs of providing copies of documents to the shareholder, which may be based on an estimate of such costs.

Sec. 202. Section 490.1604, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1604 Court-ordered inspection.

1. If a corporation does not allow a shareholder who complies with section 490.1602, subsection 1, to inspect and copy any records required by that section to be available for inspection, the district court of the county where the corporation's principal office or, if none

in this state, its registered office, is located, may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the shareholder.

2. If a corporation does not within a reasonable time allow a shareholder who complies with section 490.1602, subsection 2, to inspect and copy the records required by that section, the shareholder who complies with section 490.1602, subsection 3, may apply to the district court in the county where the corporation's principal office or, if none in this state, its registered office, is located for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

3. If the court orders inspection and copying of the records demanded under section 490.1602, subsection 2, it may impose reasonable restrictions on their confidentiality, use, or distribution by the demanding shareholder and it shall also order the corporation to pay the shareholder's expenses incurred to obtain the order, unless the corporation establishes that it refused inspection in good faith because of any of the following:

a. The corporation had a reasonable basis for doubt about the right of the shareholder to inspect the records demanded.

b. The corporation required reasonable restrictions on the confidentiality, use, or distribution of the records demanded to which the demanding shareholder had been unwilling to agree.

Sec. 203. Section 490.1605, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1605 Inspection of records by directors.

1. A director of a corporation is entitled to inspect and copy the books, records, and documents of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a board committee, but not for any other purpose or in any manner that would violate any duty to the corporation.

2. The district court of the county where the corporation's principal office, or if none in this state, its registered office, is located may order inspection and copying of the books, records, and documents at the corporation's expense, upon application of a director who has been refused such inspection rights, unless the corporation establishes that the director is not entitled to such inspection rights. The court shall dispose of an application under this subsection on an expedited basis.

3. If an order is issued, the court may include provisions protecting the corporation from undue burden or expense, and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for the director's expenses incurred in connection with the application.

Sec. 204. Section 490.1620, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1620 Financial statements for shareholders.

1. Upon the written request of a shareholder, a corporation shall deliver or make available to such requesting shareholder by posting on its internet site or by other generally recognized means annual financial statements for the most recent fiscal year of the corporation for which annual financial statements have been prepared for the corporation. If financial statements have been prepared for the corporation on the basis of generally accepted accounting principles for such specified period, the corporation shall deliver or make available such financial statements to the requesting shareholder. If the annual financial statements to be delivered or made available to the requesting shareholder are audited or otherwise reported upon by a public accountant, the report shall also be delivered or made available to the requesting shareholder.

2. A corporation shall deliver, or make available and provide written notice of availability of, the financial statements required under subsection 1 to the requesting shareholder within five business days of delivery of such written request to the corporation.

3. A corporation may fulfill its responsibilities under this section by delivering the specified financial statements, or otherwise making them available, in any manner permitted by the applicable rules and regulations of the federal securities and exchange commission.

4. Notwithstanding the provisions of subsections 1, 2, and 3, all of the following apply:

a. As a condition to delivering or making available financial statements to a requesting shareholder, the corporation may require the requesting shareholder to agree to reasonable restrictions on the confidentiality, use, and distribution of such financial statements.

b. The corporation may, if it reasonably determines that the shareholder's request is not made in good faith or for a proper purpose, decline to deliver or make available such financial statements to that shareholder.

5. If a corporation does not respond to a shareholder's request for annual financial statements pursuant to this section in accordance with subsection 2 within five business days of delivery of such request to the corporation all of the following shall apply:

a. The requesting shareholder may apply to the district court of the county where the corporation's principal office, or if none in this state, its registered office, is located for an order requiring delivery of or access to the requested financial statements. The court shall dispose of an application under this subsection on an expedited basis.

b. If the court orders delivery or access to the requested financial statements, it may impose reasonable restrictions on their confidentiality, use, or distribution.

c. In such proceeding, if the corporation has declined to deliver or make available such financial statements because the shareholder had been unwilling to agree to restrictions proposed by the corporation on the confidentiality, use, and distribution of such financial statements, the corporation shall have the burden of demonstrating that the restrictions proposed by the corporation were reasonable.

d. In such proceeding, if the corporation has declined to deliver or make available such financial statements pursuant to subsection 4, paragraph "b", the corporation shall have the burden of demonstrating that it had reasonably determined that the shareholder's request was not made in good faith or for a proper purpose.

e. If the court orders delivery or access to the requested financial statements it shall order the corporation to pay the shareholder's expenses incurred to obtain such order unless the corporation establishes that it had refused delivery or access to the requested financial statements because the shareholder had refused to agree to reasonable restrictions on the confidentiality, use, or distribution of the financial statements or that the corporation had reasonably determined that the shareholder's request was not made in good faith or for a proper purpose.

Sec. 205. Section 490.1622, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1622 Biennial report for secretary of state.

1. Each domestic corporation shall deliver to the secretary of state for filing a biennial report that sets forth all of the following:

a. The name of the corporation.

b. The street and mailing addresses of its registered office and the name of its registered agent at that office in this state.

c. The street and mailing addresses of its principal office.

d. The names and business addresses of the president, secretary, treasurer, and one of the board of directors.

2. Each foreign corporation registered to do business in this state shall deliver to the secretary of state for filing a biennial report that sets forth all of the following:

a. The name of the foreign corporation and, if the name does not comply with section 490.401, an alternate name as required by section 490.1506.

b. The foreign corporation's jurisdiction of formation.

c. The street and mailing addresses of the foreign corporation's principal office and, if the law of the foreign corporation's jurisdiction of formation requires the foreign corporation to maintain an office in that jurisdiction, the street and mailing addresses of that office.

d. The street and mailing addresses of the foreign corporation's registered office in this state and the name of its registered agent at that office.

e. The names and business addresses of the president, secretary, treasurer, and one of the board of directors.

3. Information in the biennial report must be current as of the date the biennial report is signed on behalf of the corporation. The report shall be executed on behalf of the corporation and signed as provided in section 490.120 or by any other person authorized by the board of directors of the corporation.

4. The first biennial report shall be delivered to the secretary of state between January 1 and April 1 of the first even-numbered year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent biennial reports must be delivered to the secretary of state between January 1 and April 1 of the following even-numbered calendar years. For purposes of this section, each biennial report shall contain information related to the two-year period immediately preceding the calendar year in which the report is filed.

5. If a biennial report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the secretary of state within thirty days after the notice from the secretary of state becomes effective as determined in accordance with section 490.141, it is deemed to be timely filed.

6. The secretary of state may provide for the change of registered office or registered agent on the form prescribed by the secretary of state for the biennial report, provided that the form contains the information required in section 490.502. If the secretary of state determines that a biennial report does not contain the information required by this section but otherwise meets the requirements of section 490.502 for the purpose of changing the registered office or registered agent, the secretary of state shall file the statement of change of registered office or registered agent, effective as provided in section 490.123, before returning the biennial report to the corporation as provided in this section. A statement of change of registered office or agent pursuant to this subsection shall be executed by a person authorized to execute the biennial report.

Sec. 206. Section 490.1701, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1701 Application of subchapter — definitions.

1. If a corporation elects to become a benefit corporation under this subchapter in the manner prescribed in this subchapter, it is subject in all respects to the provisions of this chapter, except to the extent this subchapter imposes additional or different requirements, in which case such requirements apply. The inclusion of a provision in this subchapter does not imply that a contrary or different rule of law applies to a corporation that is not a benefit corporation. This subchapter does not affect a statute or rule of law that applies to a corporation that is not a benefit corporation.

2. As used in this subchapter:

a. “*Benefit corporation*” means a corporation that includes in its articles of incorporation a statement that the corporation is subject to this subchapter.

b. “*Public benefit*” means a positive effect, or reduction of negative effects, on one or more communities or categories of persons or entities, other than shareholders solely in their capacity as shareholders, or on the environment, including effects of an artistic, charitable, economic, educational, cultural, literary, medical, religious, social, ecological, or scientific nature.

c. “*Public benefit provision*” means a provision in the articles of incorporation which states that the corporation shall pursue one or more identified public benefits.

d. “*Responsible and sustainable manner*” means a manner that does all of the following:

(1) Pursues through the business of the corporation the creation of a positive effect on society and the environment, taken as a whole, that is material taking into consideration the corporation’s size and the nature of its business.

(2) Considers, in addition to the interests of shareholders, the interests of stakeholders known to be affected by the conduct of the business of the corporation.

Sec. 207. Section 490.1702, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1702 Name — share certificates.

1. The name of a benefit corporation may contain the words “benefit corporation”, the abbreviation “B.C.”, or the designation “BC”, any of which shall be deemed to satisfy the requirements of section 490.401, subsection 1, paragraph “a”.

2. Any share certificate issued by a benefit corporation, and any information statement delivered by a benefit corporation pursuant to section 490.626, subsection 2, must note conspicuously that the corporation is a benefit corporation subject to this subchapter.

Sec. 208. Section 490.1703, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

490.1703 Certain amendments and transactions — votes required.

1. Unless the articles of incorporation or bylaws require a greater vote, the approval of at least two-thirds of the voting power of the outstanding shares of the corporation entitled to vote thereon, and, if any class or series of shares is entitled to vote as a separate group on any such amendment or transaction, the approval of at least two-thirds of the outstanding shares of each such separate voting group entitled to vote thereon, shall be required for a corporation that is not a benefit corporation to do any of the following:

a. Amend its articles of incorporation to include a statement that it is subject to this subchapter.

b. Merge with or into, or enter into a share exchange with, another entity, or effect a domestication or conversion, if, as a result of the merger, share exchange, domestication, or conversion, the shares of any voting group would become, or be converted into or exchanged for the right to receive, shares of a benefit corporation or shares or interests in an entity subject to provisions of organic law analogous to those in this subchapter; provided, however, that in the case of this paragraph “b”, if the shares of one or more, but not all, voting groups are so affected, then only the shares in the voting groups so affected shall be entitled to vote under this subsection.

2. Unless the articles of incorporation or bylaws require a greater vote, the approval of at least two-thirds of the voting power of the outstanding shares of the corporation entitled to vote thereon and, if any class or series of shares is entitled to vote as a separate group on any such amendment or transaction, the approval of at least two-thirds of the voting power of the outstanding shares of each such separate voting group, shall be required for a benefit corporation to do any of the following:

a. Amend its articles of incorporation to eliminate a statement that the corporation is subject to this subchapter.

b. Merge with or into, or enter into a share exchange with, another entity, or effect a domestication or conversion if, as a result of the merger, share exchange, domestication, or conversion, the shares of any voting group would become, or be converted into or exchanged for the right to receive, shares or interests in an entity that is neither a benefit corporation nor an entity subject to provisions of organic law analogous to those in this subchapter; provided, however, that in the case of this paragraph “b”, if the shares of one or more, but not all, voting groups are so affected, then only the shares in the voting groups so affected shall be entitled to vote under this subsection.

3. The vote required under subsections 1 and 2 is in addition to any vote otherwise required under this chapter.

Sec. 209. NEW SECTION. **490.1704 Duties of directors.**

1. Each member of the board of directors of a benefit corporation, when discharging the duties of a director, shall act according to all of the following:

a. In a responsible and sustainable manner.

b. In a manner that pursues the public benefit or benefits identified in any public benefit provision.

2. In fulfilling the duties under subsection 1, a director shall consider, to the extent affected, in addition to the interests of shareholders generally, the separate interests of stakeholders known to be affected by the business of the corporation including all of the following:

- a. The employees and workforces of the corporation, its subsidiaries, and its suppliers.
 - b. Customers.
 - c. Communities or society, including those of each community in which offices or facilities of the corporation, its subsidiaries, or its suppliers are located.
 - d. The local and global environment.
3. A director of a benefit corporation shall not, by virtue of the duties imposed by subsections 1 and 2, owe any duty to a person other than the benefit corporation due to any interest of the person in the status of the corporation as a benefit corporation or in any public benefit provision.
4. Unless otherwise provided in the articles of incorporation, the violation by a director of the duties imposed by subsections 1 and 2 shall not constitute an intentional infliction of harm on the corporation or the shareholders for the purposes of sections 490.202, subsection 2, paragraphs “d” and “e”.

Sec. 210. NEW SECTION. 490.1705 Annual benefit report.

1. No less than annually, a benefit corporation shall prepare a benefit report addressing the efforts of the corporation during the preceding year to operate in a responsible and sustainable manner, to pursue any public benefit or benefits identified in any public benefit provision, and to consider the interests described in section 490.1704, subsection 2. The annual benefit report must include all of the following:

a. The objectives that the board of directors has established for the corporation to operate in a responsible and sustainable manner, to pursue any public benefit or benefits identified in any public benefit provision, and to consider the interests described in section 490.1704, subsection 2.

b. The standards the board of directors has adopted to measure the corporation’s progress in operating in a responsible and sustainable manner, in pursuing the public benefit or benefits identified in any public benefit provision, and in considering the interests described in section 490.1704, subsection 2.

c. If the articles of incorporation or bylaws require that the corporation use an independent third-party standard in reporting on the corporation’s progress in operating in a responsible and sustainable manner, in pursuing any public benefit or benefits identified in any public benefit provision, or in considering the interests described in section 490.1704, subsection 2, or if the board of directors has chosen to use such a standard, the applicable standard so required or chosen.

d. An assessment of the corporation’s success in meeting the objectives and standards identified in paragraphs “a” and “b”, and, if applicable, paragraph “c”, and the basis for that assessment.

2. The benefit corporation shall deliver to each shareholder, or make available and provide written notice to each shareholder of the availability of, the annual benefit report required by subsection 1 on or before the earlier of the following:

a. One hundred twenty days following the end of the fiscal year of the benefit corporation.

b. The time that the benefit corporation delivers any other annual reports or annual financial statements to its shareholders.

3. Any shareholder that has not received or been given access to an annual benefit report within the time required by subsection 2 may make a written request that the corporation deliver or make available the annual benefit report to the shareholder. If a benefit corporation does not deliver or make available an annual benefit report to the shareholder within five business days of receiving such request, the requesting shareholder may apply to the district court of the county where the corporation’s principal office or, if none in this state, its registered office, is located for an order requiring delivery of or access to the annual benefit report. The court shall dispose of an action under this subsection 3 on an expedited basis.

4. A benefit corporation shall post all of its annual benefit reports on the public portion of its internet site, if any. If a benefit corporation does not have an internet site, the benefit corporation shall provide a copy of its most recent annual benefit report, without charge, to any person that requests a copy in writing.

Sec. 211. NEW SECTION. 490.1706 Rights of action.

1. Except in a proceeding authorized under section 490.1705, subsection 3, or this section, no person other than the corporation, or a shareholder in the right of the corporation pursuant to subsection 2, may bring an action or assert a claim with respect to the violation of any duty applicable to a benefit corporation or any of its directors under this subchapter.

2. Except for a proceeding brought under section 490.1705, subsection 3, a proceeding by a shareholder of a benefit corporation claiming violation of any duty applicable to a benefit corporation or any of its directors under this subchapter is subject to all of the following:

a. The proceeding must be brought in a derivative proceeding pursuant to subchapter VII, part 4.

b. The proceeding may be brought only by a shareholder of the benefit corporation that at the time of the act or omission complained of either individually, or together with other shareholders bringing such action collectively, owned directly or indirectly at least five percent of a class of the corporation's outstanding shares or, in the case of a corporation with shares traded on an organized market as described in section 490.1302, subsection 2, paragraph "a", subparagraph (2), either that percentage of shares or shares with a market value of at least five million dollars at the time the proceeding is commenced.

3. A suit under subsection 2 shall not be maintained if, during the pendency of the suit, the shareholder individually fails, or the shareholders collectively fail, to continue to own directly or indirectly the lesser of the number of shares owned at the time the proceeding is commenced or five percent of a class of the corporation's shares.

Sec. 212. NEW SECTION. 490.1801 Application to existing domestic corporations.

1. This chapter applies to all domestic corporations in existence on January 1, 2022, that were incorporated under any general statute of this state providing for incorporation of corporations for profit if power to amend or repeal the statute under which the corporation was incorporated was reserved.

2. a. Unless otherwise provided, this chapter does not apply to an entity subject to chapter 174, 497, 498, 499, 499A, 501, 501A, 524, or 533, or a corporation organized on the mutual plan under chapter 491, or a telephone company organized as a corporation under chapter 491 qualifying pursuant to an internal revenue service letter ruling under Internal Revenue Code §501(c)(12) as a nonprofit corporation entitled to distribute profits in a manner similar to a chapter 499 corporation, unless such entity voluntarily elects to adopt the provisions of this chapter and complies with the procedure prescribed by subsection 3.

b. A corporation organized under chapter 496C may voluntarily elect to adopt the provisions of this chapter by complying with the provisions prescribed by subsection 3.

3. The procedure for the voluntary election referred to in subsection 2 is as follows:

a. The corporation shall amend or restate its articles of incorporation to indicate that the corporation adopts this chapter and to designate the address of its initial registered office and the name of its registered agent at that office and, if the name of the corporation is not in compliance with the requirements of this chapter, to change the name of the corporation to one complying with the requirements of this chapter.

b. (1) The instrument shall be delivered to the secretary of state for filing and recording in the secretary of state's office. If the corporation was organized under chapter 524 or 533, the instrument shall also be filed and recorded in the office of the county recorder. The corporation shall at the time it files the instrument with the secretary of state deliver also to the secretary of state for filing in the secretary of state's office any biennial report required by section 490.1622 which is then due.

(2) If the county of the initial registered office as stated in the instrument for a corporation organized under chapter 524 or 533 is one which is other than the county where the principal place of business of the corporation, as designated in its articles of incorporation, was located, the corporation shall forward to the county recorder of the county in which the principal place of business of the corporation was located a copy of the instrument and the corporation shall forward to the recorder of the county in which the initial registered office of the corporation is located, in addition to a copy of the original instrument, a copy of the articles of incorporation of the corporation together with all amendments to them as then on file in the secretary of state's office. The corporation shall, through an officer or director, certify to the secretary of

state that a copy has been sent to each applicable county recorder, including the date each copy was sent.

c. Upon the filing of the instrument by a corporation all of the following apply:

(1) All of the provisions of this chapter apply to the corporation.

(2) The secretary of state shall issue a certificate as to the filing of the instrument and deliver the certificate to the corporation or its representative.

(3) The secretary of state shall not file the instrument with respect to a corporation unless at the time of filing the corporation is validly existing and in good standing in that office under the chapter under which it is incorporated. The corporation shall be considered validly existing and in good standing for the purpose of this chapter for a period of three months following the expiration date of the corporation, provided all biennial reports due have been filed and all fees due in connection with the biennial reports have been paid.

d. The provisions of this chapter becoming applicable to a corporation voluntarily electing to be governed by this chapter do not affect any right accrued or established, or any liability or penalty incurred, under the chapter under which it is incorporated prior to the filing by the secretary of state in the secretary of state's office of the instrument manifesting the election by the corporation to adopt the provisions of this chapter as provided in this subsection.

4. A corporation subject to this chapter is not subject to chapter 491, 492, 493, or 495.

Sec. 213. NEW SECTION. 490.1802 Application to existing foreign corporations.

A foreign corporation registered or authorized to do business in this state on the effective date of this division of this Act is subject to this chapter, is deemed to be registered to do business in this state, and is not required to file a foreign registration statement under this chapter.

Sec. 214. NEW SECTION. 490.1803 Savings provisions.

1. Except as to procedural provisions, this division of this Act does not affect a pending action or proceeding or a right accrued before the effective date of this division of this Act, and a pending civil action or proceeding may be completed, and a right accrued may be enforced, as if this division of this Act had not become effective.

2. If a penalty or punishment for violation of a statute or rule is reduced by this division of this Act, the penalty, if not already imposed, shall be imposed in accordance with this division of this Act.

3. In the event that any provision of this chapter is deemed to modify, limit, or supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., the provisions of this chapter shall control to the maximum extent permitted by section 102(a)(2) of that federal Act.

Sec. 215. NEW SECTION. 490.1804 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application.

Sec. 216. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

a. Section 490.135, as amended by this division of this Act, to section 490.130.

b. Section 490.833, as amended by this division of this Act, to section 490.832.

c. Section 490.629 to section 490.628.

d. Section 490.901A, as enacted in this division of this Act, to section 490.901.

e. Section 490.1622, as amended by this division of this Act, to section 490.1621.

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. 217. REPEAL. Sections 490.624A, 490.628, 490.1111, 490.1112, 490.1113, 490.1114, 490.1520, 490.1523, 490.1530, 490.1531, 490.1532, and 490.1606, Code 2021, are repealed.

Sec. 218. DIRECTIONS TO THE CODE EDITOR. The Code editor is directed to divide Code chapter 490 into subchapters and subdivide certain subchapters into parts, including sections in that chapter not amended in this division of this Act, sections amended or enacted in this division of this Act, and sections transferred in this division of this Act as follows:

1. Subchapter I, subdivided into part A, including sections 490.101 and 490.102; part B, including sections 490.120 through 490.129; part C, including section 490.130; part D, including sections 490.140 through 490.144; and part E, including sections 490.145 through 490.152.

2. Subchapter II, including sections 490.201 through 490.209.

3. Subchapter III, including sections 490.301 through 490.304.

4. Subchapter IV, including sections 490.401 through 490.403.

5. Subchapter V, including sections 490.501 through 490.504.

6. Subchapter VI, subdivided into part A, including sections 490.601 through 490.604; part B, including sections 490.620 through 490.628; part C, including sections 490.630 and 490.631; and part D, including section 490.640.

7. Subchapter VII, subdivided into part A, including sections 490.701 through 490.709; part B, including sections 490.720 through 490.729; part C, including sections 490.730 through 490.732; part D, including sections 490.740 through 490.747; and part E, including sections 490.748 and 490.749.

8. Subchapter VIII, subdivided into part A, including sections 490.801 through 490.811; part B, including sections 490.820 through 490.826; part C, including sections 490.830 through 490.832; part D, including sections 490.840 through 490.844; part E, including sections 490.850 through 490.859; part F, including sections 490.860 through 490.863; and part G, including section 490.870.

9. Subchapter IX, subdivided into part A, including sections 490.901 through 490.905; part B, including sections 490.920 through 490.924; and part C, including sections 490.930 through 490.935.

10. Subchapter X, subdivided into part A, including sections 490.1001 through 490.1009; and part B, including sections 490.1020 through 490.1022.

11. Subchapter XI, including sections 490.1101 through 490.1110.

12. Subchapter XII, including sections 490.1201 and 490.1202.

13. Subchapter XIII, subdivided into part A, including sections 490.1301 through 490.1303; part B, including sections 490.1320 through 490.1326; subchapter C, including sections 490.1330 and 490.1331; and part D, including section 490.1340.

14. Subchapter XIV, subdivided into part A, including sections 490.1401 through 490.1409; part B, including sections 490.1420 through 490.1423; part C, including sections 490.1430 through 490.1434; and part D, including section 490.1440.

15. Subchapter XV, including sections 490.1501 through 490.1512.

16. Subchapter XVI, subdivided into part A, including sections 490.1601 through 490.1605; and part B, including sections 490.1620 and 490.1621.

17. Subchapter XVII, including sections 490.1701 through 490.1706.

18. Subchapter XVIII, including sections 490.1801 through 490.1804.

PART B CORRESPONDING PROVISIONS

Sec. 219. Section 249A.40, Code 2021, is amended to read as follows:

249A.40 Involuntarily dissolved providers — overpayments or incorrect payments.

Medical assistance paid to a provider following involuntary administrative dissolution of the provider pursuant to chapter 490, subchapter XIV, part B, shall be considered incorrectly paid for the purposes of section 249A.53 and the provider shall be considered to have received an overpayment for the purposes of this subchapter. For the purposes of this section, the overpayment shall not accrue until after a grace period of ninety days following receipt of notice by the provider of the dissolution from the department. Notwithstanding section 490.1422, or any other similar retroactive provision for reinstatement, the director shall recoup any medical assistance paid to a provider while the provider was dissolved if the

provider is not retroactively reinstated within the ninety-day grace period. The principals of the provider shall be personally liable for the incorrect payment or overpayment.

Sec. 220. Section 455B.397, Code 2021, is amended to read as follows:

455B.397 Financial disclosure.

Immediately upon the incurrence of any liability to the state under this part, the debtor shall submit to the director a report consisting of documentation of the debtor's liabilities and assets, including if filed, a copy of the annual biennial report submitted to the secretary of state pursuant to ~~chapter 490 section 490.1622~~. A subsequent report pursuant to this section shall be submitted annually on April 15 for the life of the debt. These reports shall be kept confidential and shall not be available to the public.

Sec. 221. Section 455B.430, subsection 5, Code 2021, is amended to read as follows:

5. Immediately upon the listing of real property in the registry of hazardous waste or hazardous substance disposal sites, a person liable for cleanup costs shall submit to the director a report consisting of documentation of the responsible person's liabilities and assets, including if filed, a copy of the annual biennial report submitted to the secretary of state pursuant to ~~chapter 490 section 490.1622~~. A subsequent report pursuant to this section shall be submitted annually on April 15 for the period the site remains on the registry.

Sec. 222. Section 496C.14, subsection 5, Code 2021, is amended to read as follows:

5. Notwithstanding subsections 1 through 4, purchase by the corporation is not required upon the occurrence of any event other than death of a shareholder if the corporation is dissolved or voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section ~~490.1701~~ 490.1801, subsection 2, within sixty days after the occurrence of the event. The articles of incorporation or bylaws may provide that purchase is not required upon the death of a shareholder if the corporation is dissolved within sixty days after the death. Notwithstanding subsections 1 through 4, purchase by the corporation is not required upon the death of a shareholder if the corporation voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section ~~490.1701~~ 490.1801, subsection 2, within sixty days after death.

Sec. 223. Section 496C.19, Code 2021, is amended to read as follows:

496C.19 Dissolution or liquidation.

Violation of any provision of this chapter by a professional corporation or any of its shareholders, directors, or officers shall be cause for its involuntary dissolution, or liquidation of its assets and business by the district court, as provided in the Iowa business corporation Act, chapter 490. Upon the death of the last remaining shareholder of a professional corporation, or whenever the last remaining shareholder is not licensed or ceases to be licensed to practice in this state a profession which the corporation is authorized to practice, or whenever any person other than the shareholder of record becomes entitled to have all shares of the last remaining shareholder of the corporation transferred into that person's name or to exercise voting rights, except as a proxy, with respect to such shares, the corporation shall not practice any profession and it shall either be promptly dissolved or shall promptly elect to adopt the provisions of the Iowa business corporation Act, as provided in section ~~490.1701~~ 490.1801, subsection 2. However, if prior to such dissolution all outstanding shares of the corporation are acquired by one or more persons licensed to practice in this state a profession which the corporation is authorized to practice, the corporation need not be dissolved and may practice the profession as provided in this chapter.

Sec. 224. Section 499.69A, subsection 2, paragraph b, subparagraph (2), Code 2021, is amended to read as follows:

(2) For a qualified corporation which is a party to the proposed qualified merger, the qualified corporation shall approve the plan as provided in chapter 490, subchapter XI.

Sec. 225. Section 499.69A, subsections 5 and 6, Code 2021, are amended to read as follows:

5. The effect of a qualified merger for a qualified survivor which is a cooperative association shall be as provided for in this chapter. The effect of a qualified merger for a qualified survivor which is a qualified corporation shall be as provided for corporations under chapter 490, subchapter XI.

6. The provisions governing the right of a shareholder or member of a cooperative association to object to a merger or the right of a member to dissent and obtain payment of the fair value of an interest in the cooperative association in the case of a merger as provided in this chapter shall apply to a qualified merger. The provisions governing the right of a shareholder of a corporation to ~~dissent from exercise appraisal rights~~ and obtain payment of the fair value of the shareholder's shares in the case of a merger as provided in ~~subchapter XIII~~ of chapter 490, subchapter XIII, shall apply to a qualified merger.

Sec. 226. Section 508.12, subsection 1, Code 2021, is amended to read as follows:

1. An insurer which is organized under the laws of any state and has created or will create jobs in this state or which is an affiliate or subsidiary of a domestic insurer, and is admitted to do business in this state for the purpose of writing insurance authorized by this chapter may become a domestic insurer by complying with section ~~490.902~~ 490.905 or 491.33 and with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating its principal place of business in this state may become a domestic corporation and be entitled to like certificates of its corporate existence and license to transact business in this state, and be subject in all respects to the authority and jurisdiction thereof.

Sec. 227. Section 515.78, subsection 1, Code 2021, is amended to read as follows:

1. An insurer which is organized under the laws of any state and has created or will create jobs in this state or which is an affiliate or subsidiary of a domestic insurer, and is admitted to do business in this state for the purpose of writing insurance authorized by this chapter may become a domestic insurer by complying with section ~~490.902~~ 490.905 or 491.33 and with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating its principal place of business in this state may become a domestic corporation and be entitled to like certificates of its corporate existence and license to transact business in this state, and be subject in all respects to the authority and jurisdiction thereof.

Sec. 228. Section 515E.3A, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. Complying with section ~~490.902~~ 490.905.

Sec. 229. Section 515G.3, subsection 2, Code 2021, is amended to read as follows:

2. A plan of conversion for an insurer organized on the mutual plan under chapter 491, shall also provide for conversion to a stock company as follows: the insurer organized on the mutual plan under chapter 491 shall amend its articles pursuant to chapter 491 as necessary to become a stock company, and shall immediately convert to a chapter 490 corporation as provided in section ~~490.1701~~ 490.1801 upon becoming a stock company.

PART C EFFECTIVE DATES

Sec. 230. EFFECTIVE DATE.

1. Except as provided in subsection 2, this division of this Act takes effect January 1, 2022.
2. The following sections of this division of this Act, being deemed of immediate importance, take effect upon enactment:

- a. The section of this division of this Act amending section 490.701.
- b. The section of this division of this Act amending section 490.702, subsections 1 through 4.
- c. The section of this division of this Act amending section 490.709.

DIVISION II
REMOTE PARTICIPATION

PART A
FOR-PROFIT CORPORATIONS

Sec. 231. **NEW SECTION. 491.17 Remote participation in meetings of shareholders.**

1. Shareholders of any class may participate in any meeting of shareholders by means of remote communication to the extent the board of directors authorizes such participation for such class. Participation as a shareholder by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with subsection 2.

2. Shareholders participating in a meeting of shareholders by means of remote communication shall be deemed present and may vote at such a meeting if the corporation has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a shareholder is a shareholder.

b. Provide such shareholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of shareholders to be held at a place, the board of directors may determine that any meeting of shareholders shall not be held at any place and shall instead be held solely by means of remote communication, but only if the corporation implements the measures specified in subsection 2.

Sec. 232. Section 491.104, Code 2021, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of directors may hold the meeting solely by means of remote communication in accordance with section 491.17 and in that case the notice shall describe how shareholders may participate in the meeting.

PART B
INSURERS

Sec. 233. **NEW SECTION. 515.25 Remote participation in shareholders', members', or policyholders' meetings.**

1. Shareholders of any class or series of shares, members, or policyholders may participate in any meeting of shareholders, members, or policyholders by means of remote communication to the extent the board of directors authorizes such participation for such class or series. Participation as a shareholder, member, or policyholder by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with subsection 2.

2. Shareholders, members, or policyholders participating in a shareholders', members', or policyholders' meeting by means of remote communication shall be deemed present and may vote at such a meeting if the company has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a shareholder is a shareholder, that each person participating remotely as a member is a member, or that each person participating remotely as a policyholder is a policyholder.

b. Provide such shareholders, members, or policyholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders, members, or policyholders, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of shareholders, members, or policyholders to be held at a place, the board of directors may determine that any meeting of shareholders, members, or policyholders shall not be held at any place and shall instead be held solely by means of remote communication, but only if the company implements the measures specified in subsection 2.

Sec. 234. **NEW SECTION. 518.6A Remote participation in meetings of members.**

1. Members of any class may participate in any meeting of the members by means of remote communication to the extent the board of directors authorizes such participation for such class. Participation as a member by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with subsection 2.

2. Members participating in a meeting of the members by means of remote communication shall be deemed present and may vote at such a meeting if the association has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a member is a member.

b. Provide such members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of the members to be held at a place, the board of directors may determine that any meeting of the members shall not be held at any place and shall instead be held solely by means of remote communication, but only if the association implements the measures specified in subsection 2.

Sec. 235. **NEW SECTION. 518A.3A Remote participation in meetings of members.**

1. Members of any class may participate in any meeting of members by means of remote communication to the extent the board of directors authorizes such participation for such class. Participation as a member by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with subsection 2.

2. Members participating in a meeting of the members by means of remote communication shall be deemed present and may vote at such a meeting if the association has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a member is a member.

b. Provide such members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of the members to be held at a place, the board of directors may determine that any meeting of the members shall not be held at any place and shall instead be held solely by means of remote communication, but only if the association implements the measures specified in subsection 2.

PART C
COOPERATIVE ENTITIES

Sec. 236. Section 499.27, Code 2021, is amended by adding the following new subsection: **NEW SUBSECTION. 4.** The board of directors may hold the meeting solely by means of remote communication in accordance with section 499.27A and in that case the notice shall describe how members may participate in the meeting.

Sec. 237. **NEW SECTION. 499.27A Remote participation in meetings of members.**

1. Members of any class may participate in any meeting of members by means of remote communication to the extent the board of directors authorizes such participation for such class. Participation as a member by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with subsection 2.

2. Members participating in a meeting of members by means of remote communication shall be deemed present and may vote at such a meeting if the association has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a member is a member.

b. Provide such members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of members to be held at a place, the board of directors may determine that any meeting of members shall not be held at any place and shall instead be held solely by means of remote communication, but only if the association implements the measures specified in subsection 2.

Sec. 238. Section 499.64, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The board of directors may hold the meeting solely by means of remote communication in accordance with section 499.27A and in that case the notice shall describe how members may participate in the meeting.

Sec. 239. Section 501.303, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The board may hold the meeting solely by means of remote communication in accordance with section 501.303A and in that case the notice shall describe how members may participate in the meeting.

Sec. 240. NEW SECTION. **501.303A Remote participation in meetings of members.**

1. Members of any class or series may participate in any meeting of members by means of remote communication to the extent the board authorizes such participation for such class or series. Participation as a member by means of remote communication shall be subject to such guidelines and procedures as the board adopts, and shall be in conformity with subsection 2.

2. Members participating in a meeting of members by means of remote communication shall be deemed present and may vote at such a meeting if the cooperative has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a member is a member.

b. Provide such members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of members to be held at a place, the board may determine that any meeting of members shall not be held at any place and shall instead be held solely by means of remote communication, but only if the cooperative implements the measures specified in subsection 2.

Sec. 241. Section 501A.807, subsections 2 and 3, Code 2021, are amended to read as follows:

2. *Members' meetings held solely by means of remote communication.* To the extent authorized in the articles, a member control agreement, ~~or the bylaws,~~ or a board resolution, and determined by the board, a regular or special meeting of members may be held solely by any combination of means of remote communication through which the members may participate in the meeting, if notice of the meeting is given to every owner of membership interests entitled to vote as would be required by this chapter for a meeting, and if the membership interests held by the members participating in the meeting would be sufficient to constitute a quorum at a meeting. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of this chapter for the meeting are met.

3. *Participation in members' meetings by means of remote communication.* To the extent authorized in the articles, ~~or the bylaws,~~ or a board resolution, and determined by the board, a member not physically present in person or by proxy at a regular or special meeting of members may, by means of remote communication, participate in a meeting of members held at a designated place. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of this chapter for the meeting are met.

PART D
NONPROFIT CORPORATIONS

Sec. 242. Section 504.701, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The board may hold an annual or a regular membership meeting solely by means of remote communication in accordance with section 504.702A and in that case the notice shall describe how members may participate in the meeting.

Sec. 243. Section 504.701, subsection 7, Code 2021, is amended by striking the subsection.

Sec. 244. Section 504.702, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The board may hold a special meeting for members solely by means of remote communication in accordance with section 504.702A and in that case the notice shall describe how members may participate in the meeting.

Sec. 245. Section 504.702, subsection 6, Code 2021, is amended by striking the subsection.

Sec. 246. NEW SECTION. **504.702A Remote participation in meetings of members.**

1. Members of any class, unit, or grouping may participate in any meeting of members by means of remote communication to the extent the board of directors authorizes such participation for such class, unit, or grouping. Participation as a member by means of remote communication shall be subject to such guidelines and procedures as the board adopts, and shall be in conformity with subsection 2.

2. Members participating in a meeting of members by means of remote communication shall be deemed present and may vote at such a meeting if the corporation has implemented reasonable measures to do all of the following:

a. Verify that each person participating remotely as a member is a member.

b. Provide such members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate, and to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

3. Unless the bylaws require the meeting of members to be held at a place, the board may determine that any meeting of members shall not be held at any place and shall instead be held solely by means of remote communication, but only if the corporation implements the measures specified in subsection 2.

Sec. 247. Section 504.705, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The board may hold a meeting for members solely by means of remote communication in accordance with section 504.702A and in that case the notice shall describe how members may participate in the meeting.

PART E
EFFECTIVE DATE

Sec. 248. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III
SECRETARY OF STATE — EXTRA SERVICES

PART A
FILING REQUIREMENTS AND FEES

Sec. 249. NEW SECTION. **9.11 Definitions.**

As used in this subchapter unless the context otherwise requires:

1. “*Document*” means a document for filing by the secretary as provided in the relevant filing statute as follows:

a. Chapter 486A, including as provided in section 486A.105, and as stated in section 486A.1202 or as otherwise described in sections 486A.1212 and 486A.1213.

b. Chapter 488, including as provided in section 488.206, and as stated in section 488.117A or as otherwise described in sections 488.116, 488.202, 488.210, 488.306, 488.810, 488.904, 488.906, 488.907, 488.1104, and 488.1108.

c. Chapter 489, including as provided in section 489.205, and as stated in section 489.117 or as otherwise described in sections 489.112, 489.302, 489.702, 489.1008, 489.1012, and 489.14502.

d. Chapter 490, including as provided in section 490.120, and as stated in section 490.122.

e. Chapter 491, including as described in sections 491.5, 491.13, 491.15, 491.20, 491.23, 491.25, 491.27, 491.28, 491.107, 491.111, and 491.112.

f. Chapter 499, including as provided in section 499.44, and as stated in section 499.45 or as otherwise described in sections 499.4, 499.5, 499.41, 499.42, 499.43A, 499.43B, 499.47, 499.49, 499.54, 499.67, 499.69, 499.73, 499.73A, and 499.74.

g. Chapter 501, including as provided in section 501.105, and as otherwise described in sections 501.106, 501.617, 501.713, 501.801, 501.803, 501.804, and 501.813.

h. Chapter 501A, including as provided in section 501A.201A, and as stated in section 501A.205 or as otherwise described in sections 501A.231, 501A.302, 501A.1101, and 501A.1104.

i. Chapter 504, including as provided in section 504.111, and as stated in section 504.113 or as described in sections 504.115, 504.1508, and 504.1521.

2. “*Extra filing service*” means a preclearance filing service as provided in section 9.14 or expedited filing service as provided in section 9.15.

3. “*Preclearance filing service*” or “*service*” means an advanced review by the secretary of the proposed filing of a document to determine the sufficiency of the actual filing of the document to meet all applicable statutory requirements as required in section 9.14.

4. “*Secretary*” means the secretary of state.

Sec. 250. NEW SECTION. 9.12 Rules.

The secretary shall adopt rules pursuant to chapter 17A necessary or desirable to administer this subchapter, including by offering and performing extra filing services upon request by filers. The rules may increase the amount of a surcharge implemented, assessed, and collected, or modify the period of service as provided under this subchapter.

Sec. 251. NEW SECTION. 9.13 Business administration fund.

1. A business administration fund is created in the state treasury under the control of the secretary. The fund is composed of moneys collected in surcharges implemented, assessed, and collected by the secretary pursuant to sections 9.14 and 9.15.

2. Moneys in the business administration fund are appropriated to the office of the secretary of state for the exclusive purpose of supporting the administration of Title XII.

3. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

Sec. 252. NEW SECTION. 9.14 Preclearance filing service — surcharge.

1. Upon the request of the filer of a document not yet actually filed, the secretary shall provide a preclearance filing service to determine if the proposed filing of the document would be actually filed by the secretary under the relevant filing statute. The secretary shall report to the filer whether the proposed filing of the document is approved or disapproved.

2. If the secretary reports the approval of a proposed filing of the document, the secretary shall return the proposed filing’s document stamped with the approval date. If an inaccuracy or defect was present in an approved proposed filing of a document, but that inaccuracy or defect prevents the actual filing of the document by the secretary, the filer may timely submit a corrected document. The corrected document is effective retroactively as of the effective date that the actual filing of the document was submitted to the secretary.

3. *a.* If the secretary reports the approval of a proposed filing of the document, and the document is actually filed within six months from the date of the proposed filing's approval date, the actual filing of a document is presumed valid.

b. This section does not affect the operation of filing a statement of correction as provided in section 486A.1204, 488.207, or 489.206; articles of correction as provided in section 490.124, 499.44, 501.105, 501A.204, or 504.115; or an application for the issuance of a new certificate as provided in section 491.29.

4. *a.* The secretary shall implement, assess, and collect a surcharge for providing the preclearance filing service based on the period of service as follows:

(1) For same-day service, the surcharge shall be two hundred fifty dollars.

(2) For two-day service, the surcharge shall be twice the amount of the filing fee.

(3) For three-day service, the surcharge shall be the same amount as the filing fee.

b. The secretary of state is not required to provide a four-day or more period of service.

c. The surcharge shall be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document.

d. The secretary shall provide a preclearance filing service without charge to approve or disapprove a proposed corrected actual filing of a document, if an inaccuracy or defect was present in a proposed filing of the document, the proposed filing of the document was approved, and the inaccuracy or defect prevented the actual filing of the document.

5. Any moneys collected by the secretary under this section shall be deposited in the business administration fund created in section 9.13.

Sec. 253. NEW SECTION. 9.15 Expedited filing service — surcharge.

1. Upon the request of the filer of a document, the secretary shall provide an expedited filing service. As part of the service, the secretary shall file a document submitted by a filer on an expedited basis.

2. The secretary shall implement, assess, and collect a surcharge for providing the expedited filing service based on the period of service as follows:

a. For a two-day service, the surcharge shall be fifty dollars.

b. For a five-day service, the surcharge shall be fifteen dollars.

3. The surcharge shall be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document.

4. Any moneys collected by the secretary under this section shall be deposited in the business administration fund created in section 9.13.

**PART B
COORDINATING PROVISIONS**

Sec. 254. NEW SECTION. 486A.105A Secretary of state — extra services — surcharge.

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 255. NEW SECTION. 488.206A Secretary of state — extra services — surcharge.

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 256. NEW SECTION. 489.205A Secretary of state — extra services — surcharge.

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 257. NEW SECTION. 490.120A Secretary of state — extra services — surcharge.

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 258. NEW SECTION. 491.5A Secretary of state — extra services — surcharge.

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 259. **NEW SECTION. 499.44A Secretary of state — extra services — surcharge.**

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 260. **NEW SECTION. 501.105A Secretary of state — extra services — surcharge.**

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 261. **NEW SECTION. 501A.201A Secretary of state — extra services — surcharge.**

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

Sec. 262. **NEW SECTION. 504.111A Secretary of state — extra services — surcharge.**

Upon the request of a filer of a document under this chapter, the secretary of state shall provide an extra filing service and assess a surcharge as provided in chapter 9, subchapter II.

DIVISION IV
FOREIGN-TRADE ZONE CORPORATIONS

Sec. 263. Section 490.901, Code 2021, is amended to read as follows:

490.901 Foreign-trade zone corporation.

1. A domestic corporation may be incorporated or organized under the laws of this state, and a foreign corporation may be authorized or registered to transact business in this state, for the purpose of establishing, operating, and maintaining a foreign-trade zone as defined in 19 U.S.C. §81(a). The domestic or foreign corporation must maintain its principal place of business in this state. A The domestic or foreign corporation organized for the purposes set forth in this section described in this section has all powers necessary or convenient for applying for a grant of authority to establish, operate, and maintain a foreign-trade zone under 19 U.S.C. §81(a) et seq., and regulations promulgated under that law, and for establishing, operating, and maintaining a foreign-trade zone pursuant to that grant of authority.

2. This section is repealed on January 1, 2022.

Sec. 264. Section 491.36, Code 2021, is amended to read as follows:

491.36 Foreign-trade zone corporation.

A domestic corporation may be incorporated or organized under the laws of this state, and a foreign corporation may be authorized or registered to transact business in this state, for the purpose of establishing, operating, and maintaining a foreign-trade zone as defined in 19 U.S.C. §81a. The domestic or foreign corporation must maintain its principal place of business in this state. A The domestic or foreign corporation organized for the purposes set forth in this section described in this section has all powers necessary or convenient for applying for a grant of authority to establish, operate, and maintain a foreign-trade zone under the provisions of 19 U.S.C. §81a, et seq., and rules promulgated thereunder under that law, and for establishing, operating, and maintaining a foreign-trade zone pursuant to that grant of authority.

Sec. 265. **NEW SECTION. 504.208 Foreign-trade zone corporation.**

A domestic corporation may be incorporated or organized under the laws of this state, and a foreign corporation may be authorized or registered to transact business in this state, for the purpose of establishing, operating, and maintaining a foreign-trade zone as defined in 19 U.S.C. §81(a). The domestic or foreign corporation must maintain its principal place of business in this state. The domestic or foreign corporation described in this section has all powers necessary or convenient for applying for a grant of authority to establish, operate, and maintain a foreign-trade zone under 19 U.S.C. §81(a) et seq., and regulations promulgated under that law, and for establishing, operating, and maintaining a foreign-trade zone pursuant to that grant of authority.

Sec. 266. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 8, 2021

CHAPTER 166

APPROPRIATIONS — JUSTICE SYSTEM

H.F. 861

AN ACT relating to appropriations to the justice system, gambling regulatory fees, and creating a bureau of cyber-crime, establishing a department of corrections survivor benefits fund, and including effective date and retroactive applicability provisions.

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

DIVISION I

FY 2021-2022 APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, the office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	6,361,238
.....	FTEs	215.00

As a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

The general office of attorney general may temporarily exceed and draw more than the amount appropriated in this lettered paragraph and incur a negative cash balance as long as there are receivables equal to or greater than the negative balances and the amount appropriated in this lettered paragraph is not exceeded at the close of the fiscal year.

b. For victim assistance grants:

.....	\$	5,016,708
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The moneys appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions of the department of justice. In addition to the full-time equivalent positions authorized pursuant to this paragraph, 7.00 full-time equivalent positions are authorized and shall be used by the department of justice to employ one accountant and four program planners. The department of justice may employ the additional 7.00 full-time equivalent positions authorized pursuant to this paragraph that are in excess of the number of full-time equivalent positions authorized only if the department of justice receives sufficient federal moneys to maintain employment for the additional full-time equivalent positions during the current fiscal year. The department of justice shall only employ the additional 7.00 full-time equivalent positions in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

The department of justice shall transfer at least \$150,000 from the victim compensation fund established in section 915.94 to the victim assistance grant program established in section 13.31.

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph 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.

c. For legal services for persons in poverty grants as provided in section 13.34:

..... \$ 2,634,601

2. a. The department of justice, in submitting budget estimates for the fiscal year beginning July 1, 2022, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year beginning July 1, 2020, and actual and expected reimbursements for the fiscal year beginning July 1, 2021.

b. The department of justice shall include the report required under paragraph “a”, as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the general assembly. The department of justice shall submit the report on or before January 15, 2022.

3. a. The department of justice shall fully reimburse the costs and necessary related expenses incurred by the Iowa law enforcement academy to continue to employ one additional instructor position who shall provide training for human trafficking-related issues throughout the state.

b. The department of justice shall obtain the moneys necessary to reimburse the Iowa law enforcement academy to employ such an instructor from unrestricted moneys from either the victim compensation fund established in section 915.94, the human trafficking victim fund established in section 915.95, or the human trafficking enforcement fund established in 2015 Iowa Acts, chapter 138, section 141.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice 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 salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,137,588
..... FTEs 22.00

Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 42,488,273

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 35,868,225

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 63,688,978

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 29,390,947
 e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 26,680,161
 f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,841,112
 g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 25,647,227
 Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 23,979,152
 i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 30,903,150
 j. For reimbursement of counties for temporary confinement of prisoners, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 1,082,635
 k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 234,411
 2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries and the adjustment of salaries throughout the department, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 5,558,227

a. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

2. For educational programs for inmates at state penal institutions:

..... \$ 2,608,109

a. To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

b. The director of the department of corrections may transfer moneys from Iowa prison industries and the canteen operating funds established pursuant to section 904.310, for use in educational programs for inmates.

c. 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 to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development and operation of the Iowa corrections offender network (ICON) data system:

..... \$ 2,000,000

4. For offender mental health and substance abuse treatment:

..... \$ 28,065

5. For department-wide duties, including operations, costs, and miscellaneous purposes:

..... \$ 10,079,991

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. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the first judicial district department of correctional services:

..... \$ 15,553,865

It is the intent of the general assembly that the first judicial district department of correctional services maintains the drug courts operated by the district department.

b. For the second judicial district department of correctional services:

..... \$ 12,015,201

It is the intent of the general assembly that the second judicial district department of correctional services maintains two drug courts to be operated by the district department.

c. For the third judicial district department of correctional services:

..... \$ 7,519,274

d. For the fourth judicial district department of correctional services:

..... \$ 5,941,717

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... \$ 22,514,230

It is the intent of the general assembly that the fifth judicial district department of correctional services maintains the drug court operated by the district department.

f. For the sixth judicial district department of correctional services:

..... \$ 15,431,664

It is the intent of the general assembly that the sixth judicial district department of correctional services maintains the drug court operated by the district department.

g. For the seventh judicial district department of correctional services:

..... \$ 8,213,355

It is the intent of the general assembly that the seventh judicial district department of correctional services maintains the drug court operated by the district department.

h. For the eighth judicial district department of correctional services:

..... \$ 8,761,954

2. There is appropriated from the general fund of the state to the department of corrections 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 statewide judicial assistance, support, and pilot projects for judicial district departments of correctional services:

..... \$ 663,219

3. Each judicial district department of correctional services, within the moneys available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

4. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

5. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

6. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

7. The public safety assessment shall not be utilized in pretrial hearings when determining whether to detain or release a defendant before trial, and the use of the public safety assessment pilot program shall be terminated as of the effective date of this subsection, until such time the use of the public safety assessment has been specifically authorized by the general assembly.

Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT — REPORTS.

1. The department of corrections, in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities, may use inmate labor during the fiscal year beginning July 1, 2021, to restore or preserve rural cemeteries and historical landmarks. The department, in cooperation with the counties, may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis, the department shall provide a status report regarding private-sector employment to the general assembly beginning on July 1, 2021. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly by January 15, 2022. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current fiscal year.

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of

regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2021, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy 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:

a. For salaries, support, maintenance, and miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	1,220,749
.....	FTEs	30.25

b. The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund maintained pursuant to section 8A.365 to the credit of the department of public safety, division of state patrol.

3. The Iowa law enforcement academy shall provide training for domestic abuse and human trafficking-related issues throughout the state. The training shall be offered at no cost to the attendees and the training shall not replace any existing domestic abuse or human trafficking training offered by the academy.

Sec. 11. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	29,483,120
.....	FTEs	233.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

.....	\$	40,960,374
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Sec. 12. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole 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 salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,285,739
.....	FTEs	10.53

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE.

1. There is appropriated from the general fund of the state to the department of public defense, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, 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:

.....	\$	6,916,601
.....	FTEs	254.00

2. The department of public defense may temporarily exceed and draw more than the amount appropriated in this section and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this section is not exceeded at the close of the fiscal year.

Sec. 14. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

1. 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, 2021, and ending June 30, 2022, the following amounts, 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:

.....	\$	2,287,756
.....	FTEs	30.00

2. The department of homeland security and emergency management may temporarily exceed and draw more than the amount appropriated in this section and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this section is not exceeded at the close of the fiscal year.

Sec. 15. 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, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For administrative functions, including salaries and the adjustment of salaries throughout the department, the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	5,833,065
.....	FTEs	43.00

2. For the division of criminal investigation, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	19,316,868
.....	FTEs	180.00

3. For the criminalistics laboratory fund created in section 691.9:

.....	\$	650,000
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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 succeeding fiscal year.

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	8,428,156
.....	FTEs	67.00

The division of narcotics enforcement is authorized an additional 1.00 full-time equivalent position pursuant to this lettered paragraph that is in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of narcotics enforcement receives sufficient federal moneys to maintain employment for the additional full-time equivalent position during the current fiscal year. The division of narcotics enforcement shall only employ the additional full-time equivalent position in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

b. For the division of narcotics enforcement for undercover purchases:

..... \$ 209,042

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 5,460,291
..... FTEs 49.00

6. For the division of state patrol, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 69,432,433
..... FTEs 506.00

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established in section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... \$ 279,517

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... \$ 825,520

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 only for the purpose designated in this subsection until the close of the succeeding fiscal year.

9. For the public safety interoperable and broadband communications fund established in section 80.44:

..... \$ 115,661

10. For the office to combat human trafficking established pursuant to section 80.45, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 197,325
..... FTEs 2.00

11. For costs associated with the training and equipment needs of volunteer fire fighters:

..... \$ 50,000

12. For deposit in the public safety equipment fund established in section 80.48 for the purchase, maintenance, and replacement of equipment used by the department:

..... \$ 2,500,000

Notwithstanding section 8.39, the department of public safety may reallocate moneys appropriated in this section as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation.

The notice shall include information regarding the rationale for reallocating the moneys. The department shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

Sec. 16. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety 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 any direct support costs for agents and officers of the division of criminal investigation’s excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,211,731
.....	FTEs	73.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2021, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2021, and ending June 30, 2022, an additional amount of not more than \$300,000 to be used for full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2022, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2022. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 17. CIVIL RIGHTS COMMISSION.

1. There is appropriated from the general fund of the state to the Iowa state civil rights commission 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 salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,318,718
.....	FTEs	27.00

2. The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 18. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

1. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights 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:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,288,368
.....	FTEs	8.82

b. (1) For a single grant to a program located in a city with a higher than average juvenile crime rate as determined by the criminal and juvenile justice planning division and a population greater than 80,000 as determined by the 2010 federal decennial census, which may be used for studying, planning, programming, and capital, that is committed to deterring juvenile delinquency through early intervention in the criminal justice system by providing a comprehensive, multifaceted delivery of social services and which shall meet the guiding principles and standards for assessment centers set forth by the national assessment center association:

.....	\$	140,000
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(2) The program shall use no more than 5 percent of the grant for administrative costs.

(3) A city shall not receive a grant under this paragraph, or a similar grant from the state of Iowa, for more than two consecutive fiscal years unless no other city meets the requirements specified in subparagraph (1).

2. The justice advisory board and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 19. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the 911 emergency communications fund created in section 34A.7A to the department of homeland security and emergency management 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 implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the 911 emergency communications fund:

..... \$ 250,000

Sec. 20. CONSUMER EDUCATION AND LITIGATION — FARM MEDIATION AND PROSECUTIONS, APPEALS, AND CLAIMS. Notwithstanding section 714.16C, there is appropriated from the consumer education and litigation fund to the department of justice for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For farm mediation services as specified in section 13.13, subsection 2:

..... \$ 300,000

b. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to chapter 669:

..... \$ 2,000,000

..... FTEs 2.00

DIVISION II
MISCELLANEOUS APPROPRIATIONS

Sec. 21. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT — APPROPRIATION. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used to conduct a governance and funding of levee districts study:

..... \$ 400,000

DIVISION III
ATTORNEY GENERAL

Sec. 22. Section 85.67, Code 2021, is amended to read as follows:

85.67 Administration of fund — special counsel — payment of award.

The attorney general shall appoint a staff member to represent the treasurer of state and the fund in all proceedings and matters arising under this subchapter. The attorney general shall be reimbursed up to ~~two hundred fifteen~~ four hundred fifty thousand dollars annually from the fund for services provided related to the fund. The commissioner of insurance shall consider the reimbursement to the attorney general as an outstanding liability when making a determination of funding availability under section 85.65A, subsection 2. In making an award under this subchapter, the workers' compensation commissioner shall specifically find the amount the injured employee shall be paid weekly, the number of weeks of compensation which shall be paid by the employer, the date upon which payments out of the fund shall begin, and, if possible, the length of time the payments shall continue.

Sec. 23. 2014 Iowa Acts, chapter 1138, section 21, as amended by 2016 Iowa Acts, chapter 1137, section 18, 2017 Iowa Acts, chapter 167, section 24, and 2019 Iowa Acts, chapter 163, section 26, is amended to read as follows:

SEC. 21. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2014, and ending June 30, ~~2021~~ 2023, the annual appropriations in section 714.16C, are increased from \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000 respectively.

DIVISION IV INDIGENT DEFENSE

Sec. 24. Section 815.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. For appointments made on or after July 1, 2021, the reasonable compensation shall be calculated on the basis of seventy-six dollars per hour for class “A” felonies, seventy-one dollars per hour for class “B” felonies, and sixty-six dollars per hour for all other cases.

DIVISION V GAMBLING — FEES

Sec. 25. Section 99D.14, subsection 2, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) A licensee shall pay a regulatory fee to be charged as provided in this section. In determining the regulatory fee to be charged as provided under this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than three special agents assigned pursuant to the provisions of section 80.25A, for each racetrack that has not been issued a table games license under chapter 99F or no more than three special agents assigned pursuant to the provisions of section 80.25A, for each racetrack that has been issued a table games license under chapter 99F, plus any direct and indirect support costs for the agents, for the division of criminal investigation’s ~~racetrack activities~~ duties pursuant to chapters 99D, 99E, and 99F, and section 80.25A, as the basis for determining the amount of revenue to be raised from the regulatory fee.

Sec. 26. Section 99F.10, subsection 4, paragraph a, Code 2021, 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 cost of salaries for no more than three special agents ~~for each excursion gambling boat or gambling structure~~¹ assigned pursuant to the provisions of section 80.25A, plus any direct and indirect support costs ~~for the agents~~, for the division of criminal investigation’s ~~excursion gambling boat or gambling structure activities~~ duties pursuant to chapters 99D, 99E, and 99F, and section 80.25A.

Sec. 27. Section 99F.10, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. For the fiscal year beginning July 1, 2021, and each fiscal year thereafter, the seven licensees with the lowest adjusted gross receipts for the previous fiscal year shall pay a reduced regulatory fee. The division of criminal investigation shall calculate the regulatory fee to be paid by each licensee using a methodology that reduces the regulatory fee for the seven licensees with the lowest adjusted gross receipts by an amount equivalent to the portion of the regulatory fees associated with one special agent.

Sec. 28. GAMBLING GAMES AND SPORTS WAGERING REGULATION — FEES. Notwithstanding section 99F.10, the cost of seven special agent full-time equivalent positions assigned pursuant to section 80.25A, as determined by the commissioner of public safety, shall be credited to the general fund on July 1, 2021.

¹ See chapter 174, §47 herein

DIVISION VI
DEPARTMENT OF PUBLIC SAFETY — BUREAU OF CYBER-CRIME

Sec. 29. Section 80.9A, subsection 6, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* When engaged in the investigation of crimes and the enforcement of laws relating to cyber-crime.

Sec. 30. NEW SECTION. **80.40 Bureau of cyber-crime.**

1. The bureau of cyber-crime is established within the division of criminal investigation of the department. The purpose of the bureau is to investigate crimes with a nexus to the internet or computer technology including but not limited to crimes involving child exploitation and cyber intrusion.

2. The bureau of cyber-crime shall have the authority to conduct investigations and perform forensic analyses of criminal cases involving computer technology and to provide assistance to governmental agencies involved in the investigation of cyber-crime.

DIVISION VII
DEPARTMENT OF CORRECTIONS

Sec. 31. Section 99G.39, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. One hundred thousand dollars in lottery revenues shall be transferred each fiscal year to the department of corrections survivor benefits fund established pursuant to section 904.321 prior to deposit of the lottery revenues in the general fund pursuant to section 99G.40.

Sec. 32. NEW SECTION. **509A.13D Health insurance coverage — surviving spouse and children of certain employees of the Iowa department of corrections.**

1. For the purposes of this section, “*eligible employee of the Iowa department of corrections*” means any of the following:

a. An employee of the Iowa department of corrections.

b. An employee of the Iowa department of corrections whose death has been determined by the department to be the direct and proximate result of a traumatic personal injury incurred in the line of duty, and to whom none of the following applies:

(1) The employee’s death resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness, including but not limited to a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the employee’s death.

(2) The employee’s death was caused by the employee’s intentional misconduct, or by the employee’s intent to cause the employee’s own death.

(3) The employee was voluntarily intoxicated at the time of the employee’s death.

(4) The employee was performing the employee’s duties in a grossly negligent manner at the time of the employee’s death.

2. *a.* If the governing body of the state has procured health insurance coverage for its employees under this chapter, the governing body of the state shall permit continuation of existing health insurance coverage or reenrollment in previously existing coverage for the surviving spouse and each surviving child of an eligible employee of the Iowa department of corrections.

b. The governing body of the state shall permit continuation of existing health insurance coverage for the surviving spouse and each surviving child of an employee of the Iowa department of corrections who dies and who is reasonably expected to be determined to be an eligible employee of the Iowa department of corrections, until such time as the determination of eligibility is made.

3. The governing body of the state shall not be required to pay for the cost of the health insurance under this section; however, the governing body of the state may pay the full cost or a portion of the cost of the health insurance. If the full cost or a portion of the cost of the coverage is not paid by the governing body of the state, the surviving spouse and each surviving child who is eligible for health insurance under this section may elect to continue

coverage by paying that portion of the cost of the health insurance not paid by the governing body of the state.

4. The governing body of the state shall notify the provider of health insurance coverage for state employees of the identity of the surviving spouse and each surviving child who is to be provided health insurance coverage pursuant to the requirements of this section.

5. This section shall not require continuation of health insurance coverage if the surviving spouse or a surviving child who would otherwise be entitled to continuation of health insurance coverage under this section was, through the actions of the surviving spouse or the surviving child, a substantial contributing factor to the death of the eligible employee of the Iowa department of corrections.

Sec. 33. NEW SECTION. 904.321 Department of corrections survivor benefits fund.

1. A department of corrections survivor benefits fund is established in the state treasury under the control of the department. The fund shall consist of moneys transferred to the fund pursuant to section 99G.39 and any other moneys appropriated to or deposited in the fund. Moneys in the fund are appropriated to the department for the purposes set forth in subsection 2.

2. The department shall distribute the moneys credited to the fund in a fiscal year in the form of grants to nonprofit organizations that provide resources to assist surviving families of eligible employees of the department of corrections killed in the line of duty in paying costs associated with accident or health care coverage pursuant to section 509A.13D.

3. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 34. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 35. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 1, 2021.

Approved June 8, 2021

CHAPTER 167

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

H.F. 862

AN ACT relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the sports wagering receipts fund, and the autism support fund, providing for related matters, and including effective date 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 2021-2022:

..... \$ 250,000

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. 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 2021-2022:

..... \$ 5,200,000

b. (1) The moneys appropriated in this subsection 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.

(2) The moneys appropriated in this subsection 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.

c. In supporting projects in watersheds and subwatersheds as provided in paragraph “b”, all of the following shall apply:

(1) 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.

(2) The division shall implement demonstration projects as provided in subparagraph (1) 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.

(3) 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.

(4) 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.

(5) 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.

d. The moneys appropriated in this subsection 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.

e. The moneys appropriated in this subsection may be used to contract with persons to coordinate the implementation of efforts provided in this subsection.

f. The moneys appropriated in this subsection 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.

g. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in this subsection to carry out the provisions of this subsection on a cost-share basis in combination with other moneys available to the department from a state or federal source.

h. Not more than 10 percent of the moneys appropriated in this subsection may be used for costs of administration and implementation of the water quality initiative administered by the soil conservation division.

3. DEPARTMENT FOR THE BLIND

For building repairs for the building located at 524 Fourth Street, Des Moines, Iowa:

FY 2021-2022:

..... \$ 139,100

4. DEPARTMENT OF CORRECTIONS

For the remodel and expansion of the kitchen and visitation areas at the Clarinda treatment complex:

FY 2021-2022:

..... \$ 5,242,619

FY 2022-2023:

..... \$ 4,000,000

5. 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 2021-2022:

..... \$ 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 2021-2022:

..... \$ 250,000

c. For a Harold “Pie” Keller memorial statue located in a city with a population between 1,465 and 1,500, in a county with a population of less than 20,000, as determined by the 2010 federal decennial census, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2021-2022:

..... \$ 15,000

6. ECONOMIC DEVELOPMENT AUTHORITY

a. For deposit in the community attraction and tourism fund created in section 15F.204:

FY 2021-2022:

..... \$ 5,000,000

b. For deposit in the vacant state buildings demolition fund created in section 15.261:

FY 2022-2023:

..... \$ 1,000,000

c. For deposit in the vacant state buildings rehabilitation fund created in section 15.262, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023:

..... \$ 1,000,000

7. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

For costs associated with school safety, flood mitigation, or other emergency services programs, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2021-2022

..... \$ 2,500,000

FY 2022-2023

..... \$ 2,000,000

8. DEPARTMENT OF HUMAN SERVICES

a. For converting dorm space into individual rooms at the Eldora institution:

FY 2021-2022:

..... \$ 6,500,000

b. For a grant to a nonprofit agency that provides expert care for children with medical complexity by providing infrastructure funding for expanding its facilities to provide behavioral analysis treatment for eligible individuals:

FY 2021-2022:

.....	\$ 750,000
9. 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 2021-2022:	
.....	\$ 9,600,000
b. For state park infrastructure improvements:	
FY 2021-2022:	
.....	\$ 2,000,000
c. For water trails and low head dam safety grants:	
FY 2021-2022:	
.....	\$ 1,000,000
d. For grants to communities or organizations for tree planting projects through the community forestry grant program, notwithstanding section 8.57, subsection 5, paragraph "c":	
FY 2021-2022:	
.....	\$ 250,000
e. For costs associated with renovation and improvements at the Fort Atkinson state preserve:	
FY 2021-2022:	
.....	\$ 100,000
f. For deposit in the on-stream impoundment restoration fund created in section 456A.33C, notwithstanding section 8.57, subsection 5, paragraph "c":	
FY 2021-2022:	
.....	\$ 500,000
g. For park infrastructure improvement costs for a county park located in a county with a population between 20,900 and 21,000 as determined by the 2010 federal decennial census, notwithstanding section 8.57, subsection 5, paragraph "c":	
FY 2021-2022:	
.....	\$ 150,000
10. DEPARTMENT OF PUBLIC DEFENSE	
a. For major maintenance projects at national guard armories and facilities:	
FY 2021-2022:	
.....	\$ 1,000,000
b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:	
FY 2021-2022:	
.....	\$ 1,000,000
c. For construction improvement projects at the Camp Dodge facility:	
FY 2021-2022:	
.....	\$ 250,000
d. For costs associated with the construction of a readiness center in West Des Moines:	
FY 2021-2022:	
.....	\$ 1,800,000
FY 2022-2023:	
.....	\$ 1,850,000
FY 2023-2024:	
.....	\$ 1,850,000
e. The department of public defense shall report to the general assembly by December 15, 2021, regarding the projects the department has funded or intends to fund from moneys appropriated to the department pursuant to this subsection.	
11. 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 2021-2022:	

.....	\$ 4,114,482
b. For deposit in a public safety equipment fund, if enacted, notwithstanding section 8.57, subsection 5, paragraph “c”:	
FY 2021-2022:	
.....	\$ 2,500,000
12. BOARD OF REGENTS	
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 2021-2022:	
.....	\$ 28,100,000
13. DEPARTMENT OF TRANSPORTATION	
a. For acquiring, constructing, and improving recreational trails within the state:	
FY 2021-2022:	
.....	\$ 1,500,000
b. 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 2021-2022:	
.....	\$ 1,500,000
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 2021-2022:	
.....	\$ 1,000,000
d. For vertical infrastructure improvements at the commercial service airports within the state:	
FY 2021-2022:	
.....	\$ 1,900,000
e. For vertical infrastructure improvements at general aviation airports within the state:	
FY 2021-2022:	
.....	\$ 1,000,000
14. 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 2021-2022:	
.....	\$ 1,060,000
15. JUDICIAL BRANCH	
For furniture and equipment for justice centers located in counties with buildings the judicial branch is required to furnish, notwithstanding section 8.57, subsection 5, paragraph “c”:	
FY 2021-2022:	
.....	\$ 2,522,990
16. LEGISLATIVE BRANCH	
For costs associated with the repair and renovation of the domes of the Iowa state capitol:	
FY 2021-2022:	
.....	\$ 5,250,000
FY 2022-2023:	
.....	\$ 5,250,000

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, 2021, and ending June 30, 2022, 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 storage area network replacement:	\$	210,000
3. DEPARTMENT OF EDUCATION a. For the continued development and implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:	\$	600,000
Of the moneys appropriated in this lettered paragraph, the department may use a portion 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:	\$	1,998,600
4. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT For the continuing 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:	\$	187,980
6. DEPARTMENT OF HUMAN SERVICES For technology costs associated with the state poison control center:	\$	34,000
7. DEPARTMENT OF INSPECTIONS AND APPEALS For a registry of children receiving foster care:	\$	350,000
8. 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:	\$	120,000
d. For the annual licensing of a searchable database that is placed on the internet for budget and financial information:	\$	371,292

9. DEPARTMENT OF PUBLIC DEFENSE	
For technology projects:	
.....	\$ 100,000
10. DEPARTMENT OF PUBLIC SAFETY	
a. For replacement of the computerized criminal history record system:	
.....	\$ 600,000
b. For replacement of a database appliance:	
.....	\$ 280,000
c. For replacement of a headquarters data center uninterrupted power supply protection service:	
.....	\$ 74,000
d. For a human trafficking hotel/motel training system:	
.....	\$ 98,000
11. DEPARTMENT OF REVENUE	
For tax system modernization:	
.....	\$ 4,070,460
12. DEPARTMENT OF VETERANS AFFAIRS	
For technology equipment:	
.....	\$ 2,500
13. JUDICIAL BRANCH	
For voice-over internet protocol phone upgrades at county courthouses:	
.....	\$ 433,100

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. 2016 Iowa Acts, ¹ 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, 2019 Iowa Acts, chapter 137, section 6, and 2020 Iowa Acts, chapter 1120, section 5, 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 prior fiscal 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:	\$ 6,625,000
FY 2021-2022:	\$ <u>13,375,000</u>
FY 2022-2023:	\$ <u>11,375,000</u>

¹ According to Act; the phrase "2015 Iowa Acts" probably intended

	\$ 2,000,000
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Sec. 6. 2016 Iowa Acts, chapter 1133, section 7, as amended by 2020 Iowa Acts, chapter 1120, section 6, is amended to read as follows:

SEC. 7. REVERSION.

1. 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~~ 2021.

Sec. 7. 2017 Iowa Acts, chapter 173, section 3, is amended to read as follows:

SEC. 3. 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 and allocated for the costs associated with maintenance projects for the state historical building in section 1, subsection 4, paragraph “b”, in this division of this 2017 Iowa Act, shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2021.

Sec. 8. 2019 Iowa Acts, chapter 137, section 1, subsection 4, paragraphs d and e, as amended by 2020 Iowa Acts, chapter 1120, section 9, are amended to read as follows:

d. For deposit in the vacant state buildings demolition fund created in section 15.261:

(1) FY 2019-2020:	\$ 1,000,000
(2) FY 2021-2022:	\$ 1,000,000
	<u>750,000</u>

Of the moneys deposited in the fund pursuant to this subparagraph and used by the authority for the purposes of the fund, the authority shall give priority to new recipients.

e. For deposit in the vacant state buildings rehabilitation fund created in section 15.262, notwithstanding section 8.57, subsection 5, paragraph “c”:

(1) FY 2019-2020:	\$ 1,000,000
(2) FY 2021-2022:	\$ 1,000,000
	<u>750,000</u>

Of the moneys deposited in the fund pursuant to this subparagraph and used by the authority for the purposes of the fund, the authority shall give priority to new recipients.

Sec. 9. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
MISCELLANEOUS PROVISIONS

Sec. 10. Section 8.57C, subsection 3, paragraph a, Code 2021, is amended to read as follows:

a. There is appropriated from the general fund of the state to the technology reinvestment fund for the following fiscal years, ~~the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund following amounts:~~

(1) ~~The~~ For the fiscal year beginning July 1, 2014, and ending June 30, 2015, the sum of seventeen million five hundred thousand dollars.

(2) For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the sum of seventeen million seven hundred thousand dollars.

(2) ~~(3) The~~ For the fiscal year beginning July 1, 2021 2022, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars.

Sec. 11. Section 15.261, subsection 2, Code 2021, is amended to read as follows:

2. Moneys in the vacant state buildings demolition fund are appropriated to the authority for purposes of funding a grant program for the demolition of vacant buildings owned by the state which are no longer used for a state purpose. Grant program criteria shall provide that no more than fifty percent of the cost of a project for the demolition of vacant buildings shall be funded from a grant under the program.

Sec. 12. DEPARTMENT OF VETERANS AFFAIRS — CEMETERY INFRASTRUCTURE STUDY. The department of veterans affairs shall conduct a study assessing infrastructure needs related to veteran's cemeteries located in the state, to include assessing the adequacy of access to the cemeteries. The department shall submit a written report to the general assembly, including its findings and conclusions, by January 14, 2022.

DIVISION V
AUTISM SUPPORT FUND

Sec. 13. AUTISM SUPPORT FUND — TRANSFER. There is transferred from the autism support fund created in section 225D.2 to the rebuild Iowa infrastructure fund created in section 8.57, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the sum of seven hundred fifty thousand dollars, notwithstanding any provision of section 225D.2 to the contrary.

DIVISION VI
SPORTS TOURISM PROGRAM

Sec. 14. Section 15F.401, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. The authority shall establish, and, at the direction of the board, shall administer a sports tourism program to provide financial assistance for projects that promote sporting events for organizations of accredited colleges and universities, professional sporting events, and other sporting events in the state.

Sec. 15. Section 15F.401, subsection 1, paragraph b, subparagraph (3), Code 2021, is amended to read as follows:

(3) "*Organization*" means a corporation, conference, association, or other organization which has as one of its primary purposes the sponsoring or administration of extracurricular intercollegiate athletic contests or competitions, or professional sporting events.

Sec. 16. Section 15F.401, subsection 1, paragraph b, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) "*Professional sporting events*" means any sporting events for which the competing athletes receive payment for their participation in such sporting event.

Sec. 17. Section 15F.401, subsection 2, paragraphs a, b, and c, Code 2021, are amended to read as follows:

a. A city or county in the state or a public entity, including a convention and visitors bureau or a district, may apply to the authority for financial assistance for a project that actively and directly promotes sporting events for accredited colleges and universities, professional sporting events, and other sporting events in the area served by the city, county, or public entity.

b. A city, county, or public entity may apply for and receive financial assistance for more than one project. The board may require additional information to substantiate the financial need for awarding more than one project in any fiscal year.

c. A city, county, or public entity may apply for financial assistance for a project that spans ~~multiple two~~ fiscal years ~~or may apply for renewal of financial assistance awarded in a prior year~~ if all applicable contractual requirements are met. ~~The decision as to whether to renew an award shall be at the discretion of the board.~~ The board may adopt by rule certain metrics and return on investment estimates for purposes of this paragraph. The authority may include such metrics and estimates in a program agreement executed pursuant to this section.

Sec. 18. Section 15F.401, subsections 4, 5, and 6, Code 2021, are amended to read as follows:

4. An applicant shall demonstrate matching funds in order to receive financial assistance pursuant to this section. The amount of matching funds that may be required shall be at the board's discretion. An applicant under the program shall not receive financial assistance from the sports tourism program fund created in section 15F.403 in an amount exceeding fifty percent of the total cost of the project.

5. The board shall make final funding decisions on each application and may approve, deny, defer, or modify applications for financial assistance under the program, in its discretion, in order to fund as many projects with the moneys available as possible. The board and the authority may negotiate with applicants regarding the details of projects and the amount and terms of any award. The total amount of financial assistance provided to an applicant in any one fiscal year shall not exceed five hundred thousand dollars. In making final funding decisions pursuant to this subsection, the board and the authority are exempt from chapter 17A.

6. a. A city, county, or public entity may use financial assistance received under the program for marketing; and promotions, ~~and infrastructure~~. Whether an activity or individual cost item is directly related to the promotion of the sporting event shall be within the discretion of the authority.

b. All applications to the authority for financial assistance shall be made at least ninety days prior to an event's scheduled date. A city, county, or public entity shall not use financial assistance received under the program as reimbursement for completed projects.

Sec. 19. Section 15F.403, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The authority may use not more than five percent of the money in the fund at the beginning of each fiscal year for purposes of administrative costs, technical assistance, and other program support.

Sec. 20. SPORTS TOURISM PROGRAM — SPORTS WAGERING RECEIPTS FUND. There is appropriated from the sports wagering receipts fund created in section 8.57, subsection 6, to the economic development authority 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 sports tourism program fund created in section 15F.403 for financing sports tourism projects:
..... \$ 1,500,000

CHAPTER 168

APPROPRIATIONS — JUDICIAL BRANCH

H.F. 864

AN ACT relating to appropriations to the judicial branch.

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

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2021, and ending June 30, 2022, 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, 2021; and maintenance, equipment, and miscellaneous purposes:

..... \$ 189,640,252

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:

..... \$ 3,600,000

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 upon 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 judicial 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, 2022, concerning the amounts received and expended from the court technology and modernization

fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2021, and ending June 30, 2022.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, 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.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, a judicial officer may waive travel reimbursement for any travel outside the judicial officer’s county of residence to conduct official judicial business.

Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2019 Iowa Acts, chapter 155, section 6, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, 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. 5. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

Sec. 6. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2021, effective for the pay period beginning June 25, 2021, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from moneys allocated to the judicial branch from the salary adjustment fund, or if the allocation is not sufficient, from moneys appropriated to the judicial branch pursuant to this Act or any other Act of the general assembly.

2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the fiscal year beginning July 1, 2021, effective with the pay period beginning June 25, 2021, and for subsequent pay periods.

a. Chief justice of the supreme court:	\$	192,261
b. Each justice of the supreme court:	\$	183,653
c. Chief judge of the court of appeals:	\$	172,175
d. Each associate judge of the court of appeals:	\$	166,436
e. Each chief judge of a judicial district:	\$	160,696
f. Each district judge except the chief judge of a judicial district:	\$	154,957
g. Each district associate judge:	\$	137,740
h. Each associate juvenile judge:	\$	137,740
i. Each associate probate judge:	\$	137,740

.....	\$	137,740
j. Each judicial magistrate:		
.....	\$	42,469
k. Each senior judge:		
.....	\$	9,182
3. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments provided by this Act or any other Act of the general assembly.		

Sec. 7. Section 602.6404, subsection 3, Code 2021, is amended to read as follows:

3. A magistrate shall be an attorney licensed to practice law in this state. However, a magistrate not admitted to the practice of law in this state and who is holding office on April 1, 2009, shall be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and for subsequent successive terms.

Approved June 8, 2021

CHAPTER 169

BUSINESS PROPERTY TAX CREDIT FILING REQUIREMENTS

H.F. 865

AN ACT relating to the filing requirements for the business property tax credit and including effective date provisions.

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

Section 1. Section 426C.3, subsection 7, Code 2021, is amended to read as follows:

7. When all or a portion of a parcel or property unit that is allowed a credit under this chapter is sold, transferred, or ownership otherwise changes, the buyer, transferee, or new owner who wishes to receive the credit shall refile the claim for credit. ~~In addition, when a portion of a parcel or property unit that is allowed a credit under this chapter is sold, transferred, or ownership otherwise changes, the owner of the portion of the parcel or property unit for which ownership did not change shall refile the claim for credit.~~

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

Approved June 8, 2021

CHAPTER 170

APPROPRIATIONS — EDUCATION

H.F. 868

AN ACT relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for 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
FY 2021-2022 APPROPRIATIONS
DEPARTMENT FOR THE BLIND

Section 1. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, 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:

.....	\$	2,780,724
.....	FTEs	87.98

COLLEGE STUDENT AID COMMISSION

Sec. 2. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

a. For general administration salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	429,279
.....	FTEs	3.95

b. For the administration of the future ready Iowa skilled workforce last-dollar scholarship program in accordance with section 261.131, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	162,254
.....	FTEs	1.00

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

.....	\$	500,973
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3. NATIONAL GUARD SERVICE SCHOLARSHIP PROGRAM

For purposes of providing national guard service scholarships under the program established in section 261.86:

.....	\$	4,700,000
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4. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

.....	\$	3,100,000
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b. For the fiscal year beginning July 1, 2021, if the moneys appropriated by the general assembly to the college student aid commission for purposes of the all Iowa opportunity scholarship program exceed \$500,000, "eligible institution" as defined in section 261.87 shall, during the fiscal year beginning July 1, 2021, include accredited private institutions as defined in section 261.9.

5. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

.....	\$	400,000
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6. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

.....	\$	1,724,502
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7. HEALTH CARE LOAN REPAYMENT PROGRAM

For purposes of the health care loan repayment program established pursuant to section 261.116:

.....	\$	250,000
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8. RURAL VETERINARIAN LOAN REPAYMENT PROGRAM

For purposes of the rural veterinarian loan repayment program established pursuant to section 261.120:

..... \$ 400,000

9. FUTURE READY IOWA SKILLED WORKFORCE LAST-DOLLAR SCHOLARSHIP PROGRAM

For deposit in the future ready Iowa skilled workforce last-dollar scholarship fund established pursuant to section 261.131:

..... \$ 23,004,744

Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 4. WORK-STUDY APPROPRIATION. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

Sec. 5. TRANSFERS TO FUTURE READY IOWA SKILLED WORKFORCE LAST-DOLLAR SCHOLARSHIP FUND.

1. Notwithstanding section 261.132, subsection 5, there is transferred from the future ready Iowa skilled workforce grant fund created pursuant to section 261.132, subsection 5, to the future ready Iowa skilled workforce last-dollar scholarship fund created pursuant to section 261.131, subsection 5, any moneys remaining unencumbered and unobligated on the effective date of this¹ Act.

2. From the moneys appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the college student aid commission for the fiscal year beginning July 1, 2020, and ending June 30, 2021, for purposes of providing skilled workforce shortage tuition grants, in accordance with section 261.130, pursuant to 2020 Iowa Acts, chapter 1019, section 7, \$400,000 is transferred to the future ready Iowa skilled workforce last-dollar scholarship fund created pursuant to section 261.131.

DEPARTMENT OF EDUCATION

Sec. 6. 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 amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,975,526

..... FTEs 65.00

b. By January 15, 2022, the department shall submit a written report to the general assembly detailing the department’s antibullying programming and current and projected expenditures for such programming for the fiscal year beginning July 1, 2021.

2. CAREER AND TECHNICAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 598,197

..... FTEs 9.21

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,996,328

..... FTEs 249.00

¹ According to Act; the phrase “effective date of this section of this division of this Act” probably intended

For purposes of optimizing the job placement of individuals with disabilities, the division shall make its best efforts to work with community rehabilitation program providers for job placement and retention services for individuals with significant disabilities and most significant disabilities. By January 15, 2022, the division shall submit a written report to the general assembly regarding the division’s outreach efforts with community rehabilitation program providers.

b. For matching moneys for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	84,823
.....	FTEs	1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

.....	\$	138,506
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d. For costs associated with centers for independent living:

.....	\$	86,457
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4. STATE LIBRARY

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,532,594
.....	FTEs	22.00

b. For the enrich Iowa program established under section 256.57:

.....	\$	2,464,823
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5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,870,316
.....	FTEs	58.23

6. CAREER AND TECHNICAL EDUCATION

For reimbursement for career and technical education expenditures made by regional career and technical education planning partnerships in accordance with section 258.14:

.....	\$	2,952,459
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7. SCHOOL FOOD SERVICE

For use as state matching moneys for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,176,797
.....	FTEs	23.62

8. EARLY CHILDHOOD IOWA FUND — GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	23,206,799
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a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2021, and ending June 30, 2022, not more than \$265,950 is allocated for the early childhood Iowa office and other technical assistance activities. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, \$2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed \$88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified

by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, \$825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component groups maintained by the early childhood Iowa stakeholders alliance pursuant to section 256I.12, subsection 7, paragraph “b”, and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration as approved by the early childhood Iowa state board.

9. BIRTH TO AGE THREE SERVICES

a. For expansion of the federal Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2018, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 1,721,400

b. From the moneys appropriated in this subsection, \$383,769 shall be allocated to the child health specialty clinics administered by the state university of Iowa in order to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

10. EARLY HEAD START PROJECTS

a. For early head start projects:

..... \$ 574,500

b. The moneys appropriated in this subsection shall be used for implementation and expansion of early head start pilot projects addressing the comprehensive cognitive, social, emotional, and developmental needs of children from birth to age three, including prenatal support for qualified families. The projects shall promote healthy prenatal outcomes and healthy family functioning, and strengthen the development of infants and toddlers in low-income families. Priority shall be given to those organizations that have previously qualified for and received state funding to administer an early head start project.

11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

a. To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... \$ 852,000

b. Funding under this subsection is limited to \$30 per pupil and shall not exceed the comparable services offered to resident public school pupils.

12. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

..... \$ 2,965,467
..... FTEs 6.00

13. STATEWIDE STUDENT ASSESSMENT

For distribution to the Iowa testing program by the department of education on behalf of school districts and accredited nonpublic schools to offset the costs associated with a statewide student assessment administered in accordance with section 256.7, subsection 21, paragraph “b”:

..... \$ 3,000,000

From the moneys appropriated in this subsection, not more than \$300,000 shall be distributed to the Iowa testing programs within the university of Iowa college of education to offset the costs of administering the statewide student assessment at accredited nonpublic schools.

14. STATEWIDE CLEARINGHOUSE TO EXPAND WORK-BASED LEARNING

For support costs associated with the creation of a statewide clearinghouse to expand work-based learning as a part of the future ready Iowa initiative:

..... \$ 300,000

15. POSTSECONDARY SUMMER CLASSES FOR HIGH SCHOOL STUDENTS PROGRAM

For support costs associated with the creation of a program to provide additional moneys for resident high school pupils enrolled in grades 9 through 12 to attend a community college for college-level classes or attend a class taught by a community college-employed instructor during the summer and outside of the regular school year through a contractual agreement between a community college and a school district under the future ready Iowa initiative:

..... \$ 600,000

Notwithstanding section 8.33, moneys received by the department pursuant to 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 for the following fiscal year.

16. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk middle school or high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... \$ 4,666,188

17. ATTENDANCE CENTER PERFORMANCE/GENERAL INTERNET SITE AND DATA SYSTEM SUPPORT

For administration of a process for school districts to establish specific performance goals and to evaluate the performance of each attendance center operated by the district in order to arrive at an overall school performance grade and report card for each attendance center, for internet site and data system support, and for not more than the following full-time equivalent positions:

..... \$ 250,000

..... FTEs 1.85

18. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

..... \$ 230,000

19. SUCCESSFUL PROGRESSION FOR EARLY READERS

For distribution to school districts for implementation of section 279.68, subsection 2, relating to successful progression for early readers:

..... \$ 7,824,782

20. EARLY WARNING SYSTEM FOR LITERACY

For purposes of purchasing a statewide license for an early warning assessment and administering the early warning system for literacy established in accordance with section 279.68 and rules adopted in accordance with section 256.7, subsection 31:

..... \$ 1,915,000

The department shall administer and distribute to school districts and accredited nonpublic schools the early warning assessment system that allows teachers to screen and monitor student literacy skills from prekindergarten through grade six. The department may charge school districts and accredited nonpublic schools a fee for the system not to exceed the actual costs to purchase a statewide license for the early warning assessment minus the moneys received by the department under this subsection. The fee shall be determined by dividing the actual remaining costs to purchase the statewide license for the school year by the number of pupils assessed under the system in the current fiscal year. School districts may use moneys received pursuant to section 257.10, subsection 11, and moneys received for purposes of implementing section 279.68, subsection 2, to pay the early warning assessment system fee.

21. IOWA READING RESEARCH CENTER

a. For purposes of the Iowa reading research center in order to implement, in collaboration with the area education agencies, the provisions of section 256.9, subsection 49, paragraph "c":

..... \$ 1,550,176

b. From moneys appropriated in this subsection, not more than \$250,000 shall be used for collaborations with the state board of education relating to the approval of practitioner preparation programs pursuant to section 256.7, subsection 3, paragraph "c", and with the board of educational examiners for the establishment and continuing oversight of the advanced dyslexia specialist endorsement pursuant to section 272.2, subsection 23. For the

fiscal year beginning July 1, 2021, and ending June 30, 2022, the center shall submit a report to the general assembly and the legislative services agency detailing the expenditures of moneys used for purposes of this paragraph “b”.

c. Notwithstanding section 8.33, moneys received by the department pursuant to 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 for the following fiscal year.

22. COMPUTER SCIENCE PROFESSIONAL DEVELOPMENT INCENTIVE FUND

For deposit in the computer science professional development incentive fund established under section 284.6A:

..... \$ 500,000

23. CHILDREN’S MENTAL HEALTH SCHOOL-BASED TRAINING AND SUPPORT

a. For distribution to area education agencies for school-based children’s mental health services, including mental health awareness training for educators:

..... \$ 3,183,936

b. Of the amount appropriated in this subsection for distribution to area education agencies, \$83,936 shall be used for purposes of implementing a children’s grief and loss rural pilot program to serve up to 375 Iowa children in up to seven rural school districts or accredited nonpublic schools. The pilot program shall be administered by, and the moneys allocated pursuant to this paragraph shall be distributed to, an existing statewide not-for-profit health care organization that currently provides grief and loss services to children. For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the health care organization receiving moneys pursuant to this paragraph shall prepare a report, in collaboration with the department of education, detailing the expenditures of moneys used for the purposes of this program and its outcomes, which shall be submitted to the general assembly by September 30, 2022.

c. Notwithstanding section 8.33, or any other provision to the contrary, moneys appropriated pursuant to 2019 Iowa Acts, chapter 135, section 5, subsection 23, and 2020 Iowa Acts, chapter 1121, section 1, subsection 2, for allocation to area education agencies to create a clearinghouse of mental health resources for use by schools and community providers that remain unobligated and unexpended at the close of the fiscal year beginning July 1, 2019, or at the close of the fiscal year beginning July 1, 2020, shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the fiscal year beginning July 1, 2021.

24. BEST BUDDIES IOWA

For school districts to create opportunities for one-to-one friendships, integrated employment, and leadership development for students with intellectual and developmental disabilities:

..... \$ 25,000

The department of education shall establish criteria for the distribution of moneys appropriated under this subsection and shall require an organization receiving moneys under this subsection to annually report student identifying data for students participating in the program to the department in the manner prescribed by the department as a condition of receiving such moneys.

25. ADULT EDUCATION AND LITERACY PROGRAMS

For distribution as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language:

..... \$ 500,000

In issuing grants under this subsection, the department shall use the same application process and criteria as are used for purposes of awarding grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language using moneys that are appropriated to the department from the Iowa skilled worker and job creation fund.

26. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa’s member state annual obligation:

..... \$ 115,000

b. Notwithstanding section 8.33, moneys appropriated for distribution to the midwestern higher education compact pursuant to 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 purpose designated until the close of the succeeding fiscal year.

27. NONPUBLIC SCHOOL CONCURRENT ENROLLMENT PAYMENTS TO COMMUNITY COLLEGES

For payments to community colleges for the concurrent enrollment of accredited nonpublic school students under section 261E.8, subsection 2, paragraph “b”:

..... \$ 1,000,000

Notwithstanding section 8.33, moneys received by the department pursuant to 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 for the following fiscal year.

28. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... \$ 215,158,161

Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:

a. Merged Area I

..... \$ 10,591,082

b. Merged Area II

..... \$ 10,697,390

c. Merged Area III

..... \$ 9,874,933

d. Merged Area IV

..... \$ 4,885,250

e. Merged Area V

..... \$ 12,209,860

f. Merged Area VI

..... \$ 9,495,500

g. Merged Area VII

..... \$ 14,478,952

h. Merged Area IX

..... \$ 18,363,876

i. Merged Area X

..... \$ 33,626,681

j. Merged Area XI

..... \$ 36,393,873

k. Merged Area XII

..... \$ 11,943,091

l. Merged Area XIII

..... \$ 13,022,781

m. Merged Area XIV

..... \$ 4,979,075

n. Merged Area XV

..... \$ 15,583,807

o. Merged Area XVI

..... \$ 9,012,010

Sec. 7. LIMITATIONS OF STANDING APPROPRIATION FOR AT-RISK CHILDREN. Notwithstanding the standing appropriation in section 279.51 for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the amount appropriated from the general fund of the state to the department of education for programs for at-risk children under section 279.51 shall be not more than \$10,524,389. The amount of any reduction in this section shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs “a”, “b”, and “c”.

Sec. 8. 2019 Iowa Acts, chapter 135, section 5, subsection 27, as amended by 2020 Iowa Acts, chapter 1121, section 76, 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 2021.

Sec. 9. 2020 Iowa Acts, chapter 1108, section 13, is amended to read as follows:

SEC. 13. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM INCENTIVE FUND. 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 deposit in the therapeutic classroom incentive fund established pursuant to section 256.25, as enacted by this Act:

..... \$ 1,582,650
..... 1,626,075

STATE BOARD OF REGENTS

Sec. 10. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 764,642
..... FTEs 2.48

For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the state board of regents shall submit a 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 for the quarter ending December 31, 2021, shall include the five-year graduation rates for the regents universities.

b. For distribution to the western Iowa regents resource center:

..... \$ 268,297

c. For distribution to Iowa public radio for public radio operations:

..... \$ 345,669

d. For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the state board of regents and the institutions of higher learning governed by the state board are prohibited from reducing moneys budgeted for fiscal year 2021-2022 for the universities’ police departments.

2. STATE UNIVERSITY OF IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 215,605,480
..... FTEs 5,058.55

b. Oakdale campus

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,103,819
..... FTEs 38.25

c. State hygienic laboratory

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,822,610
.....	FTEs	102.51

d. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice residency education program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	1,720,598
.....	FTEs	2.71

e. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	634,502
.....	FTEs	4.16

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

.....	\$	143,410
.....	FTEs	2.10

g. Substance abuse consortium

For distribution to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent positions:

.....	\$	53,427
.....	FTEs	0.99

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	696,342
.....	FTEs	6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

.....	\$	624,374
.....	FTEs	6.23

From the moneys appropriated in this lettered paragraph, \$254,889 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent positions:

.....	\$	36,839
.....	FTEs	0.38

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

.....	\$	156,389
.....	FTEs	2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative established pursuant to section 263.8A:

.....	\$	463,616
-------	----	---------

m. Iowa flood center

For the Iowa flood center for use by the university’s college of engineering pursuant to section 466C.1:

..... \$ 1,154,593

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 172,144,766

..... FTEs 3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 29,462,535

..... FTEs 546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 18,157,366

..... FTEs 385.34

From the moneys appropriated in this lettered paragraph, \$150,000 shall be used for the costs incurred by the Iowa agricultural extension association as host of the 2023 national meeting of the national association of county agricultural agents.

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 98,296,620

..... FTEs 1,250.28

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

..... \$ 172,768

..... FTEs 1.93

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7, and for not more than the following full-time equivalent positions:

..... \$ 6,354,848

..... FTEs 5.50

(1) Except as otherwise provided in this lettered paragraph, the moneys appropriated in this lettered paragraph shall be expended for salaries, staffing, institutional support, activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers, and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

(3) From the moneys appropriated in this lettered paragraph, not less than \$500,000 shall be used to provide technology education opportunities to high school, career academy, and community college students through a public-private partnership, as well as opportunities for students and faculties at these institutions to secure broad-based information technology certification. The partnership shall provide all of the following:

- (a) A research-based curriculum.
- (b) Online access to the curriculum.
- (c) Instructional software for classroom and student use.

(d) Certification of skills and competencies in a broad base of information technology-related skill areas.

(e) Professional development for teachers.

(f) Deployment and program support, including but not limited to integration with current curriculum standards.

(4) Notwithstanding section 8.33, of the moneys appropriated in this paragraph “c” that remain unencumbered or unobligated at the close of the fiscal year, an amount equivalent to not more than 5 percent of the amount appropriated in this paragraph “c” shall not revert but shall remain available for expenditure for summer programs for students until the close of the succeeding fiscal year.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent positions:

.....	\$	123,523
.....	FTEs	0.86

5. IOWA SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,789,039
.....	FTEs	120.00

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,540,886
.....	FTEs	62.20

Sec. 11. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 12. PRESCRIPTION DRUG COSTS. The department of administrative services shall pay the Iowa school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2021, for expenses relating to prescription drug costs for students attending the Iowa school for the deaf and the Iowa braille and sight saving school.

Sec. 13. Section 256I.8, subsection 1, paragraph c, subparagraph (3), Code 2021, is amended to read as follows:

(3) Identify federal, state, local, and private funding sources ~~including funding estimates~~ available in the early childhood Iowa area that will be used to provide services to children from zero through age five.

Sec. 14. Section 256I.11, subsection 3, Code 2021, is amended to read as follows:

3. Unless a different amount is authorized by law, up to ~~three~~ five percent of the school ready children grant moneys distributed to an area board may be used by the area board for administrative costs.

Sec. 15. Section 257.11, subsection 5, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a district that shares with a political subdivision one or more operational functions of a curriculum director, master social worker, independent social worker, mental health professional who holds a statement of recognition issued by the board of educational examiners, or school counselor, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or

operation and maintenance for at least twenty percent of the school year shall be assigned a supplementary weighting for each shared operational function. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function. A school district that shares an operational function in the area of business management, human resources, transportation, or operation and maintenance shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director;² a master social worker or an independent social worker licensed under chapters 147 and 154C⁷; a mental health professional who holds a statement of recognition issued by the board of educational examiners; or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The additional weighting shall be assigned for each discrete operational function shared. However, a school district may receive the additional weighting under this subsection for sharing the services of an individual with a political subdivision even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting under this subsection. In such case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection.

Sec. 16. Section 261.25, subsections 1 and 2, Code 2021, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty-seven~~ ~~forty-eight~~ million ~~seven~~ ~~eight~~ hundred ~~three~~ ~~ninety-six~~ thousand ~~four~~ ~~hundred~~ ~~sixty-three~~ ~~fifty~~ dollars for tuition grants to qualified students who are enrolled in accredited private institutions.

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of four hundred ~~twenty-six~~ ~~fifty-six~~ thousand two hundred twenty dollars for tuition grants for qualified students who are enrolled in eligible institutions. Of the moneys appropriated under this subsection, not more than ~~eighty~~ ~~one~~ hundred thousand dollars annually shall be used for tuition grants to qualified students who are attending an eligible institution under section 261.9, subsection 3, paragraph “b”.

Sec. 17. Section 261.87, subsection 1, paragraph d, subparagraphs (1), (2), (3), and (4), Code 2021, are amended to read as follows:

(1) Is the child or stepchild of a peace officer, as defined in section 97A.1, who was killed in the line of duty as determined by the board of trustees of the Iowa department of public safety peace officers’ retirement, accident, and disability system in accordance with section 97A.6, subsection 16.

(2) Is the child or stepchild of a police officer or a fire fighter, as each is defined in section 411.1, who was killed in the line of duty as determined by the statewide fire and police retirement system in accordance with section 411.6, subsection 15.

(3) Is the child or stepchild of a sheriff or deputy sheriff as each is defined in section 97B.49C, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with section 97B.52, subsection 2.

(4) Is the child or stepchild of a fire fighter or police officer included under section 97B.49B, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with section 97B.52, subsection 2.

Sec. 18. Section 261.87, subsection 1, paragraph d, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) Is the child or stepchild of an employee of the Iowa department of corrections, or of a judicial district department of correctional services, who was killed in the line of duty.

Sec. 19. Section 261.87, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* “*Stepchild*” means the same as defined in section 450.1.

Sec. 20. Section 261.132, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *New awards prohibited.* For the fiscal year beginning July 1, 2021, and each succeeding fiscal year, the commission shall not award a future ready Iowa skilled workforce grant to any new applicant, but may award a future ready Iowa skilled workforce grant to an applicant who received a grant awarded under the program in the fiscal year beginning July 1, 2020, and who continues to meet the eligibility requirements of this section.

Sec. 21. Section 284.13, subsection 1, paragraphs a, b, c, e, f, and g, Code 2021, are amended to read as follows:

a. For the fiscal year beginning July 1, 2019 2021, and ending June 30, 2020 2022, to the department, the amount of five hundred eight thousand two hundred fifty dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, 2019 2021, and ending June 30, 2020 2022, up to seven hundred twenty-eight thousand two hundred sixteen dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph “b”, and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

c. For the fiscal year beginning July 1, 2019 2021, and ending June 30, 2020 2022, an amount up to one million seventy-seven thousand eight hundred ten dollars to the department for the establishment of teacher development academies in accordance with section 284.6, subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

e. For the fiscal year beginning July 1, 2019 2021, and ending June 30, 2020 2022, to the department an amount up to twenty-five thousand dollars for purposes of the fine arts beginning teacher mentoring program established under section 256.34.

f. For the fiscal year beginning July 1, 2019 2021, and ending June 30, 2020 2022, to the department an amount up to six hundred twenty-six thousand one hundred ninety-one dollars shall be used by the department for a delivery system, in collaboration with area education agencies, to assist in implementing the career paths and leadership roles considered pursuant to sections 284.15, 284.16, and 284.17, including but not limited to planning grants to school districts and area education agencies, technical assistance for the department, technical assistance for districts and area education agencies, training and staff development, and the contracting of external expertise and services. In using moneys allocated for purposes of this paragraph, the department shall give priority to school districts with certified enrollments of fewer than six hundred students. A portion of the moneys allocated annually to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

g. For the fiscal year beginning July 1, 2020 2022, and for each subsequent fiscal year, to the department, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

Sec. 22. TASK FORCE ON GROWING A DIVERSE PREK-12 TEACHER BASE IN IOWA.

1. The director of the department of education, in consultation with Iowa jobs for America's graduates, shall convene a task force on growing a diverse prekindergarten through grade twelve teacher base in Iowa.

2. The director of the department of education or the director's designee shall serve as the chairperson of the task force. The department of education shall provide staffing services for the task force.

3. The task force shall, at a minimum, consist of the following members:

a. Representatives from public and private institutions of higher education engaged in practitioner preparation.

b. Representatives from state agencies engaged in practitioner preparation and licensure.

c. Representatives from area education agencies and school districts, including but not limited to teachers, administrators, and counselors, particularly those involved in competency-based education.

d. Representatives from apprenticeship programs and workforce development organizations.

e. Representatives from organizations that provide direct student support leading to graduation and career pathways or that provide remedial academic and career support outside the traditional classroom or school day.

f. Representatives from community-based organizations that have demonstrated expertise and effectiveness in the field of workforce development.

g. Persons representing current teachers, administrators, and school board members.

4. The task force shall do all of the following:

a. Develop a framework that expands opportunities for a more diverse teacher workforce and establishes a unique teacher career pathway for participants to achieve a bachelor's degree and teacher licensure while engaged meaningfully in the education system.

b. Demonstrate how the proposed pathway maintains a high-quality standard of learning and teacher preparation for all participants.

c. Recommend methods to attract, engage, and retain a high number of participants to make up a diverse teacher workforce that reflects the growing diverse population of students across Iowa, both rural and urban.

d. Recommend a pilot or experimental opportunity for a finite group of participants during the 2022-2023 school year that may be developed within an organization such as Iowa jobs for America's graduates.

5. The task force shall submit a report regarding its findings and recommendations, including any proposed legislative or administrative rule changes, to the governor, the general assembly, and the state board of education by December 15, 2021.

Sec. 23. INTERIM STUDY COMMITTEE — REGENTS UNIVERSITIES.

1. The legislative council is requested to establish an interim study committee to examine the administrative costs, staffing levels, and allocation of staff at the institutions of higher learning governed by the state board of regents, as well as the graduation and student retention rates for each academic program at each such institution of higher learning.

2. The interim study committee shall submit a report, including findings and recommendations, to the general assembly by December 15, 2021, for the 2022 legislative session.

Sec. 24. EFFECTIVE DATES. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act transferring moneys to the future ready Iowa skilled workforce last-dollar scholarship fund established pursuant to section 261.131.

2. The section of this division of this Act amending 2019 Iowa Acts, chapter 135, section 5, subsection 27, as amended by 2020 Iowa Acts, chapter 1121, section 76, subsection 27.

Sec. 25. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2020:

1. The section of this division of this Act enacting section 261.87, subsection 1, paragraph "d", subparagraph (5).

- 2. The section of this division of this Act enacting section 261.87, subsection 1, paragraph “i”.
- 3. The section of this division of this Act transferring moneys to the future ready Iowa skilled workforce last-dollar scholarship fund established pursuant to section 261.131.

DIVISION II
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2021-2022

Sec. 26. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... \$ 5,000,000

2. DEPARTMENT OF EDUCATION

a. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

..... \$ 15,100,000

From the moneys appropriated in this lettered paragraph “a”, not more than \$100,000 shall be used by the department for administration of the workforce training and economic development funds created pursuant to section 260C.18A.

b. For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 260C.50:

..... \$ 5,500,000

(1) From the moneys appropriated in this lettered paragraph “b”, \$3,883,000 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this lettered paragraph “b”, not more than \$150,000 shall be used by the department for implementation of adult education and literacy programs pursuant to section 260C.50.

(3) From the moneys appropriated in this lettered paragraph “b”, not more than \$1,257,000 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this lettered paragraph “b”, \$210,000 shall be transferred to the department of human services for purposes of administering a program to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and raise a family. The program shall provide supplemental support services for international refugees to improve learning, English literacy, life skills, cultural competencies, and integration in a county with a population over 350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to identify the entity best qualified to implement the program.

c. For capital projects at community colleges that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

..... \$ 6,000,000

Moneys appropriated in this lettered paragraph shall be disbursed pursuant to section 260G.6, subsection 3. Projects that qualify for moneys appropriated in this lettered paragraph shall include at least one of the following:

- (1) Accelerated career education program capital projects.
- (2) Major renovations and major repair needs, including health, life, and fire safety needs, including compliance with the federal Americans With Disabilities Act.

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

..... \$ 5,000,000

From the moneys appropriated in this lettered paragraph “d”, not more than \$200,000 shall be allocated by the department for implementation of regional industry sector partnerships pursuant to section 260H.7B and for not more than one full-time equivalent position.

e. For deposit in the gap tuition assistance fund established pursuant to section 260I.2:

..... \$ 2,000,000

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40:

..... \$ 1,500,000

From the moneys appropriated in this lettered paragraph “f”, not more than \$50,000 shall be used by the department to provide statewide support for work-based learning.

g. For support costs associated with administering a workforce preparation outcome reporting system for the purpose of collecting and reporting data relating to the educational and employment outcomes of workforce preparation programs receiving moneys pursuant to this subsection:

..... \$ 200,000

3. Notwithstanding section 8.33, moneys appropriated in this section of this division of this Act 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.

DIVISION III
ACCOUNTABILITY AND ADMINISTRATIVE MEASURES — FEES

Sec. 27. Section 256.9, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 63. Develop and make available on the department’s internet site general guidance for parents, guardians, and community members who have concerns about school districts or their governing boards.

NEW SUBSECTION. 64. Develop and distribute to school districts standards of practice for equity coordinators employed by school districts. To provide consistency in training statewide, the director shall also develop and distribute to school districts a training program on free speech under the first amendment which shall be used by school districts to provide training pursuant to section 279.75.

Sec. 28. Section 256.11, subsections 10 and 11, Code 2021, are amended by striking the subsections and inserting in lieu thereof the following:

10. The state board shall establish, and the department shall use, for the school year commencing July 1, 2021, and each succeeding school year, an accreditation, monitoring, and enforcement process for school districts and nonpublic schools seeking accreditation pursuant to this subsection and subsections 11 and 12. The process established shall include all of the following requirements:

a. *Phase I monitoring.*

(1) Phase I monitoring shall consist of annual monitoring by the department of all accredited schools and school districts for compliance with state and federal school laws, regulations, and rules adopted by the state board under chapter 17A, including but not limited to the following:

(a) Accreditation standards adopted by the state board as provided in this section.

(b) Fiscal compliance.

(c) Federal education laws including but not limited to the federal Elementary and Secondary Education Act of 1965, and the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended.

(d) The federal Civil Rights Act of 1964 and chapter 216.

(e) All other requirements of this title applicable to accredited schools and school districts.

(2) Phase I monitoring may include but shall not be limited to the following:

(a) One or more desk audits requiring submission of information to the department in a manner and on forms prescribed by the department.

(b) One or more remote or on-site visits to schools or school districts to address accreditation issues identified in a desk audit. Such a visit may be conducted by an individual departmental consultant or may be a comprehensive site visit by a team of departmental consultants and other subject-matter professionals.

(c) A review of district finances by department staff or a neutral third party.

(d) A review of local school board policies and procedures by department staff or a neutral third party.

(3) The department shall provide a public report annually of findings of noncompliance and required corrective actions for each accredited school and school district. The purpose of the phase I process is to bring schools and school districts into minimum compliance with federal and state laws, regulations, and rules and no citation or corrective action may be designed to require more than minimum compliance.

(4) The department shall provide a written report annually to the state board of any monitoring review resulting in multiple or substantial findings of noncompliance or noncompliance findings that remain uncorrected for more than thirty days past the deadline set by the department for correction.

(5) The department shall eliminate duplicative reporting on the part of schools and school districts for phase I monitoring, and is prohibited from collecting information not specifically permitted by federal or state law, regulation, or rule.

(6) Enforcement actions under phase I monitoring are limited to actions permitted pursuant to paragraph "c", subparagraphs (2) and (3). Violations of federal legal requirements shall follow the procedures and limitations of the governing statute.

b. Phase II monitoring.

(1) Phase II monitoring shall take place when any of the following conditions are present:

(a) When either the annual monitoring or the biennial on-site visit of phase I indicates that an accredited school or school district is deficient and fails to be in compliance with accreditation standards.

(b) In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by eligible electors residing in the school district equal in number to at least twenty percent of the registered voters of the school district.

(c) In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by twenty percent or more of the parents or guardians who have children enrolled in the school or school district.

(d) At the direction of the state board.

(e) The school budget review committee submits to the department a recommendation for a fiscal review pursuant to section 257.31, subsection 18.

(2) Phase II monitoring shall consist of a full desk audit of all monitoring requirements and an on-site visit to the school or school district for the purpose of determining the extent of noncompliance, the reason for lack of correction, if applicable, and a recommendation for corrective action to the director and the state board.

(3) Phase II monitoring requires the use of an accreditation committee appointed by the director. The accreditation committee shall be made up primarily of department staff but may request the assistance of third-party specialists at the discretion of the director. An accreditation committee visit to a nonpublic school requires membership on the committee from nonpublic school instructional or administrative staff or board members. A member of a committee shall not have a direct interest in the school district or nonpublic school being visited.

(4) After visiting the school district or nonpublic school, the accreditation committee shall, within thirty days, determine whether the accreditation standards have been met and shall make a report to the director, together with a recommendation on what enforcement actions, if any, should be recommended to the state board.

c. Enforcement.

(1) The department shall enforce the laws, regulations, and rules applicable to school districts and nonpublic schools consistent with the process outlined in this subsection. The

department shall coordinate its enforcement of chapter 216 with the Iowa state civil rights commission to reduce duplication of efforts.

(2) If, after having an opportunity to correct, if permitted, a school district is found to be in noncompliance with federal education laws including but not limited to the federal Elementary and Secondary Education Act of 1965, the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended, the federal Civil Rights Act of 1964, chapter 216, section 279.73 if enacted by House File 744,² or section 279.74 if enacted by House File 802,³ the director shall recommend, and the state board may do, one of the following within thirty days of the finding of noncompliance:

(a) Impose conditions on funding provided to a school district, including directing the use of school district funds and designating the school district a high-risk grantee under 2 C.F.R. §200.207.

(b) Withhold payment of state or federal funds to a school district, in whole or in part, until noncompliance is corrected. Initial withholding of state funds is at the discretion of the director for a period of sixty calendar days, after which it is subject to approval of the state board every sixty calendar days. Withholding of federal funds is subject to the governing federal statute or regulation.

(3) The director may use any of the following permitted enforcement mechanisms and shall exercise discretion to ensure that enforcement actions are proportionate to school district or nonpublic school noncompliance:

(a) Advise the school district or nonpublic school on the availability of appropriate technical assistance.

(b) Require the school district or nonpublic school to complete a corrective action plan or plan for improvement by a reasonable deadline.

(c) Recommend a phase II visit to the school district or nonpublic school to the state board.

(d) Refer conduct of school district or nonpublic school staff or school board members, or school authorities, to the office of the attorney general for investigation.

(e) Refer financial concerns to the auditor of state for investigation.

(f) Recommend removal of accreditation of the school district or school to the state board.

(g) Take any other enforcement mechanism available to the director.

(4) The department shall focus enforcement activities on all of the following:

(a) Improving educational results for children, families, and students.

(b) Ensuring that public agencies and their governing boards meet requirements of state and federal laws.

11. a. If the recommendation pursuant to subsection 10 is that a school district or nonpublic school not remain accredited, the accreditation committee shall provide the school district or nonpublic school with a report that includes a list of all of the deficiencies, a plan prescribing the actions that must be taken to correct the deficiencies, and a deadline date for completion of the prescribed actions. The accreditation committee shall advise the school district or nonpublic school of available resources and technical assistance to improve areas of weakness. The school district or nonpublic school shall be provided with the opportunity to respond to the accreditation committee's report. The director shall review the accreditation committee's report and the response of the school district or nonpublic school and shall provide a report to the state board along with copies of the accreditation committee's report, the response to the accreditation committee's report, and other pertinent information. At the request of the school district or nonpublic school, the school district or nonpublic school may appear before the state board and address the state board directly regarding any part of the plan specified in the report. The state board may modify the plan. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school district or school shall remain accredited.

b. The accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected.

c. The accreditation team shall make a report and recommendation to the director and the state board. The committee recommendation shall specify whether the school district

² Chapter 130 herein

³ Chapter 163 herein

or nonpublic school shall remain accredited. For a school district, the committee report and recommendation shall also specify under what conditions the district may remain accredited. The conditions may include but are not limited to providing temporary oversight authority, operational authority, or both oversight and operational authority to the director and the state board for some or all aspects of the school district in order to bring the school district into compliance with minimum standards.

d. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.

e. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall deaccredit the school district and merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to deaccredit the school district or to place the district under receivership shall be based upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.

f. In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may deaccredit the nonpublic school. The deaccreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is deaccredited.

Sec. 29. Section 272.2, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 24. Establish, collect, and refund fees from an administrator for the administrative costs of processing complaints and conducting hearings if the administrator is the respondent in a complaint for violation of the code of professional conduct and ethics, developed pursuant to subsection 1, for which final board action results in a sanction against the administrator.

Sec. 30. Section 272.10, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The fees established by the board for the administrative costs of processing complaints and conducting hearings pursuant to section 272.2, subsection 24, may include a fee for personal service by a sheriff, a fee for legal notice when placed in a newspaper, transcription service or court reporter fee, and other fees assessed as costs by the board. The fees collected annually in accordance with this subsection shall be retained by and are appropriated to the board for the purposes related to the board's duties. Notwithstanding section 8.33, fees retained by and appropriated to the board pursuant to 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 activities of the board as provided in this chapter until the close of the succeeding fiscal year.

Sec. 31. **NEW SECTION. 279.8B Petition — school board meeting agenda.**

1. Upon petition signed by eligible electors of a school district equal in number to at least ten percent of the persons who voted in the last preceding election of school officials under section 277.1, or five hundred eligible electors, whichever is less, the board of directors of the school district shall place the proposal specified in the petition on the agenda of the next regular meeting of the school board or on the agenda of a school board meeting held within thirty days of receipt of the petition filed in accordance with this subsection. If the proposal relates to curriculum, the school district may halt use of the subject instructional materials until the school board holds the board meeting at which the proposal is presented and discussed. The meeting notice shall include a brief description of the proposal.

2. The board of directors of the school district shall provide sufficient time to receive public comment on the proposal. The board shall allow each interested member of the public to speak at the meeting regarding the proposal, but may impose a time limit on the amount of

time a member of the public is allowed to speak if the time limit is the same for each speaker and necessary due to the amount of people wishing to speak.

Sec. 32. Section 279.66, Code 2021, is amended to read as follows:

279.66 Discipline and personal conduct standards.

1. The board of directors of a school district shall review and modify existing policies related to student discipline and student conduct that are designed to promote responsible behavior on school property and at school functions in order that the policy shall govern the conduct of students, teachers and other school personnel, and visitors; provide opportunities for students to exercise self-discipline and practice cooperative classroom behavior; and encourage students and practitioners to model fairness, equity, and respect. The policy shall specify the responsibilities of students, parents and guardians, and practitioners in creating an atmosphere where all individuals feel a sense of respect, safety, and belonging, and shall set forth the consequences for unacceptable behavior. The policy shall be published in the student handbook.

2. The board of directors of a school district shall include or reference in the student handbook guidance published pursuant to section 256.9, subsection 63, by the department of education for parents, guardians, and community members who have concerns about school districts or their governing boards.

Sec. 33. NEW SECTION. **279.75 Training for equity coordinators.**

The board of directors of a school district shall provide training on free speech under the first amendment to the Constitution of the United States developed and distributed pursuant to section 256.9, subsection 64, annually to any equity coordinator employed by the school district.

DIVISION IV
PRESCHOOL FUNDING

Sec. 34. **PRESCHOOL MODIFIED SUPPLEMENTAL AMOUNT — SCHOOL BUDGET REVIEW COMMITTEE.**

1. Notwithstanding section 256C.4, subsection 1, paragraph “f”, and any provision of section 257.31 to the contrary, if fifty percent of a school district’s actual enrollment of eligible students in preschool programming provided by the school district within the meaning of section 256C.5 on October 1, 2021, is greater than the preschool budget enrollment determined under section 256C.5 for the budget year beginning July 1, 2021, the school district may apply to the school budget review committee for a modified supplemental amount for the budget year beginning July 1, 2021. An approved modified supplemental amount under this section shall not exceed an amount equal to the product of the regular program state cost per pupil for the budget year beginning July 1, 2021, multiplied by the difference of fifty percent of a school district’s actual enrollment of eligible students in preschool programming provided by the school district on October 1, 2021, minus the preschool budget enrollment determined under section 256C.5 for the budget year beginning July 1, 2021.

2. The school budget review committee shall review a school district’s unexpended preschool fund balance for the budget year ending June 30, 2021, when deciding whether to grant a modified supplemental amount request under this section. For a school district with an unexpended preschool fund balance that is equal to or less than twenty-five percent of the school district’s preschool foundation aid under section 256C.5 for the budget year beginning July 1, 2020, the modified supplemental amount shall be granted. For a school district with an unexpended preschool fund balance that is greater than twenty-five percent of the school district’s preschool foundation aid under section 256C.5 for the budget year beginning July 1, 2020, the modified supplemental amount may be granted.

3. A modified supplemental amount granted under this section must be used for the purposes of chapter 256C, including amounts passed through to a community-based provider.

4. Amounts received as the result of a modified supplemental amount granted under this section shall not be eligible for transfer to a school district’s flexibility account under section 298A.2, subsection 2, and, notwithstanding section 256C.4, subsection 1, paragraph “e”, a school district that is granted a modified supplemental amount under this section shall not be

eligible to transfer any preschool foundation aid that remains unexpended and unobligated at the end of the fiscal year beginning July 1, 2021, to the school district’s flexibility account under section 298A.2, subsection 2.

5. Modified supplemental amounts granted under this section shall be subject to available funding and be funded solely through aid awarded by the school budget review committee from funds made available to the school budget review committee for purposes of this section. If amounts made available to the school budget review committee for purposes of this section are insufficient to fund all modified supplemental amounts granted under this section, the amount of each modified supplement amount shall be prorated.

Sec. 35. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
CALCULATION OF SCHOOL HOURS

Sec. 36. OFFICIAL’S FUNERAL SERVICES. Notwithstanding section 279.10, and section 256.7, subsection 19, for each school district and accredited nonpublic school, each hour of a school day that students attended the public funeral services of a member of the Iowa state patrol on Friday, April 16, 2021, shall be considered as attending an hour of instruction during that school day.

Sec. 37. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 38. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to April 16, 2021.

Approved June 8, 2021

CHAPTER 171
APPROPRIATIONS — ECONOMIC DEVELOPMENT
H.F. 871

AN ACT making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions, and providing for properly related matters, and including effective date, contingent effective date, and applicability provisions.

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

DIVISION I
FY 2021–2022 APPROPRIATIONS

Section 1. DEPARTMENT OF CULTURAL AFFAIRS.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions for the department:

..... \$	168,637
..... FTEs	55.49

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at the state’s historic sites.

Full-time equivalent positions authorized under this paragraph are funded, in full or in part, using moneys appropriated under this paragraph and paragraphs “c” through “g”.

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

..... \$ 172,090

c. HISTORICAL DIVISION

For the support of the historical division:

..... \$ 3,142,351

d. HISTORIC SITES

For the administration and support of historic sites:

..... \$ 426,398

e. ARTS DIVISION

For the support of the arts division:

..... \$ 1,317,188

Of the moneys appropriated in this paragraph, the department shall allocate \$300,000 for purposes of the film office.

f. IOWA GREAT PLACES

For the Iowa great places program established under section 303.3C:

..... \$ 150,000

g. CULTURAL TRUST GRANTS

For grant programs administered by the Iowa arts council including those programs supporting the long-term financial stability and sustainability of nonprofit cultural organizations:

..... \$ 150,000

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. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2021, the goals for the economic development authority shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the economic development authority shall do all of the following for the fiscal year beginning July 1, 2021:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.

e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.

f. Establish a strong and aggressive marketing image to showcase Iowa’s workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

g. Encourage the development of communities and quality of life to foster economic growth.

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. Develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts.

j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 3. ECONOMIC DEVELOPMENT AUTHORITY.

1. APPROPRIATION

a. There is appropriated from the general fund of the state to the economic development authority 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 in this subsection, and for not more than the following full-time equivalent positions:

.....	\$	13,318,553
.....	FTEs	106.95

b. (1) For salaries, support, miscellaneous purposes, programs, marketing, and the maintenance of an administration division, a business development division, a community development division, a small business development division, and other divisions the authority may organize.

(2) The full-time equivalent positions authorized under this section are funded, in whole or in part, by the moneys appropriated under this subsection or by other moneys received by the authority, including certain federal moneys.

(3) For business development operations and programs, international trade, export assistance, workforce recruitment, and the partner state program.

(4) For transfer to a fund created pursuant to section 15.313 for purposes of financing strategic infrastructure projects.

(5) For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the main street and rural main street programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

(6) For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

c. 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 in this subsection until the close of the succeeding fiscal year.

2. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in subsection 1 shall be subject to contract provisions requiring new and retained jobs to be filled by individuals who are citizens of the United States who reside within the United States, or any person authorized to work in the United States pursuant to federal law, including legal resident aliens residing in the United States.

b. Any vendor who receives moneys appropriated in subsection 1 shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States, or any person authorized to work in the United States, pursuant to federal law, including legal resident aliens residing in the United States.

c. A business that receives financial assistance from the authority from moneys appropriated in subsection 1 shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the authority.

3. USES OF APPROPRIATIONS

a. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of a grant to a community economic development entity for conducting a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

b. From the moneys appropriated in subsection 1, the authority may provide financial assistance to early stage industry companies being established by women entrepreneurs.

c. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

d. The authority shall not use any moneys appropriated in subsection 1 for purposes of providing financial assistance for the Iowa green streets pilot project or for any other program or project that involves the installation of geothermal systems for melting snow and ice from streets or sidewalks.

4. WORLD FOOD PRIZE

In lieu of the standing appropriation in section 15.368 there is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount for the world food prize:

..... \$ 375,000

5. IOWA COMMISSION ON VOLUNTEER SERVICE

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount for allocation to the Iowa commission on volunteer service for purposes of the Iowa state commission grant program, the Iowa’s promise and Iowa mentoring partnership programs, and for not more than the following full-time equivalent positions:

..... \$ 168,201
..... FTEs 12.00

Of the moneys appropriated in this subsection, the authority shall allocate \$75,000 for purposes of the Iowa state commission grant program and \$93,201 for purposes of the Iowa’s promise and Iowa mentoring partnership programs.

b. 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 succeeding fiscal year.

6. COUNCILS OF GOVERNMENTS — ASSISTANCE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 275,000

7. FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT PROGRAM

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount to be used for the funding of the future ready Iowa registered apprenticeship development program under chapter 15C, to encourage small to midsize businesses to start or grow registered apprenticeships:

..... \$ 760,000

b. 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 succeeding fiscal year.

8. REGIONAL SPORTS AUTHORITY DISTRICTS

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount to be distributed equally to regional sports authority districts certified by the authority pursuant to section 15E.321:

..... \$ 500,000

b. 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 succeeding fiscal year.

9. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIPS

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the Iowa economic development authority 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 the funding of internships for students studying in the fields of science, technology, engineering, and mathematics with eligible Iowa employers as provided in section 15.411, subsection 3, paragraph "c":

..... \$ 1,000,000

b. No more than 3 percent of the moneys appropriated in this subsection may be used by the authority for costs associated with administration of the internship program.

c. Notwithstanding section 8.33, moneys appropriated in this subsection which remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

10. FUTURE READY IOWA — VOLUNTEER MENTORING PROGRAM

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority 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 purpose designated:

For allocation to the Iowa commission on volunteer services to be used for establishing a volunteer mentor program to support implementation of the future ready Iowa skilled workforce last-dollar scholarship program in section 261.131 and the future ready Iowa skilled workforce grant program created in section 261.132, and for not more than the following full-time equivalent positions:

..... \$ 400,000

..... FTEs 1.00

b. Notwithstanding section 8.33, moneys appropriated in this subsection which remain unencumbered or unobligated at the end 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.

11. STEM BEST AND EMPOWER RURAL IOWA

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority 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 purpose designated:

STEM best:

..... \$ 700,000

Empower rural Iowa program:

..... \$ 700,000

b. Notwithstanding section 8.33, moneys appropriated in this subsection which remain unencumbered or unobligated at the end 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.

c. The authority shall adopt rules pursuant to chapter 17A to establish criteria for the distribution of the moneys appropriated in this subsection.

Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2021-2022. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the amounts appropriated from the general fund of the state pursuant to these sections for the following purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):

..... \$ 448,403

2. For the purposes of regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):

..... \$ 900,000

Sec. 5. FINANCIAL ASSISTANCE REPORTING — ECONOMIC DEVELOPMENT AUTHORITY. The economic development authority and the department of revenue shall submit a joint annual report to the general assembly no later than November 1, 2021, that details the amount of every direct loan, forgivable loan, tax credit, tax exemption, tax refund, grant, or any other financial assistance awarded to a person during the prior fiscal year by the authority under an economic development program administered by the authority. The report shall identify the county where the project associated with each such award is located.

Sec. 6. 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, 2021, \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 7. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority 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 to provide reimbursement for rent expenses to eligible persons under the home and community-based services rent subsidy program established in section 16.55:

..... \$ 658,000

2. Of the moneys appropriated in this section, not more than \$35,000 may be used for administrative costs.

3. 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. 8. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 9. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board 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 salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,492,452

..... FTEs 11.00

2. Of the moneys appropriated in this section, the board shall allocate \$15,000 for maintaining an internet site that allows access to a searchable database of collective bargaining information.

Sec. 10. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,491,252

..... FTEs 58.00

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,321,044
.....	FTEs	26.10

b. The division of workers' compensation shall charge a \$100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this paragraph are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

.....	\$	6,675,650
.....	FTEs	189.18

b. Of the moneys appropriated in paragraph "a", the department shall allocate \$150,000 to the state library for the purpose of licensing an online resource which prepares persons to succeed in the workplace through programs which improve job skills and vocational test-taking abilities.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

.....	\$	387,158
.....	FTEs	5.00

b. The department of workforce development shall partner with the department of corrections to provide staff within the correctional facilities resources to improve offenders' abilities to find and retain productive employment.

5. INTEGRATED INFORMATION FOR IOWA SYSTEM

For the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

.....	\$	228,822
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6. SUMMER YOUTH INTERN PILOT PROGRAM

For the funding of a summer youth intern pilot program that will help young people at risk of not graduating from high school to explore and prepare for high-demand careers through summer work experience, including the development of soft skills:

.....	\$	250,000
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7. NONREVERSION

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. 11. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development 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 enhancing efforts to investigate employers that misclassify workers and for not more than the following full-time equivalent positions:

.....	\$	379,631
.....	FTEs	5.15

Sec. 12. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development 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 field offices:

..... \$ 2,416,084

2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2021, and ending June 30, 2022, to accomplish the mission of the department.

Sec. 13. FUTURE READY IOWA — IOWA EMPLOYER INNOVATION FUND.

1. There is appropriated from the general fund of the state to the department of workforce development 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:

In consultation with the workforce development board, for funding of the Iowa employer innovation program established under section 84A.13 which shall match eligible employer moneys to expand opportunities for education and training leading to high-demand jobs and to encourage Iowa employers, community leaders, and others to provide leadership and support for regional workforce talent pools throughout the state, and for future ready Iowa education and outreach:

..... \$ 4,200,000

Of the moneys appropriated in this subsection, an amount to be determined by the department of workforce development in consultation with the workforce development board shall be transferred to the Iowa child care challenge fund.

2. Notwithstanding section 8.33, moneys appropriated in this section which remain unencumbered or unobligated at the end 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. 14. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph “e”, there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development 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 the operation of field offices:

..... \$ 2,200,000

Sec. 15. VIRTUAL ACCESS WORKFORCE DEVELOPMENT OFFICES. The department of workforce development shall require a unique identification login for all users of workforce development centers operated through electronic means.

Sec. 16. 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, 2021.

Sec. 17. IOWA SKILLED WORKER AND JOB CREATION FUND.

1. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ECONOMIC DEVELOPMENT AUTHORITY

(1) For the purposes of providing assistance as described in section 15.335B for the high quality jobs program:

..... \$ 11,700,000

From the moneys appropriated in this subparagraph, the economic development authority may use not more than \$1,000,000 for purposes of providing infrastructure grants to main street communities under the main street Iowa program and may allocate not more than \$300,000 for the purposes of supporting statewide worker education and quality preapprenticeship programs.

(2) As a condition of receiving moneys appropriated in this lettered paragraph “a”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

b. STATE BOARD OF REGENTS AND REGENTS INSTITUTIONS

(1) STATE BOARD OF REGENTS. For capacity building infrastructure in areas related to technology commercialization, marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and infrastructure projects and programs needed to assist in implementation of activities under chapter 262B:

..... \$ 3,000,000

(a) Of the moneys appropriated pursuant to this subparagraph (1), 35 percent shall be allocated for Iowa state university of science and technology, 35 percent shall be allocated for the state university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(b) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(c) The state board of regents shall submit a report by January 15, 2022, to the governor and the general assembly regarding the activities, projects, and programs funded with moneys appropriated under this subparagraph (1). The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development authority. The metrics and criteria shall allow the governor’s office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

(2) IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. For small business development centers, the research park, and the center for industrial research and service, and for not more than the following full-time equivalent positions:

..... \$ 2,424,302
..... FTEs 50.95

(a) Of the moneys appropriated in this subparagraph (2), Iowa state university of science and technology shall allocate at least \$735,728 for purposes of funding small business development centers. Iowa state university of science and technology may allocate the appropriated moneys to the various small business development centers in any manner necessary to achieve the purposes of this subparagraph.

(b) Iowa state university of science and technology shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(c) It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations, and that moneys for the center for industrial research and service industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 10, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

(d) Iowa state university of science and technology shall report annually to the general assembly the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

(3) STATE UNIVERSITY OF IOWA. For the state university of Iowa research park and for university of Iowa pharmaceuticals located at the research park, including salaries, support, maintenance, equipment, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	209,279
.....	FTEs	6.00

The state university of Iowa shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

(4) STATE UNIVERSITY OF IOWA. For the purpose of implementing the entrepreneurship and economic growth initiative, and for not more than the following full-time equivalent positions:

.....	\$	2,000,000
.....	FTEs	8.00

(5) UNIVERSITY OF NORTHERN IOWA. For the metal casting center, the center for business growth and innovation, and the institute for decision making, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,066,419
.....	FTEs	8.12

(a) Of the moneys appropriated in this subparagraph, the university of northern Iowa shall allocate at least \$617,638 for purposes of support of entrepreneurs through the university's center for business growth and innovation and advance Iowa program.

(b) The university of northern Iowa shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(6) As a condition of receiving moneys appropriated in this lettered paragraph "b", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

c. DEPARTMENT OF WORKFORCE DEVELOPMENT

To develop a long-term sustained program to train unemployed and underemployed central Iowans with skills necessary to advance to higher-paying jobs with full benefits:

.....	\$	100,000
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(1) The department of workforce development shall begin a request for proposals process, issued for purposes of this lettered paragraph "c", no later than September 1, 2021.

(2) As a condition of receiving moneys appropriated under this lettered paragraph "c", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

d. DEPARTMENT OF WORKFORCE DEVELOPMENT

For the funding of a future ready Iowa coordinator in the department, and for not more than the following full-time equivalent positions:

.....	\$	150,000
.....	FTEs	1.00

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. 18. GENERAL FUND — CERTAIN REGENTS INSTITUTIONS.

1. There is appropriated from the general fund of the state to the following institutions for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

In cooperation with the Iowa economic development authority, for support of a biosciences innovation ecosystem, to strengthen Iowa's leadership positions in the area of bio-based

chemicals, digital agriculture, vaccines, and medical devices, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,623,481
.....	FTEs	10.01

b. STATE UNIVERSITY OF IOWA

In cooperation with the Iowa economic development authority, for support of a biosciences innovation ecosystem, to strengthen Iowa’s leadership positions in the area of bio-based chemicals, digital agriculture, vaccines, and medical devices, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	874,494
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c. UNIVERSITY OF NORTHERN IOWA

For equipment and technology to expand the university’s additive manufacturing capabilities related to investment castings technology and industry support, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	394,321
.....	FTEs	2.73

The university of northern Iowa shall make a good-faith effort to coordinate with private entities to seek moneys to supplement this appropriation to support the expansion of the university’s additive manufacturing capabilities.

2. Notwithstanding section 8.33, moneys appropriated in subsection 1, paragraphs “a” and “b”, 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.

DIVISION II
FY 2021-2022 CONTINGENT APPROPRIATIONS

Sec. 19. ECONOMIC DEVELOPMENT AUTHORITY.

1. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, for the purpose designated:

For support of the butchery innovation and revitalization program:

.....	\$	750,000
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2. Notwithstanding section 8.33, moneys appropriated in this section which remain unencumbered or unobligated at the end 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. 20. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of 2021 Iowa Acts, House File 857, ¹ if enacted:

The section of this division of this Act appropriating moneys to the economic development authority for purposes of a butchery innovation and revitalization program.

DIVISION III
FIBEROPTIC NETWORK CONDUIT INSTALLATION AND CERTIFICATION PROGRAM

Sec. 21. Section 8B.25, subsection 2, Code 2021, is amended to read as follows:

2. The office shall lead and coordinate a program to provide for the installation of fiberoptic network conduit where such conduit does not exist. The chief information officer shall consult and coordinate with applicable agencies and entities, including public utilities as defined in section 476.1, the state department of transportation, the economic development authority, county boards of supervisors, municipal governing bodies, the farm-to-market review board, county conservation boards, and the boards, commissions, or agencies in control of state parks, as determined appropriate to ensure that the opportunity is provided

¹ Chapter 175 herein

to lay or install fiberoptic network conduit wherever a state-funded construction project involves trenching, boring, a bridge, a roadway, or opening of the ground, or alongside any state-owned infrastructure.

Sec. 22. NEW SECTION. 15E.167 Broadband forward and telecommuter forward — certifications.

1. As used in this section, unless the context requires otherwise:
 - a. “Broadband” means the same as defined in section 8B.1.
 - b. “Broadband infrastructure” means the same as defined in section 8B.1.
 - c. “Communications service provider” means a service provider that provides broadband service.
 - d. “Political subdivision” means a city, county, or township.
2. The authority shall establish the following certification programs:
 - a. Broadband forward certification, with the objective of encouraging political subdivisions to further develop broadband infrastructure and access to broadband.
 - b. Telecommuter forward certification, with the objective of encouraging political subdivisions to further develop and promote the availability of telecommuting.
3. To obtain broadband forward certification, a political subdivision shall submit to the authority, on forms prescribed by the authority by rule, an application indicating the following:
 - a. The political subdivision’s support and commitment to promote the availability of broadband.
 - b. Existing or proposed ordinances encouraging the further development of broadband infrastructure and access to broadband.
 - c. Efforts to secure local funding for the further development of broadband infrastructure and access to broadband.
 - d. A single point of contact for all matters related to broadband and broadband infrastructure.
4. A single point of contact designated in an application submitted pursuant to subsection 3 shall be responsible for all of the following:
 - a. Coordination and partnership with the authority, communications service providers, realtors, economic development professionals, employers, employees, and other broadband stakeholders.
 - b. Collaboration with the authority, communication service providers, and employers to identify, develop, and market broadband packages available in the political subdivision.
 - c. Familiarity with broadband mapping tools and other state-level resources.
 - d. Maintaining regular communication with the authority.
 - e. Providing to the political subdivision regular reports regarding the availability of broadband in the political subdivision.
5. A political subdivision that the authority has certified as a broadband forward community under subsection 3 shall not do any of the following:
 - a. Require an applicant to designate a final contractor to complete a broadband infrastructure project.
 - b. Impose a fee to review an application or issue a permit for a broadband infrastructure application in excess of one hundred dollars.
 - c. Impose a moratorium of any kind on the approval of applications and issuance of permits for broadband infrastructure projects or on construction related to broadband infrastructure.
 - d. Discriminate among communications service providers, or public utilities with respect to any action described in this section or otherwise related to broadband infrastructure, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, or any other physical assets owned or controlled by the political subdivision.
 - e. As a condition for approving an application or issuing a permit for a broadband infrastructure project or for any other purpose, require the applicant to do any of the following:
 - (1) Provide any service or make available any part of the broadband infrastructure to the political subdivision.

(2) Except for the fee allowed under paragraph “b” of this subsection, make any payment to or on behalf of the political subdivision.

6. To obtain telecommuter forward certification, a political subdivision shall submit to the authority, on forms prescribed by the authority by rule, an application indicating the following:

a. The political subdivision’s support and commitment to promote the availability of telecommuting options.

b. Existing or proposed ordinances encouraging the further development of telecommuting options.

c. Efforts to secure local funding for the further development of telecommuting options.

d. A single point of contact for coordinating telecommuting opportunities and options.

7. A single point of contact designated in an application submitted pursuant to subsection 6 shall be responsible for all of the following:

a. Coordination and partnership with the authority, communications service providers, realtors, economic development professionals, employers, employees, and other telecommuting stakeholders.

b. Collaboration with the authority, communication service providers, and employers to identify, develop, and market telecommuter-capable broadband packages available in the political subdivision.

c. Promotion of telecommuter-friendly workspaces, such as business incubators with telecommuting spaces, if such a workspace has been established in the political subdivision at the time the political subdivision submits the application.

d. Familiarity with broadband mapping tools and other state-level resources.

e. Maintaining regular communication with the authority.

f. Providing to the political subdivision regular reports regarding the availability of telecommuting options in the political subdivision.

8. The authority shall develop criteria for evaluating an application for both forms of certification and the awarding of certificates. The criteria shall take into account, at a minimum, the applicant’s individual circumstances and the economic goals of the applicant. The authority shall consult with local government entities and local economic development officials when evaluating an application.

9. The authority shall adopt rules pursuant to chapter 17A for the implementation of this section.

DIVISION IV

WORKFORCE DEVELOPMENT FUND ACCOUNT

Sec. 23. Section 15.342A, subsections 1 and 3, Code 2021, are amended to read as follows:

1. A workforce development fund account is established in the office of the treasurer of state under the control of the authority. The account shall receive funds pursuant to section 422.16A ~~up to a maximum of six million dollars per year.~~

3. For the fiscal year beginning July 1, 2014, and for each fiscal year thereafter, there is annually appropriated from the workforce development fund account to the job training fund created in section 260F.6 ~~three~~ four million seven hundred fifty thousand dollars for the purposes of chapter 260F.

Sec. 24. Section 422.16A, Code 2021, is amended to read as follows:

422.16A Job training withholding — certification and transfer.

Upon the completion by a business of its repayment obligation for a training project funded under chapter 260E, including a job training project funded under section 15A.8 or repaid in whole or in part by the supplemental new jobs credit from withholding under section 15A.7 or section 15E.197, Code 2014, the sponsoring community college shall report to the economic development authority the amount of withholding paid by the business to the community college during the final twelve months of withholding payments. The economic development authority shall notify the department of revenue of that amount. The department shall credit to the workforce development fund account established in section 15.342A twenty-five percent of that amount each quarter for a period of ten years. If the amount of withholding

from the business or employer is insufficient, the department shall prorate the quarterly amount credited to the workforce development fund account. The maximum amount from all employers which shall be transferred to the workforce development fund account in any year is ~~six~~ seven million seven hundred fifty thousand dollars.

DIVISION V
NATIONAL ELECTRICAL CODE

Sec. 25. 2020 EDITION OF THE NATIONAL ELECTRICAL CODE. Amendments adopted by rule by the electrical examining board pursuant to section 103.6, subsection 1, to the 2020 edition of the national electrical code issued and adopted by the national fire protection association, which amendments were effective as of May 1, 2021, shall not expire, and shall remain in effect until, at minimum, the effective date of rules adopted by the board adopting either of the following:

1. A subsequent edition of the national electrical code.
2. Subsequent amendments, issued and adopted by the national fire protection association, to the 2020 edition of the national electrical code.

DIVISION VI
UNEMPLOYMENT INSURANCE

Sec. 26. Section 96.4, subsection 3, Code 2021, is amended to read as follows:

3. a. 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 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, 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".

b. Notwithstanding any provision of this chapter to the contrary, the department may establish by rule a process to waive or alter the work search requirements of this subsection for a claim for benefits if an individual has a reasonable expectation that the individual will be returning to employment and is attached to a regular job or industry or a member in good standing of a union therein eligible for referral for employment. To be considered attached to a regular job or industry, an individual must be on a short-term temporary layoff. If work is not available at the conclusion of the layoff period due to short-term circumstances beyond the employer's control, the employer may request an extension of the waiver or alteration for up to two weeks from the department. For purposes of this paragraph, "short-term temporary layoff" means a layoff period of sixteen weeks or less due to seasonal weather conditions that impact the ability to perform work related to highway construction, repair, or maintenance with a specific return-to-work date verified by the employer.

Sec. 27. EFFECTIVE DATE.

The section of this division of this Act amending section 96.4, subsection 3, being deemed of immediate importance, takes effect upon enactment.

Sec. 28. APPLICABILITY.

The section of this division of this Act amending section 96.4, subsection 3, applies to any new claim of unemployment benefits beginning on or after the first Sunday after the effective date of that section.

DIVISION VII
BOARD OF REVIEW — MEMBER REMOVAL

Sec. 29. Section 441.32, Code 2021, is amended to read as follows:
441.32 Terms — vacancies.

1. The terms of the members of the board of review are for six years each except for the emergency members whose terms shall be set by the conference board for a period not to exceed two years. Members of this board may be removed by the conference board but only after a public hearing upon specified charges, if a hearing is requested by the member. A subsequent appointment, and an appointment to fill a vacancy, shall be made in the same way as the original selection. The board may subpoena witnesses and administer oaths.

2. a. In addition to removal under subsection 1, the director of revenue may remove a member of the board of review if any of the following apply:

(1) The member violates any law or administrative rule applicable to the member's duties on the board of review.

(2) The member fails to comply with an order of the director of revenue or an order of any court.

b. Prior to issuing an order removing a member of the board of review, the director of revenue shall provide the member with written notice of the director's intent to remove the member from the board of review.

c. If the member of the board of review receiving the notice of intent for removal files a written request for a hearing with the director within thirty days after receipt of the written notice specified in paragraph "b", the director shall hold a hearing prior to the issuance of an order removing the member from the board of review. The director may subpoena witnesses and administer oaths in connection with the hearing.

d. If the director of revenue removes a member of the board of review pursuant to this subsection, an appointment to fill the vacancy shall be made in the same manner as the original appointment. An order removing a member of the board is subject to judicial review in accordance with chapter 17A.

e. The director of revenue shall adopt rules pursuant to chapter 17A to administer this subsection.

DIVISION VIII BEER AND LIQUOR CONTROL FUND — TOURISM

Sec. 30. Section 123.17, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 6A. a. After any transfers provided for in subsections 3, 5, and 6, and before any other transfer to the general fund, the department of commerce shall transfer to the economic development authority from the beer and liquor control fund one million dollars annually for a statewide tourism marketing campaign.

b. As part of the statewide tourism marketing campaign pursuant to paragraph "a", the economic development authority shall issue a single request for proposals to select an entity located in this state for a statewide effort to leverage public and private partnerships to market and promote the state as a travel destination.

Approved June 8, 2021

CHAPTER 172

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

H.F. 895

AN ACT appropriating federal moneys made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal moneys or federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

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

DIVISION I
FFY 2021-2022 AND 2022-2023

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	13,094,055
FFY 2022-2023:	\$	13,094,055

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart ii, which provides for the prevention and treatment of substance abuse block grant. The department shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

c. Of the moneys appropriated for each federal fiscal year in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

d. (1) For the state fiscal year beginning July 1, 2021, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2020, for pregnant women and women with dependent children.

(2) For the state fiscal year beginning July 1, 2022, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2021, for pregnant women and women with dependent children.

2. At least 20 percent of the moneys remaining from the appropriation made in subsection 1 for each federal fiscal year shall be allocated for prevention programs.

3. In implementing the federal prevention and treatment of substance abuse block grant under 42 U.S.C., ch. 6A, subch. XVII, and any other applicable provisions of the federal Public Health Service Act under 42 U.S.C., ch. 6A, the department shall apply the provisions of Pub. L. No. 106-310, §3305, as codified in 42 U.S.C. §300x-65, relating to services under such federal law being provided by religious and other nongovernmental organizations.

Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	5,641,385
FFY 2022-2023:	\$	5,641,385

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart i, which provides for the community mental health services block grant. The department shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

c. The department shall allocate not less than 95 percent of the amount of the block grant each federal fiscal year for eligible community mental health services for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration or required by the federal substance abuse and mental health services administration for the fiscal year involved.

d. Of the amount allocated to eligible services providers in paragraph "c", 70 percent of the amount each federal fiscal year shall be distributed to the state's accredited community mental health centers established in accordance with chapter 230A or applicable administrative rule. If a mental health services provider was designated as authorized in section 230A.107, subsection 2, the provider remains eligible to receive funding distributed pursuant to this paragraph as a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of staff training or services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis. Recipients of the funding shall submit quarterly reports to

the department of human services containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

2. An amount not exceeding 5 percent of the moneys appropriated in subsection 1 for each federal fiscal year shall be used by the department of human services for administrative expenses. From the moneys set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the moneys appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audits.

Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	6,520,044
FFY 2022-2023:	\$	6,520,044

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. V, which provides for the maternal and child health services block grant. The department shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

c. Moneys appropriated in this subsection shall not be used by the university of Iowa hospitals and clinics for indirect costs.

2. An amount not exceeding 10 percent of the moneys appropriated in subsection 1 for each federal fiscal year shall be used by the department of public health for administrative expenses.

3. The departments of public health, human services, and education and the university of Iowa’s mobile and regional child health specialty clinics shall continue to pursue to the maximum extent feasible the coordination and integration of services to women and children.

4. a. Sixty-three percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to supplement appropriations for maternal and child health programs within the department of public health. Of these moneys, the following amounts shall be set aside for the statewide perinatal care program for the following federal fiscal years:

FFY 2021-2022:	\$	300,291
FFY 2022-2023:	\$	300,291

b. Thirty-seven percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for mobile and regional child health specialty clinics. The university of Iowa hospitals and clinics shall not receive an allocation for indirect costs from the moneys for this program. Priority shall be given to establishment and maintenance of a statewide system of mobile and regional child health specialty clinics.

5. The department of public health shall administer the statewide maternal and child health program and the disabled children’s program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Tit. V of the federal Social Security Act.

Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	1,735,326
FFY 2022-2023:	\$	1,735,326

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part A, which provides for the preventive health and health services block grant.

The department shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. Of the moneys appropriated in subsection 1 for each federal fiscal year, an amount not exceeding 10 percent shall be used by the department for administrative expenses.

3. Of the moneys appropriated in subsection 1 for each federal fiscal year, the specific amount of moneys stipulated by the notice of the block grant award shall be allocated for services to victims of sex offenses and for rape prevention education.

4. After deducting the funds allocated in subsections 2 and 3, the remaining moneys appropriated in subsection 1 for each federal fiscal year may be used by the department for healthy people 2020 and Iowa’s health improvement plan 2012-2016 program objectives, preventive health advisory committee, and risk reduction services, including nutrition programs, health incentive programs, chronic disease services, emergency medical services, monitoring of the fluoridation program and start-up fluoridation grants, and acquired immune deficiency syndrome services. The moneys specified in this subsection shall not be used by the university of Iowa hospitals and clinics or by the state hygienic laboratory for the funding of indirect costs.

Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of justice for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	1,731,703
FFY 2022-2023:	\$	1,731,703

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. XII-H, which provides for grants to combat violent crimes against women. The department of justice shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the moneys appropriated in subsection 1 shall be used by the department of justice for administrative expenses. From the moneys set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the moneys appropriated in subsection 1.

Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is appropriated from the fund created by section 8.41 to the governor’s office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	267,879
FFY 2022-2023:	\$	267,879

The appropriations made in this section are the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 46, subch. XII-G, which provides grants for substance abuse treatment programs in state and local correctional facilities. The drug policy coordinator shall expend the moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

Sec. 7. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM APPROPRIATION. There is appropriated from the fund created by section 8.41 to the governor’s office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	1,687,735
FFY 2022-2023:	\$	1,687,735

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. V, which provides for the Edward Byrne memorial justice assistance grant program. The drug policy

coordinator shall expend the moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	7,979,245
FFY 2022-2023:	\$	7,979,245

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 106, which provides for the community services block grant. The division of community action agencies of the department of human rights shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

c. Each federal fiscal year, the administrator of the division of community action agencies of the department of human rights shall allocate not less than 96 percent of the amount of the block grants to eligible community action agencies for programs benefiting low-income persons. Each eligible agency shall receive a minimum allocation of not less than \$100,000. The minimum allocation shall be achieved by redistributing increased moneys from agencies experiencing a greater share of available moneys. The moneys shall be distributed on the basis of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.

2. An amount not exceeding 4 percent of the moneys appropriated in subsection 1 for each federal fiscal year shall be used by the division of community action agencies of the department of human rights for administrative expenses. From the moneys set aside by this subsection for administrative expenses, the division of community action agencies of the department of human rights shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the moneys appropriated in subsection 1. The auditor of state shall bill the division of community action agencies for the costs of the audits.

Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the economic development authority for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	26,000,000
FFY 2022-2023:	\$	26,000,000

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 69, which provides for community development block grants. The economic development authority shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. a. An amount not exceeding \$1,140,000 for the federal fiscal year beginning October 1, 2021, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative expenses includes \$620,000 for the federal fiscal year beginning October 1, 2021, of moneys appropriated in subsection 1 and a matching contribution from the state equal to \$520,000 from the appropriation of state moneys for the community development block grant and state appropriations for related activities of the economic development authority. From the moneys set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the moneys appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

b. An amount not exceeding \$1,140,000 for the federal fiscal year beginning October 1, 2022, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative

expenses includes \$620,000 for the federal fiscal year beginning October 1, 2022, of moneys appropriated in subsection 1 and a matching contribution from the state equal to \$520,000 from the appropriation of state moneys for the community development block grant and state appropriations for related activities of the economic development authority. From the moneys set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the moneys appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

Sec. 10. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of transportation for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	156,800,000
FFY 2022-2023:	\$	156,800,000

The appropriations made in this section are the amounts anticipated to be received from the federal government for the designated fiscal years under 23 U.S.C., ch. 1, §133, which provides funding allocated by the state transportation commission for state and local transportation projects. The department shall expend the moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

Sec. 11. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	54,554,297
FFY 2022-2023:	\$	54,554,297

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 94, subch. II, which provides for the low-income home energy assistance block grants. The division of community action agencies of the department of human rights shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. Up to 15 percent, or up to 25 percent if a waiver is approved by the United States department of health and human services, of the amount appropriated in this section that is actually received for each federal fiscal year shall be used for residential weatherization or other related home repairs for low-income households. Of this allocation amount, not more than 10 percent may be used for administrative expenses.

3. After subtracting the allocation in subsection 2, up to 10 percent of the remaining moneys for each federal fiscal year are allocated for administrative expenses of the low-income home energy assistance program of which \$377,000 is allocated each federal fiscal year for administrative expenses of the division. The costs of auditing the use and administration of the portion of the appropriation in this section that is retained by the state shall be paid from the amount allocated in this subsection each federal fiscal year to the division. The auditor of state shall bill the division for the audit costs.

4. The remaining moneys of the appropriation made in this section for each federal fiscal year following the allocations made in subsections 2 and 3, shall be used to help eligible households as defined in 42 U.S.C., ch. 94, subch. II, to meet home energy costs.

5. Not more than 10 percent of the amount appropriated in this section each federal fiscal year that is actually received may be carried forward for use in the succeeding federal fiscal year.

6. Expenditures for assessment and resolution of energy problems shall be limited to not more than 5 percent of the amount appropriated in this section for each federal fiscal year that is actually received.

Sec. 12. SOCIAL SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$	15,323,000
FFY 2022-2023:	\$	15,323,000

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. XX, which provides for the social services block grant. The department of human services shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. Not more than the following amounts of the moneys appropriated in subsection 1 for the following federal fiscal years shall be allocated by the department of human services for general administration:

a. FFY 2021-2022:	\$	910,649
.....		
b. FFY 2022-2023:	\$	910,649
.....		

From the moneys set aside in this subsection for general administration for each federal fiscal year, the department of human services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the moneys appropriated in subsection 1.

3. In addition to the allocation for general administration in subsection 2, the remaining moneys appropriated in subsection 1 for each federal fiscal year shall be allocated in the following amounts to supplement appropriations for the following federal fiscal years for the following programs within the department of human services:

a. Field operations:		
FFY 2021-2022:	\$	5,446,690
.....		
FFY 2022-2023:	\$	5,446,690
.....		
b. Child and family services:		
FFY 2021-2022:	\$	8,324,784
.....		
FFY 2022-2023:	\$	8,324,784
.....		
c. Local administrative costs and other local services:		
FFY 2021-2022:	\$	577,636
.....		
FFY 2022-2023:	\$	577,636
.....		
d. Volunteers:		
FFY 2021-2022:	\$	63,241
.....		
FFY 2022-2023:	\$	63,241
.....		

Sec. 13. SOCIAL SERVICES BLOCK GRANT PLAN. The department of human services during each state fiscal year shall develop a plan for the use of federal social services block grant moneys for the subsequent state fiscal year.

The proposed plan shall include all programs and services at the state level which the department proposes to fund with federal social services block grant moneys, and shall identify state and other moneys which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant moneys, the total amount of federal social services block grant moneys available for the local programs and services, and the manner of distribution of the federal social services block grant moneys to the counties. The proposed

plan shall identify state and local moneys which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department's budget requests to the governor and the general assembly.

Sec. 14. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

1. Upon receipt of the minimum formula grant from the substance abuse and mental health services administration to provide mental health services for the homeless, for the state fiscal years beginning July 1, 2021, and July 1, 2022, the department of human services shall assure that a project which receives moneys under the formula grant shall do all of the following:

a. Provide outreach and engagement to homeless individuals and individuals at risk of homelessness and assesses those individuals for serious mental illness.

b. Enroll those individuals with serious mental illness who are willing to accept services through the project.

c. Provide case management to homeless persons.

d. Provide appropriate training to persons who provide services to persons targeted by the grant.

e. Assure a local match share of 25 percent.

f. Refer homeless individuals and individuals at risk of homelessness to primary health care, job training, educational services, and relevant housing services.

2. A project may expend moneys for community mental health services, diagnostic services, crisis intervention services, habilitation and rehabilitation services, substance-related disorder services, supportive and supervisory services to homeless persons living in residential settings that are not otherwise supported, and housing services including minor renovation, expansion, and repair of housing, security deposits, planning of housing, technical assistance in applying for housing, improving the coordination of housing services, the costs associated with matching eligible homeless individuals with appropriate housing, and one-time rental payments to prevent eviction.

Sec. 15. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2021-2022:	\$ 76,813,177
FFY 2022-2023:	\$ 76,813,177

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 105, subch. II-B, which provides for the child care and development block grant. The department shall expend the moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

Moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall revert to be available for appropriation for purposes of the child care and development block grant in the succeeding fiscal year.

Sec. 16. PROCEDURE FOR REDUCED FEDERAL MONEYS.

1. Unless otherwise necessary to meet federal requirements, if the moneys received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the moneys actually received shall be prorated by the governor for the various programs, other than for the services to victims of sex offenses and for rape prevention education under section 4, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the moneys allocated by the percentages will not be sufficient to accomplish the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the moneys in a manner which will accomplish to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative services agency shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of moneys are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons and ranking members notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

Sec. 17. PROCEDURE FOR INCREASED FEDERAL MONEYS.

1. Unless otherwise necessary to meet federal requirements, if moneys received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 7, 9, and 12 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional moneys shall not be prorated for administrative expenses.

2. If actual moneys received from the federal government from block grants exceed the amount appropriated in section 11 of this Act for the low-income home energy assistance program, not more than 15 percent of the excess may be allocated to the low-income residential weatherization program and not more than 10 percent of the excess may be used for administrative costs.

3. If moneys received from the federal government from community services block grants exceed the amount appropriated in section 8 of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 18. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL MONEYS. If other federal grants, receipts, and moneys and other nonstate grants, receipts, and moneys become available or are awarded which are not available or awarded during the period in which the general assembly is in session, but which require expenditure by the applicable department or agency prior to March 15 of the fiscal years beginning July 1, 2021, and July 1, 2022, these grants, receipts, and moneys are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within 30 days of receipt of the grants, receipts, or moneys and the fiscal committee of the legislative council has an opportunity to comment on the expenditure of the grants, receipts, or moneys.

Sec. 19. OTHER GRANTS, RECEIPTS, AND MONEYS. Federal grants, receipts, and moneys and other nonstate grants, receipts, and moneys, available in whole or in part of the state fiscal years beginning July 1, 2021, and July 1, 2022, are appropriated to the following departments and agencies that are designated by and for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the moneys, unless otherwise provided by law:

1. Department of administrative services.
2. Department on aging.
3. Department of agriculture and land stewardship.
4. Office of auditor of state.
5. Department for the blind.
6. Iowa state civil rights commission.
7. College student aid commission.
8. Department of commerce.
9. Department of corrections.
10. Department of cultural affairs.
11. Economic development authority.
12. Department of education.
13. Iowa ethics and campaign disclosure board.
14. Iowa finance authority.
15. Offices of the governor and lieutenant governor.
16. Governor's office of drug control policy.

- 17. Department of human rights.
- 18. Department of human services.
- 19. Department of inspections and appeals.
- 20. Judicial branch.
- 21. Department of justice.
- 22. Iowa law enforcement academy.
- 23. Department of management.
- 24. Department of natural resources.
- 25. Board of parole.
- 26. Department of public defense.
- 27. Public employment relations board.
- 28. Department of public health.
- 29. Department of public safety.
- 30. State board of regents.
- 31. Department of revenue.
- 32. Office of secretary of state.
- 33. Iowa state fair authority.
- 34. Office for state-federal relations.
- 35. Iowa telecommunications and technology commission.
- 36. Office of treasurer of state.
- 37. Department of transportation.
- 38. Department of veterans affairs.
- 39. Department of workforce development.

DIVISION II
FFY 2018-2019 AND 2019-2020

Sec. 20. COMMUNITY DEVELOPMENT BLOCK GRANT — FFY 2018-2019.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the federal fiscal year beginning October 1, 2018, and ending September 30, 2019, the following amount:

..... \$ 96,741,000

2. The appropriation made in this section is in the amount awarded to the state from the federal government for community development block grants under the Additional Supplemental Appropriations for Disaster Relief Act, 2019, Pub. L. No. 116-20. The economic development authority shall expend the moneys appropriated in this section to assist Iowa communities with long-term recovery from major disasters as provided in the federal law making the moneys available and in conformance with chapter 17A.

3. An amount not exceeding 5 percent of the moneys appropriated in this section shall be used by the economic development authority for administrative expenses. From the moneys set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the moneys appropriated in this section. The auditor of state shall bill the authority for the costs of the audit.

Sec. 21. COMMUNITY DEVELOPMENT BLOCK GRANT — FFY 2019-2020.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the federal fiscal year beginning October 1, 2019, and ending September 30, 2020, the following amount:

..... \$ 24,146,603

2. The appropriation made in this section is in the amount awarded to the state from the federal government for community development block grants under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136. The economic development authority shall expend the moneys appropriated in this section to assist Iowa communities to prevent, prepare for, and respond to SARS-CoV-2 as provided in the federal law making the moneys available and in conformance with chapter 17A.

3. An amount not exceeding 5 percent of the moneys appropriated in this section shall be used by the economic development authority for administrative expenses. From the moneys set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the moneys appropriated in this section. The auditor of state shall bill the authority for the costs of the audit.

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

Sec. 23. **RETROACTIVE APPLICABILITY.**

1. The section of this division of this Act appropriating moneys for the 2018-2019 federal fiscal year applies retroactively to October 1, 2018.

2. The section of this division of this Act appropriating moneys for the 2019-2020 federal fiscal year applies retroactively to October 1, 2019.

DIVISION III
FEDERAL CORONAVIRUS RELIEF MONEYS

Sec. 24. **NEW SECTION. 8.57G Iowa coronavirus fiscal recovery fund.**

1. An Iowa coronavirus fiscal recovery fund is created in the state treasury under the authority of the office of the governor. 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. The fund shall consist of moneys received by the state from the coronavirus state fiscal recovery fund pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2, and any other moneys appropriated to or deposited in the fund.

2. Moneys in the fund are appropriated to the office of the governor to be used, expended, granted, or transferred as determined by the governor for any of the following purposes:

a. To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.

b. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the state that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.

c. For the provision of government services to the extent of the reduction in state revenue due to the COVID-19 public health emergency relative to revenues collected in the fiscal year beginning July 1, 2018.

d. To make necessary investments in water, sewer, or broadband infrastructure.

3. Except as provided in section 8.58, the fund shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. This section is repealed July 1, 2025.

Sec. 25. **NEW SECTION. 8.57H Iowa coronavirus capital projects fund.**

1. An Iowa coronavirus capital projects fund is created in the state treasury under the authority of the office of the governor. 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. The fund shall consist of moneys received by the state from the coronavirus capital projects fund pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2, and any other moneys appropriated to or deposited in the fund.

2. Moneys in the fund are appropriated to the office of the governor to be used, expended, granted, or transferred as determined by the governor to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to COVID-19.

3. Except as provided in section 8.58, the fund shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. This section is repealed July 1, 2025.

Sec. 26. Section 8.58, Code 2021, is amended to read as follows:

8.58 Exemption from automatic application.

1. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, taxpayer relief fund, ~~and~~ state bond repayment fund, Iowa coronavirus fiscal recovery fund, and Iowa coronavirus capital projects fund shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

2. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, taxpayer relief fund, ~~and~~ state bond repayment fund, Iowa coronavirus fiscal recovery fund, and Iowa coronavirus capital projects fund shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 27. FEDERAL CORONAVIRUS RELIEF MONEYS — REPORTING. Whenever data is required to be transmitted by the department of management to the office of inspector general of the United States department of the treasury pursuant to reporting requirements associated with the receipt of coronavirus relief fund moneys issued under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, as amended by the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, or coronavirus state fiscal recovery fund moneys or coronavirus capital projects fund moneys issued under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, the department of management shall also transmit the data to the legislative services agency.

Sec. 28. REPEAL. The section of this division of this Act amending section 8.58 is repealed July 1, 2025.

Sec. 29. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 8, 2021

CHAPTER 173

ABUSE OF A CORPSE, INTERFERENCE WITH OFFICIAL ACTS, AND FAILURE TO ASSIST

S.F. 243

AN ACT relating to public safety including the crimes of failure to assist, abuse of a corpse, and interference with official acts, and providing penalties.

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

Section 1. Section 708.14, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Fails to disclose the known location of a corpse with the intent to conceal a crime.

Sec. 2. Section 719.1, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. A person commits interference with official acts when the person knowingly resists or obstructs anyone known by the person to be a peace officer, jailer, emergency medical care provider under chapter 147A, medical examiner, or fire fighter, whether paid or volunteer, or a person performing bailiff duties pursuant to section 602.1303, subsection 3, in the performance of any act which is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider under chapter 147A, medical examiner, or fire fighter, whether paid or volunteer, or a person performing bailiff duties pursuant to section 602.1303, subsection 3, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court.

Sec. 3. NEW SECTION. **727.12 Failure to assist.**

1. A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or local emergency response authorities, if doing so does not place the person or the other person at risk of serious bodily injury or imminent danger of death. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance.

2. A person who violates this section without lawful cause commits the following:

a. A simple misdemeanor if the failure to assist results in the other person suffering serious bodily injury.

b. An aggravated misdemeanor if the failure to assist results in the death of the other person.

Approved June 9, 2021

CHAPTER 174

STATE AND LOCAL GOVERNMENT AND REGULATORY MATTERS — APPROPRIATIONS
AND MISCELLANEOUS CHANGES

S.F. 615

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 STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. **LIMITATIONS OF STANDING APPROPRIATIONS — FY 2021-2022.** Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2021, and ending June 30, 2022, 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:

..... \$ 8,997,091

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. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2021-2022. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for paying instructional support state aid under section 257.20 for the fiscal year is zero.

Sec. 3. Section 257.35, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. 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, 2021, and ending June 30, 2022, 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.

Sec. 4. SPECIAL FUNDS — SALARY ADJUSTMENTS — UNAPPROPRIATED MONEYS — FY 2021-2022. For the fiscal year beginning July 1, 2021, and ending June 30, 2022, salary adjustments otherwise provided may be funded as determined by the department of management, subject to any applicable constitutional limitation, using unappropriated moneys remaining in the department of commerce revolving fund, the gaming enforcement revolving fund, the gaming regulatory revolving fund, the primary road fund, the road use tax fund, the fish and game protection fund, and the Iowa public employees' retirement fund, and in other departmental revolving, trust, or special funds for which the general assembly has not made an operating budget appropriation.

DIVISION II
MISCELLANEOUS APPROPRIATIONS

Sec. 5. OFFICE OF THE CHIEF INFORMATION OFFICER — FY 2020-2021. 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, 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 a new state central personnel, accounting, and budget system:

..... \$ 23,230,000

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, 2022.

Sec. 6. STATE PUBLIC DEFENDER — FY 2021-2022. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals 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 payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

..... \$ 200,000

Sec. 7. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act appropriating moneys to the office of the chief information officer.

Sec. 8. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of 2021 Iowa Acts, House File 743,¹ if enacted:

The section of this division of this Act appropriating moneys to the state public defender.

DIVISION III
CORRECTIVE PROVISIONS

Sec. 9. Section 15.371, subsection 7, paragraph b, subparagraph (3), if enacted by 2021 Iowa Acts, Senate File 619,² section 29, is amended to read as follows:

(3) If the board approves an application, the type and amount of financial assistance that should ~~to~~ be awarded to the applicant.

Sec. 10. Section 49.73, subsection 2, paragraph b, as enacted by 2021 Iowa Acts, Senate File 413,³ section 36, is amended to read as follows:

b. The legislative services agency shall place on the internet site of the agency general assembly information regarding the opening and closing times of polling places until and including November 7, 2024. This paragraph is repealed effective July 1, 2025.

Sec. 11. Section 123.46A, subsection 2, paragraph g, Code 2021, as amended by 2021 Iowa Acts, House File 766,⁴ section 1, is amended to read as follows:

g. Delivery of alcoholic liquor, wine, ~~or beer, or mixed drinks or cocktails~~ shall be made by the licensee or permittee, the licensee's or permittee's employee, or a third party, provided the licensee or permittee has entered into a written agreement with the third party that authorizes the third party to act as an agent of the licensee or permittee for the purpose of delivering alcoholic liquor, wine, ~~or beer, or mixed drinks or cocktails~~. Each licensee or permittee shall submit to the division electronically, or in a manner prescribed by the administrator, a list of names and addresses of all third parties it has authorized to act as its agent for the purpose of delivering alcoholic liquor, wine, ~~or beer, or mixed drinks or cocktails~~. The licensee or permittee shall provide the division with amendments to the list as necessary to ensure the division possesses an accurate, current list.

Sec. 12. Section 123.46A, subsection 3, Code 2021, as amended by 2021 Iowa Acts, House File 766,⁵ section 3, is amended to read as follows:

3. A violation of this section or any other provision of this chapter shall subject the licensee or permittee to the penalty provisions of section 123.39. If the licensee or permittee, an employee of the licensee or permittee, or a person delivering alcoholic liquor, wine, ~~or beer, or mixed drinks or cocktails~~ for a third party acting on behalf of the licensee or permittee pursuant to a written agreement violates this section, the licensee or permittee shall not be assessed a penalty under section 123.39 if the licensee or permittee establishes all of the following:

a. The violation was committed off of the licensee's or permittee's premises after the liquor, wine, ~~or beer, or mixed drinks or cocktails~~ was removed from the licensee's or permittee's premises in fulfillment of a delivery order.

b. (1) If the person who committed the violation is an employee of the licensee or permittee, that no other violation of this section was committed by any employee of the licensee or permittee within the two-year period immediately preceding the date of violation.

(2) If the person who committed the violation is a person delivering for a third party acting on behalf of the licensee or permittee, that no other violation of this section was committed by any person delivering for the same third party while the third party was acting on behalf of the licensee or permittee within the two-year period immediately preceding the date of violation.

¹ Chapter 161 herein

² Chapter 177 herein

³ Chapter 12 herein

⁴ Chapter 99 herein

⁵ Chapter 99 herein

Sec. 13. Section 232D.503, subsection 6, unnumbered paragraph 1, as enacted by 2021 Iowa Acts, Senate File 240,⁶ section 22, is amended to read as follows:

If the court orders termination of a guardianship established under this chapter and the guardian has custody of any assets of a protected person who is a minor or was a minor at the time of the minor's death, the court shall order delivery of the ~~minors~~ minor's assets to the minor or to a fiduciary acting under one or more of the following:

Sec. 14. Section 257.16C, subsection 3, paragraph d, subparagraph (4), subparagraph division (a), as enacted by 2021 Iowa Acts, Senate File 269,⁷ section 5, is amended to read as follows:

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

Sec. 15. Section 321.89, subsection 3A, as enacted by 2021 Iowa Acts, Senate File 232,⁸ section 2, is amended to read as follows:

3A. *Reclamation of abandoned vehicles.* Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle ~~of~~ on behalf of a person who received notice under subsection 3 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in section 321.20B.

Sec. 16. Section 422.11T, if enacted by 2021 Iowa Acts, House File 588,⁹ section 2, is amended to read as follows:

422.11T Hoover presidential library tax credit.

The tax imposed under this subchapter, less the credits allowed under section 422.12, shall be reduced by a Hoover presidential library tax credit authorized pursuant to section 15E.364.

Sec. 17. Section 422.16B, subsection 1, paragraph b, if enacted by 2021 Iowa Acts, Senate File 608,¹⁰ section 14, is amended to read as follows:

b. "*Pass-through entity*" includes any entity that is a partnership or a pass-through entity as those terms are defined in section 422.25A.

Sec. 18. Section 425.16, subsection 1, as enacted by 2021 Iowa Acts, House File 368,¹¹ section 15, is amended to read as follows:

1. In addition to the homestead tax credit allowed under section 425.1, subsections 1 through 4, persons who own or rent their homesteads and who meet the qualifications provided in this subchapter are eligible for a property tax credit ~~or~~ for property taxes due or reimbursement of rent constituting property taxes paid.

Sec. 19. Section 425.18, Code 2021, as amended by 2021 Iowa Acts, House File 368,¹² section 17, is amended to read as follows:

425.18 Right to file a claim.

The right to file a claim for reimbursement or credit under this subchapter may be exercised by the claimant or on behalf of a claimant by the claimant's legal guardian, spouse, or attorney, or by the executor or administrator of the claimant's estate. If a claimant dies after having filed a claim for reimbursement for rent constituting property taxes paid, the amount of the reimbursement may be paid to another member of the household as determined by the department of ~~of~~ human services. If the claimant was the only member of the household, the reimbursement may be paid to the claimant's executor or administrator, but if neither is appointed and qualified within one year from the date of the filing of the claim, the reimbursement shall escheat to the state. If a claimant dies after having filed a

⁶ Chapter 8 herein

⁷ Chapter 2 herein

⁸ Chapter 22 herein

⁹ Chapter 176 herein

¹⁰ Chapter 151 herein

¹¹ Chapter 41 herein

¹² Chapter 41 herein

claim for credit for property taxes due, the amount of credit shall be paid as if the claimant had not died.

Sec. 20. Section 425.40, subsection 1, Code 2021, as amended by 2021 Iowa Acts, House File 368,¹³ section 34, is amended to read as follows:

1. A low-income tax credit and reimbursement fund is created. Within the low-income tax credit and reimbursement fund, a rent reimbursement account is created under the control of the department of human services and a tax credit account is created under the control of the department of revenue. Amounts appropriated to the fund shall first be credited to the rent reimbursement account.

Sec. 21. Section 455B.175, subsection 1, unnumbered paragraph 1, Code 2021, as amended by 2021 Iowa Acts, House File 699,¹⁴ section 91, is amended to read as follows:

If there is substantial evidence that any person has violated or is violating any provision of, or any rule or standard established or permit issued pursuant to, this part 1 of subsection subchapter III, chapter 459, subchapter III, chapter 459A, or chapter 459B, then one of the following may apply:

Sec. 22. Section 455B.307, subsections 1 and 3, Code 2021, as amended by 2021 Iowa Acts, House File 699,¹⁵ section 101, are amended to read as follows:

1. A private agency or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director unless the agency has been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. The department shall adopt rules regarding the permitting of this activity which shall provide that the public interest is best served, but which may be based upon criteria less stringent than those regulating a public sanitary disposal project provided that the rules adopted meet the groundwater protection goal specified in section 455E.4. The comprehensive plans for these facilities may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operations characteristics, and volumes and types of waste handled at the disposal site. The director may issue temporary permits for dumping or disposal of solid waste at disposal sites for which an application for a permit to operate a sanitary disposal project has been made and which have not met all of the requirements of this part 1 of this subchapter IV and the rules adopted by the commission if a compliance schedule has been submitted by the applicant specifying how and when the applicant will meet the requirements for an operational sanitary disposal project and the director determines the public interest will be best served by granting such temporary permit.

3. Any person who violates any provision of this part 1 of this subchapter IV or any rule or any order adopted or the conditions of any permit or order issued pursuant to this part 1 of this subchapter IV shall be subject to a civil penalty, not to exceed five thousand dollars for each day of such violation.

Sec. 23. Section 455B.307A, subsection 4, Code 2021, as amended by 2021 Iowa Acts, House File 699,¹⁶ section 102, is amended to read as follows:

4. This section shall not apply to the discarding of litter regulated under part 3 of this subchapter IV, ~~part 3~~, and local littering ordinances.

Sec. 24. Section 455B.396, subsection 1, Code 2021, as amended by 2021 Iowa Acts, House File 699,¹⁷ section 103, is amended to read as follows:

1. Liability to the state under this part 4 or part 5 of this subchapter IV is a debt to the state. Liability to a political subdivision under this part 4 of this subchapter IV is a debt to the political subdivision. The debt, together with interest on the debt at the maximum lawful rate of interest permitted pursuant to section 535.2, subsection 3, paragraph "a", from the

¹³ Chapter 41 herein

¹⁴ Chapter 76 herein

¹⁵ Chapter 76 herein

¹⁶ Chapter 76 herein

¹⁷ Chapter 76 herein

date costs and expenses are incurred by the state or a political subdivision is a lien on real property, except single and multifamily residential property, on which the department incurs costs and expenses creating a liability and owned by the persons liable under this part 4 or part 5. To perfect the lien, a statement of claim describing the property subject to the lien must be filed within one hundred twenty days after the incurrence of costs and expenses by the state or a political subdivision. The statement shall be filed with, accepted by, and recorded by the county recorder in the county in which the property subject to the lien is located. The statement of claim may be amended to include subsequent liabilities. To be effective, the statement of claim shall be amended and filed within one hundred twenty days after the occurrence of the event resulting in the amendment.

Sec. 25. Section 484B.10, subsection 1, paragraph b, as enacted by 2021 Iowa Acts, House File 747,¹⁸ section 2, is amended to read as follows:

b. A game bird hunting preserve operator may apply for a variance to extend the season date beyond March 31 for that preserve if the monthly precipitation is above average for the county in which the preserve is located for at least two months out of the months of January, February, and March of that season. The state climatologist established appointed pursuant to section 159.5 shall provide official national weather service and community collaborative rain, hail and snow network data to the department to determine whether a variance to the established season shall be granted. The department shall not grant a variance to a game bird preserve that extends the season beyond April 15 of the year for which the variance is requested. A person hunting on a game bird hunting preserve on a date after March 31 pursuant to an extension granted under this paragraph shall only hunt for and take chukars, quail, or rooster pheasants.

Sec. 26. Section 602.8107, subsection 3, paragraph b, subparagraph (1), if enacted by 2021 Iowa Acts, Senate File 367,¹⁹ section 4, is amended to read as follows:

(1) The department of revenue shall receive fifteen percent of each court debt payment collected on cases assigned to the department of revenue for collection to reflect the cost of processing and the remaining eighty-five percent of such court debt collected shall be paid to the clerk of the district court for distribution under section 602.8108. The department of revenue collection fee shall not include the amount of court debt collected for restitution involving pecuniary damages, the victim compensation fund, the crime services surcharge, the domestic and sexual abuse crimes surcharge, the agricultural surcharge, or the sex offender civil penalty.

Sec. 27. Section 633F.4, subsection 2, as enacted by 2021 Iowa Acts, Senate File 240,²⁰ section 4, is amended to read as follows:

2. The custodial trustee's acceptance may be evidenced by a writing stating in substance:

CUSTODIAL TRUSTEE'S RECEIPT AND ACCEPTANCE

I, _____ (name of custodial trustee) acknowledge receipt of the custodial trust property described below or in the attached instrument and accept the custodial trust as custodial trustee for _____ (name of beneficiary) under the Iowa Uniform Custodial Trust Act. I undertake to administer and distribute the custodial trust property pursuant to the Iowa Uniform Custodial Trust Act. My obligations as custodial trustee are subject to the directions of the beneficiary unless the beneficiary is designated as, is, or becomes incapacitated. The custodial trust property consists of _____.

Dated: _____

~~(Signature of Custodial Trustee)~~

Signed: _____

(signature of custodial trustee)

¹⁸ Chapter 82 herein

¹⁹ Chapter 145 herein

²⁰ Chapter 8 herein

Sec. 28. Section 633F.18, subsection 1, paragraph a, as enacted by 2021 Iowa Acts, Senate File 240,²¹ section 18, is amended to read as follows:

a. The execution and either delivery to the custodial trustee or recording of an instrument in substantially the following form:

TRANSFER UNDER THE IOWA UNIFORM CUSTODIAL TRUST ACT

I, _____ (name of transferor or name and representative capacity if a fiduciary), transfer to _____ (name of trustee other than transferor), as custodial trustee for _____ (name of beneficiary) as beneficiary and _____ (name of distributee) as distributee on termination of the trust in absence of direction by the beneficiary under the Iowa Uniform Custodial Trust Act, the following:

_____ (Insert a description of the custodial trust property legally sufficient to identify and transfer each item of property).

If _____ (name of trustee other than transferor) declines to serve or ceases to serve as custodial trustee for any reason, then I designate _____ (name of substitute or successor custodial trustee) as substitute or successor custodial trustee.

Dated: _____

Signature: _____

Sec. 29. Section 724.15, subsection 3, Code 2021, as amended by 2021 Iowa Acts, House File 756,²² section 2, is amended to read as follows:

3. An issuing officer who finds that a person issued a permit to acquire pistols or revolvers under this chapter has been arrested for a disqualifying offense or who is the subject of proceedings that could lead to the person's ineligibility for such permit, may immediately suspend such permit. An issuing officer proceeding under this subsection shall immediately notify the permit holder of the suspension by personal service or certified mail on a form prescribed and published by the commissioner of public safety and the suspension shall become effective upon the permit holder's receipt of such notice. If the suspension is based on an arrest or a proceeding that does not result in a disqualifying conviction or finding against the permit holder, the issuing officer shall immediately reinstate the permit upon receipt of proof of the matter's final disposition. If the arrest leads to a disqualifying conviction or the proceedings to a disqualifying finding, the issuing officer shall revoke the permit. The issuing officer may also revoke the permit of a person whom the issuing officer later finds was not qualified for such a permit at the time of issuance or whom the officer finds provided materially false information on the permit application. A person aggrieved by a suspension or revocation under this subsection may seek review of the decision pursuant to section 724.21A.

Sec. 30. Section 915.52, subsection 4A, if enacted by 2021 Iowa Acts, House File 426,²³ section 5, is amended to read as follows:

NEW SUBSECTION. 4A. An office, agency, or department may satisfy a notification obligation to registered victims required by this subchapter through participation in the kit tracking system established pursuant to section 915.53 to the extent information is available for dissemination through the kit tracking system. This ~~section~~ subsection shall not relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the kit tracking system.

²¹ Chapter 8 herein

²² Chapter 35 herein

²³ Chapter 107 herein

Sec. 31. Section 915.53, subsection 7, if enacted by 2021 Iowa Acts, House File 426,²⁴ section 6, is amended to read as follows:

7. An office, agency, or department may satisfy a notification obligation to a victim as required by section 915.52 through participation in the kit tracking system to the extent information is available for dissemination through the kit tracking system. This ~~section~~ subsection shall not relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the kit tracking system.

Sec. 32. 2021 Iowa Acts, Senate File 413,²⁵ section 74, subsection 3, is amended to read as follows:

3. The ~~section~~ sections of this Act amending section 45.1.

Sec. 33. 2021 Iowa Acts, House File 848,²⁶ section 4, is amended to read as follows:

SEC. 4. EMERGENCY RULES. The office of the chief information officer 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, 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~~ subsections 9 and 10, shall be applicable to a delay imposed under this section, notwithstanding a provision in those ~~sections~~ subsections 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.

Sec. 34. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 49.73, subsection 2, paragraph “b”.

2. The section of this division of this Act amending section 257.16C, subsection 3, paragraph “d”, subparagraph (4), subparagraph division (a).

3. The section of this division of this Act amending section 425.16, subsection 1.

4. The section of this division of this Act amending section 425.18.

5. The section of this division of this Act amending section 425.40, subsection 1.

6. The section of this division of this Act amending 2021 Iowa Acts, Senate File 413,²⁷ section 74, subsection 3.

7. The section of this division of this Act amending 2021 Iowa Acts, House File 848,²⁸ section 4.

Sec. 35. EFFECTIVE DATE. The following takes effect January 1, 2022:

The section of this division of this Act amending section 602.8107, subsection 3, paragraph “b”, subparagraph (1).

Sec. 36. CONTINGENT EFFECTIVE DATE. The following take effect on the effective date of 2021 Iowa Acts, House File 384,²⁹ if enacted:

1. The section of this division of this Act amending section 123.46A, subsection 2, paragraph “g”.

2. The section of this division of this Act amending section 123.46A, subsection 3.

Sec. 37. RETROACTIVE APPLICABILITY. The following apply retroactively to March 8, 2021:

²⁴ Chapter 107 herein

²⁵ Chapter 12 herein

²⁶ Chapter 47 herein

²⁷ Chapter 12 herein

²⁸ Chapter 47 herein

²⁹ Chapter 155 herein

1. The section of this division of this Act amending section 49.73, subsection 2, paragraph “b”.

2. The section of this division of this Act amending 2021 Iowa Acts, Senate File 413,³⁰ section 74, subsection 3.

Sec. 38. RETROACTIVE APPLICABILITY. The following applies retroactively to February 23, 2021:

The section of this division of this Act amending section 257.16C, subsection 3, paragraph “d”, subparagraph (4), subparagraph division (a).

Sec. 39. RETROACTIVE APPLICABILITY. The following apply retroactively to April 12, 2021:

1. The section of this division of this Act amending section 425.16, subsection 1.
2. The section of this division of this Act amending section 425.18.
3. The section of this division of this Act amending section 425.40, subsection 1.

Sec. 40. RETROACTIVE APPLICABILITY. The following applies retroactively to April 28, 2021:

The section of this division of this Act amending 2021 Iowa Acts, House File 848,³¹ section 4.

DIVISION IV STATE CHILD CARE ASSISTANCE

Sec. 41. Section 237A.14, subsection 3, if enacted by 2021 Iowa Acts, House File 302,³² section 1, is amended to read as follows:

3. Child care provider reimbursement rates under the graduated eligibility phase-out program shall be the same rates as the child care provider reimbursement rates ~~in effect on July 1, 2021.~~

DIVISION V AMUSEMENT RIDE ATTENDANTS

Sec. 42. 2021 Iowa Acts, House File 558,³³ is amended by adding the following new section:

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

Sec. 43. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 44. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to April 30, 2021.

DIVISION VI FUNERAL DIRECTOR REIMBURSEMENT

Sec. 45. Section 331.802, subsection 9, as enacted by 2021 Iowa Acts, Senate File 307,³⁴ section 4, is amended to read as follows:

9. If an autopsy is ordered under this section, the county shall reimburse the funeral director for all costs associated with the transportation of the body to and from the facility performing the autopsy at a rate equivalent to the rate of reimbursement allowed under the standard mileage rate method for computation of business expenses pursuant to the Internal Revenue Code at the time the transportation occurs plus any other associated fees.

³⁰ Chapter 12 herein

³¹ Chapter 47 herein

³² Chapter 178 herein

³³ Chapter 71 herein

³⁴ Chapter 26 herein

DIVISION VII
GAMBLING

Sec. 46. Section 99F.7, subsection 7, Code 2021, is amended to read as follows:

7. It is the intent of the general assembly that employees be paid at least twenty-five percent above the federal minimum wage level in effect on December 31, 2020.

Sec. 47. Section 99F.10, subsection 4, paragraph a, Code 2021, as amended by 2021 Iowa Acts, House File 861,³⁵ section 26, if enacted, 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 cost of salaries for no more than three special agents for each excursion gambling boat or gambling structure as assigned pursuant to the provisions of section 80.25A, plus any direct and indirect support costs for the division of criminal investigation's duties pursuant to chapters 99D, 99E, and 99F, and section 80.25A.

DIVISION VIII
CHIEF INFORMATION OFFICER — POWERS AND DUTIES

Sec. 48. Section 8B.4, subsection 2, Code 2021, is amended to read as follows:

2. Appoint a chief financial officer and all information technology staff deemed necessary for the administration of the office's functions as provided in this chapter. For employees of the office, employment shall be consistent with chapter 8A, subchapter IV.

DIVISION IX
EMERGENCY MEDICAL SERVICES DISTRICTS

Sec. 49. Section 357F.8, Code 2021, is amended to read as follows:

357F.8 Election on proposed levy and candidates for trustees.

1. When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of a an initial tax of not more than one dollar per thousand dollars of assessed value on all the taxable property within the district and to choose candidates for the offices of trustees of the district. The ballot shall set out the reason for the tax and the amount needed. The tax shall be set to raise only the amount needed. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357F.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon and any registered voter residing within the district at the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but the elections shall be conducted in accordance with chapter 49 where not in conflict with this chapter. Judges shall be appointed to serve without pay by the board from among the registered voters of the district to be in charge of the election. The proposition is approved if sixty percent of those voting on the proposition vote in favor of it.

2. a. If the tax authorized under subsection 1 is insufficient to provide the services authorized under this chapter, the trustees may levy an additional annual tax, at a rate necessary to provide the authorized services, if such authority for an additional tax is approved at election held separately and after the election held under subsection 1.

b. By resolution, the board may submit to the registered voters of the district the proposition of levying the additional annual tax according to the election procedures under subsection 1.

c. (1) After adoption of the resolution under paragraph "b", the board of trustees shall coordinate efforts with the local emergency medical services agencies to establish a district advisory council to assist in researching and assessing the service needs of the district and guiding implementation of services in the district within a council structure.

³⁵ Chapter 166 herein

(2) The advisory council established under subparagraph (1) shall recommend to the board of trustees an amount of funding to be specified on the ballot for the election held under this subsection 2 and shall annually assess and review the emergency medical services needs of the district and shall include the results of such review and assessment in an annual report filed with the board of trustees. The annual report shall be publicly available upon filing with the board of trustees. The board of trustees shall receive public comment regarding the report at one or more meetings of the board of trustees. Any meeting of the board of trustees at which public comment on the annual report is heard shall be at least fourteen days following the date the annual report is filed with the board of trustees.

d. The proposition is adopted if a majority of those voting on the proposition at the election approves it. If the proposition is approved at election, the trustees may impose the additional annual tax beginning with the fiscal year beginning July 1 following the election at which the proposition was approved. The proposition is not affected by a change in the boundaries of the district.

e. Discontinuance of the authority to impose an additional tax under this chapter shall be by petition and election. Upon petition of twenty-five percent of the resident eligible electors, the board of trustees shall submit to the voters of the district the question of whether to discontinue the authority to impose the additional tax according to the election procedures under subsection 1. If a majority of those voting on the question of discontinuance of the trustees' authority to impose the tax favors discontinuance, the trustees shall not impose the additional tax for any fiscal year beginning after the election approving the discontinuance, unless imposition is subsequently again authorized at election. Following discontinuance of the authority to impose the additional tax, authority to reimpose the additional tax requires approval in accordance with this subsection.

Sec. 50. Section 357F.10, Code 2021, is amended to read as follows:

357F.10 Trustees' powers.

The trustees may purchase, own, rent, or maintain emergency medical services apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state, provide housing for such apparatus and equipment, provide emergency medical service and facilities, and may certify for levy ~~an annual tax~~ taxes as provided in section 357F.8. The trustees may purchase material, employ emergency medical service and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The trustees may contract with any city or county or public or private agency under chapter 28E for the purpose of providing emergency medical services under this chapter. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

Sec. 51. Section 357F.11, Code 2021, is amended to read as follows:

357F.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes ~~by the levy~~ authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357F.8, and ~~the same~~ a sixty percent vote shall be necessary to authorize indebtedness. Both propositions may be submitted to the voters at the same election.

Sec. 52. Section 357G.8, Code 2021, is amended to read as follows:

357G.8 Election on proposed levy and candidates for trustees.

1. When a preliminary plat has been approved by the council, an election shall be held within the district within sixty days to approve or disapprove the levy of a ~~an~~ initial tax of not more than one dollar per thousand dollars of assessed value on all the taxable property within the district and to choose candidates for the offices of trustees of the district. The ballot shall set out the reason for the tax and the amount needed. The tax shall be set to raise only the amount needed. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357G.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon and any registered voter residing within the district at

the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but the elections shall be conducted in accordance with chapter 49 where not in conflict with this chapter. Judges shall be appointed to serve without pay by the council from among the registered voters of the district to be in charge of the election. The proposition is approved if sixty percent of those voting on the proposition vote in favor of it.

2. a. If the tax authorized under subsection 1 is insufficient to provide the services authorized under this chapter, the trustees may levy an additional annual tax, at a rate necessary to provide the authorized services, if such authority for an additional tax is approved at election held separately and after the election held under subsection 1.

b. By resolution, the council may submit to the registered voters of the district the proposition of levying the additional annual tax according to the election procedures under subsection 1.

c. (1) After adoption of the resolution under paragraph "b", the board of trustees shall coordinate efforts with the local emergency medical services agencies to establish a district advisory council to assist in researching and assessing the service needs of the district and guiding implementation of services in the district within a council structure.

(2) The district advisory council established under subparagraph (1) shall recommend to the board of trustees an amount of funding to be specified on the ballot for the election held under this subsection 2 and shall annually assess and review the emergency medical services needs of the district and shall include the results of such review and assessment in an annual report filed with the board of trustees. The annual report shall be publicly available upon filing with the board of trustees. The board of trustees shall receive public comment regarding the report at one or more meetings of the board of trustees. Any meeting of the board of trustees at which public comment on the annual report is heard shall be at least fourteen days following the date the annual report is filed with the board of trustees.

d. The proposition is adopted if a majority of those voting on the proposition at the election approves it. If the proposition is approved at election, the trustees may impose the additional annual tax beginning with the fiscal year beginning July 1 following the election at which the proposition was approved. The proposition is not affected by a change in the boundaries of the district.

e. Discontinuance of the authority to impose an additional tax under this chapter shall be by petition and election. Upon petition of twenty-five percent of the resident eligible electors, the board of trustees shall submit to the voters of the district the question of whether to discontinue the authority to impose the additional tax according to the election procedures under subsection 1. If a majority of those voting on the question of discontinuance of the trustees' authority to impose the tax favors discontinuance, the trustees shall not impose the additional tax for any fiscal year beginning after the election approving the discontinuance, unless imposition is subsequently again authorized at election. Following discontinuance of the authority to impose the additional tax, authority to reimpose the additional tax requires approval in accordance with this subsection.

Sec. 53. Section 357G.10, Code 2021, is amended to read as follows:

357G.10 Trustees' powers.

The trustees may purchase, own, rent, or maintain emergency medical services apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state, provide housing for such apparatus and equipment, provide emergency medical service and facilities, and may certify for levy ~~an annual tax~~ taxes as provided in section 357G.8. The trustees may purchase material, employ emergency medical service and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The trustees may contract with any other city or county or public or private agency under chapter 28E for the purpose of providing emergency medical services under this chapter. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

Sec. 54. Section 357G.11, Code 2021, is amended to read as follows:

357G.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes ~~by the levy~~ authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357G.8, and ~~the same~~ a sixty percent vote shall be necessary to authorize indebtedness. Both propositions may be submitted to the voters at the same election.

DIVISION X
OPTIONAL TAXES FOR EMERGENCY MEDICAL SERVICES

Sec. 55. Section 422D.1, Code 2021, is amended to read as follows:

422D.1 Authorization — election — imposition and repeal — use of revenues.

1. a. A Upon adoption of a resolution declaring emergency medical services to be an essential county service under subsection 1A, and subject to the limitations of this chapter, a county board of supervisors may offer for voter approval the authorization to impose any of the following taxes or a combination of the following taxes:

(1) Local option income surtax.

(2) An ad valorem property tax not to exceed seventy-five cents per one thousand dollars of assessed value on all taxable property within the county.

b. Revenues generated from these taxes shall be used for emergency medical services as provided in section 422D.6.

1A. a. To be effective, the resolution declaring emergency medical services to be an essential service shall be considered and voted on for approval at two meetings of the board prior to the meeting at which the resolution is to be finally approved by a majority of the board by recorded vote, as defined in section 331.101. Notice of the first meeting of the board at which the resolution is considered and voted on shall be published not less than sixty days prior to the date of the meeting in one or more newspapers that meet the requirements of section 618.14. The board shall not suspend or waive the requirements for approval of the resolution or approval of the imposition of a tax under this chapter.

b. Each county for which a resolution has been adopted under this subsection shall coordinate efforts with the local emergency medical services agencies to establish a county emergency medical services system advisory council to assist in researching and assessing the service needs of the county and guiding implementation of services in the county within a council structure.

c. The county emergency medical services system advisory council established under paragraph "b" shall recommend to the board of supervisors an amount of funding to be specified on the ballot, and if one or more of the taxes are approved at election, shall annually assess and review the emergency medical services needs of the county, and shall include the results of such review and assessment in an annual report filed with the board of supervisors. The annual report shall be publicly available upon filing with the board of supervisors. The board of supervisors shall receive public comment regarding the report at one or more meetings of the board of supervisors. Any meeting of the board of supervisors at which public comment on the annual report is heard shall be at least fourteen days following the date the annual report is filed with the board of supervisors.

d. A resolution declaring emergency medical services to be an essential service shall be deemed void if the proposition to impose the taxes fails at election, authority to impose the taxes expires, or if discontinuance of the authority to impose the tax is approved at election under subsection 4.

2. a. The taxes for emergency medical services shall only be imposed after an election at which a majority sixty percent of those voting on the question of imposing the tax or combination of taxes specified in subsection 1, paragraph "a", subparagraph (1) or (2), vote in favor of the question. However, the tax or combination of taxes specified in subsection 1 shall not be imposed on property within or on residents of a benefited emergency medical services district under chapter 357F. The question of imposing the tax or combination of the taxes may be submitted at the regular city election, a special election, or the general election. Notice of the question shall be provided by publication at least sixty days before the time of the

election and shall identify the tax or combination of taxes and the rate or rates, as applicable. If a majority sixty percent of those voting on the question approve the imposition of the tax or combination of taxes, the tax or combination of taxes ~~shall~~ may be imposed as follows:

(1) A local option income surtax ~~shall~~ may be imposed for tax years beginning on or after January 1 ~~of the fiscal year in which the favorable election was held following the date the ordinance is filed with the director of revenue under section 422D.3, subsection 3.~~

(2) An ad valorem property tax ~~shall~~ may be imposed for ~~the property taxes due and payable in~~ fiscal year years beginning after the fiscal year in which the election was held.

b. Before a county imposes an income surtax as specified in subsection 1, paragraph "a", subparagraph (1), a benefited emergency medical services district in the county shall be dissolved, and the county shall be liable for the outstanding obligations of the benefited district. If the benefited district extends into more than one county, the county imposing the income surtax shall be liable for only that portion of the obligations relating to the portion of the benefited district in the county.

3. Revenues received by the county from the taxes imposed under this chapter shall be deposited into the emergency medical services trust fund created pursuant to section 422D.6 and shall be used as provided in that section.

4. ~~Any~~ For a county that is not one of the eleven most populous counties in the state, as determined by the latest preceding certified federal census or the latest applicable population estimate issued by the United States census bureau, whichever is most recent, any tax or combination of taxes imposed shall be for a maximum period of five fifteen years. For a county that is one of the eleven most populous counties in the state, as determined by the latest preceding certified federal census or the latest applicable population estimate issued by the United States census bureau, whichever is most recent, any tax or combination of taxes imposed shall be for a maximum period of ten years. Discontinuance of the authority to impose a tax under this chapter prior to the expiration of the period of years for which the tax is approved shall be by petition and election. Upon receipt of a petition signed by eligible electors of the county equal in number to at least twenty-five percent of the votes cast in the county for the office of president of the United States or governor at the last preceding general election or five thousand, whichever is less, the board of supervisors shall direct the county commissioner of elections to submit to the voters of the county the question of whether to discontinue the authority to impose one or more of the taxes under this chapter. If a majority of those voting on the question of discontinuance of the board's authority to impose the tax favors discontinuance, the board shall not impose the property tax for any fiscal year beginning after the election approving the discontinuance and shall not impose the income surtax for any tax year beginning after the election approving the discontinuance unless imposition is subsequently again authorized at election. Following expiration or discontinuance of the authority to impose the taxes under this chapter, authority to reimpose the taxes requires approval in accordance with this section.

Sec. 56. Section 422D.2, Code 2021, is amended to read as follows:

422D.2 Local income surtax.

A county may impose by ordinance a local income surtax as provided in section 422D.1 at the rate set by the board of supervisors, of up to one percent, on the state individual income tax of each individual residing in the county at the end of the individual's applicable tax year. However, the cumulative total of the percents of income surtax imposed on any taxpayer in the county shall not exceed twenty percent. The reason for imposing the surtax and the amount needed, as determined by the board of supervisors after recommendation of the county emergency medical services system advisory council, shall be set out on the ballot and in the ordinance. The surtax rate shall be set to raise only the amount needed. For purposes of this section, "state individual income tax" means the tax computed under section 422.5, less the amounts of nonrefundable credits allowed under chapter 422, subchapter II.

Sec. 57. Section 422D.3, subsection 1, Code 2021, is amended to read as follows:

1. A local income surtax ~~shall~~ may be imposed for tax years beginning on or after January 1 ~~of the fiscal year in which the favorable election was held for tax years beginning on or after January 1~~ following the date the ordinance is filed with the director of revenue under

subsection 3, and is repealed as provided in section 422D.1, subsection 4, ~~as of December 31 for tax years beginning after December 31.~~

Sec. 58. Section 422D.5, Code 2021, is amended to read as follows:

422D.5 Property tax levy.

A county may levy an emergency medical services tax at the rate set by the board of supervisors subject to the limitation under section 422D.1, subsection 1, paragraph "a", subparagraph (2), and approved at the election as provided in section 422D.1, on all taxable property in the county for fiscal years beginning with property taxes due and payable in the fiscal year beginning after the fiscal year in which the favorable election was held. The reason for imposing the tax and the amount needed, as determined by the board of supervisors after recommendation of the county emergency medical services system advisory council, shall be set out on the ballot. The rate shall be set so as to raise only the amount needed. The levy is repealed for subsequent fiscal years as provided in section 422D.1, subsection 4.

Sec. 59. Section 422D.6, subsection 1, Code 2021, is amended to read as follows:

1. A county authorized to impose a tax under this chapter shall establish an emergency medical services trust fund into which revenues received from the taxes imposed shall be deposited. Moneys in the trust fund shall be used for emergency medical services. In addition, moneys in the fund may be used for the purpose of matching federal or state funds for education and training related to emergency medical services. Moneys remaining in the fund following expiration or discontinuance of the authority to impose the taxes as provided in section 422D.1, subsection 4, shall remain in the fund and may be expended for the purposes specified in this section.

Sec. 60. IMPLEMENTATION. This division of this Act shall not affect the imposition and collection of taxes under chapter 422D in effect on July 1, 2021, and such taxes shall continue to be imposed and administered until the period of authority to impose such taxes in effect immediately prior to July 1, 2021, expires.

DIVISION XI

EMERGENCY MEDICAL SERVICE TRAINING PROGRAMS

Sec. 61. Section 147A.1, subsection 13, Code 2021, is amended to read as follows:

13. *"Training program"* means an Iowa college approved by the higher learning commission, ~~or an Iowa hospital authorized by the department, or a medical care ambulance service or nontransport service that has received authorization from the department to~~ conduct emergency medical care services training.

Sec. 62. Section 147A.17, subsection 1, Code 2021, is amended to read as follows:

1. An Iowa college approved by the higher learning commission, ~~or an Iowa hospital in this state, or a medical care ambulance service or nontransport service~~ that desires to provide emergency medical care services training leading to certification as an emergency medical care provider shall apply to the department for authorization to establish a training program.

Sec. 63. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII

LOCAL OPTION SALES TAX REVENUE

Sec. 64. Section 423B.7, subsection 7, paragraph a, Code 2021, is amended to read as follows:

a. Subject to the requirement of paragraph "b", local sales and services tax moneys received by a city or county may be expended for any lawful purpose of the city or county,

including but not limited to expenses related to providing emergency medical services within the applicable city or county.

Approved June 9, 2021

CHAPTER 175

BUTCHERY INNOVATION AND REVITALIZATION FUND AND PROGRAM — ARTISANAL BUTCHERY PROGRAM TASK FORCE

H.F. 857

AN ACT establishing a butchery innovation and revitalization fund and program to be administered by the economic development authority, in consultation with the department of agriculture and land stewardship, and creating a task force to explore the feasibility of establishing an artisanal butchery program at a community college or at an institution governed by the state board of regents.

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

Section 1. NEW SECTION. **15E.370 Butchery innovation and revitalization fund and program.**

1. As used in this section unless the context otherwise requires:

a. “*Department*” means the department of agriculture and land stewardship.

b. “*Financial assistance*” means assistance provided only from the funds and assets legally available to the authority pursuant to this section and includes assistance in the form of grants, low-interest loans, and forgivable loans.

c. “*Fund*” means the butchery innovation and revitalization fund.

d. “*Located in*” means the place or places at which a business’s operations are located and where at least ninety-eight percent of the business’s employees work, or where employees that are paid at least ninety-eight percent of the business’s payroll work.

e. “*Program*” means the butchery innovation and revitalization program.

2. a. The fund is created in the state treasury under the control of the authority and consists of any moneys appropriated to the fund by the general assembly and any other moneys available and obtained or accepted by the authority for placement in the fund. The fund shall be used to award financial assistance as provided under the program. The authority shall use any moneys specifically appropriated for purposes of this section only for the purposes of the program.

b. 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 the close of the succeeding fiscal year.

c. The authority may use not more than five percent of the moneys in the fund at the beginning of each fiscal year for purposes of administrative costs, marketing, technical assistance, and other program support.

3. The authority, in consultation with the department, shall establish and administer the program for the purpose of awarding financial assistance to eligible businesses for the following projects:

a. To expand or refurbish an existing, or to establish a new, state-inspected small-scale meat processing business.

b. To expand or refurbish an existing, or to establish a new, federally inspected small-scale meat processing business.

c. To expand or refurbish an existing, or to establish a new, licensed custom locker.

d. To expand or refurbish an existing, or to establish a new, mobile slaughter unit that operates in compliance with the most current mobile slaughter unit compliance guide issued by the United States department of agriculture food safety and inspection service.

e. To rent buildings, refrigeration facilities, freezer facilities, or equipment necessary to expand processing capacity, including mobile slaughter or refrigeration units used exclusively for meat or poultry processing.

4. The authority, in consultation with the department, shall establish eligibility criteria for the program by rule. The eligibility criteria must include all of the following:

a. The business must be located in this state.

b. The business must not have been subject to any regulatory enforcement action related to federal, state, or local environmental, worker safety, food processing, or food safety laws, rules, or regulations within the last five years.

c. The business must only employ individuals legally authorized to work in the state.

d. The business must not currently be in bankruptcy.

e. The business must employ less than fifty individuals.

5. A business seeking financial assistance under this section shall make application to the authority in the manner prescribed by the authority by rule.

6. Applications shall be accepted during one or more annual application periods to be determined by the authority by rule. Upon reviewing and scoring all applications that are received during an application period, and subject to funding, the authority may, in consultation with the department, award financial assistance to eligible businesses. A financial assistance award shall not exceed the amount of eligible project costs included in the eligible business's application. Priority shall be given to eligible businesses whose proposed project under subsection 3 will do any of the following:

a. Create new jobs.

b. Create or expand opportunities for local small-scale farmers to market processed meat under private labels.

c. Provide greater flexibility or convenience for local small-scale farmers to have animals processed.

7. A business that is awarded financial assistance under this section may apply for financial assistance under other programs administered by the authority.

8. The authority shall, in consultation with the department, adopt rules pursuant to chapter 17A to administer this section.

Sec. 2. TASK FORCE — ARTISANAL BUTCHERY PROGRAM.

1. The artisanal butchery program task force is created within the department of agriculture and land stewardship for the purpose of exploring the feasibility of establishing an artisanal butchery program at a community college or at an institution governed by the state board of regents.

2. Members of the task force shall be appointed by the secretary of agriculture and must include one representative of the department of agriculture and land stewardship and at least one representative of each of the following groups or organizations:

a. The Iowa association of community college trustees.

b. The Iowa culinary institute.

c. The economic development authority.

d. Meat science staff at the extension service at Iowa state university of science and technology.

e. The Iowa meat processors association.

f. A swine producer selected by the Iowa pork producers association.

g. A cattle producer selected by the Iowa cattlemen's association.

h. Owners or operators of licensed custom lockers located in the state.

i. Owners or operators of state-inspected small-scale meat processing facilities located in the state.

j. Owners or operators of federally inspected small-scale meat processing facilities located in the state.

k. The Iowa conservation alliance.

3. The department of agriculture and land stewardship shall provide the task force with staff and administrative support.

4. The task force shall consider staffing and equipment requirements, potential enrollment numbers, overall employment outlook for graduates, apprenticeship and internship opportunities, program costs, curriculum, and regulatory and legal requirements.

5. The task force shall submit a report by December 31, 2021, to the general assembly that includes the task force's findings and recommendations.

Approved June 9, 2021

CHAPTER 176

HOOVER PRESIDENTIAL LIBRARY TAX CREDIT

H.F. 588

AN ACT creating a Hoover presidential library tax credit available against the individual and corporate income taxes, the franchise tax, the insurance premiums tax, and the moneys and credit tax.

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

Section 1. **NEW SECTION. 15E.364 Hoover presidential library tax credit.**

1. For tax years beginning on or after January 1, 2021, but before January 1, 2024, a tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, equal to twenty-five percent of a person's donation to the Hoover presidential foundation for the Hoover presidential library and museum renovation project fund. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have 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 from the partnership, limited liability company, S corporation, estate, or trust.

2. The amount of the donation for which the tax credit is claimed shall not be deductible in determining taxable income for state income tax purposes.

3. Any tax credit in excess of the person's tax liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever occurs first. A tax credit shall not be carried back to a tax year prior to the tax year in which the person claims the tax credit.

4. *a.* The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of five million dollars.

b. The maximum amount of tax credits granted to a person shall not exceed five percent of the aggregate amount of tax credits authorized.

c. Ten percent of the aggregate amount of tax credits authorized shall be reserved for those donations in amounts of thirty thousand dollars or less. If any portion of the reserved tax credits have not been distributed by September 1, 2023, the remaining reserved tax credits shall be available to any other eligible person.

5. The tax credit shall not be transferable to any other person.

6. The authority shall develop a system for authorization of tax credits under this section and shall control the distribution of all tax credits to persons providing a donation subject to this section. The authority shall adopt administrative rules pursuant to chapter 17A for the qualification and administration of the donations made pursuant to this section.

7. This section is repealed December 31, 2029.

Sec. 2. **NEW SECTION. 422.11T Hoover presidential library tax credit.**

The tax imposed under this subchapter, less the credits allowed under section 422.12, shall be reduced by ¹ Hoover presidential library tax credit authorized pursuant to section 15E.364.

Sec. 3. Section 422.33, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 31. The taxes imposed under this subchapter shall be reduced by a Hoover presidential library tax credit allowed under section 15E.364.

Sec. 4. Section 422.60, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 14. The taxes imposed under this subchapter shall be reduced by a Hoover presidential library tax credit allowed under section 15E.364.

Sec. 5. NEW SECTION. **432.12N Hoover presidential library tax credit.**
The taxes imposed under this chapter shall be reduced by a Hoover presidential library tax credit allowed under section 15E.364.

Sec. 6. Section 533.329, subsection 2, Code 2021, is amended by adding the following new paragraph:
NEW PARAGRAPH. *l.* The moneys and credits tax imposed under this section shall be reduced by a Hoover presidential library tax credit allowed under section 15E.364.

Approved June 10, 2021

CHAPTER 177

STATE AND LOCAL REVENUE AND FINANCE — TAXATION, ECONOMIC INCENTIVES,
TAX CHECKOFFS, MENTAL HEALTH FUNDING, AND SCHOOL FINANCE

S.F. 619

AN ACT relating to state and local revenue and finance by modifying future tax contingencies, the state inheritance tax, the sales and use tax relating to food banks, the tax on promotional play receipts, mental health and disability services funding, school district funding, commercial and industrial property tax replacement payments, providing for housing incentives, providing for other properly related matters, making appropriations, and including effective date, applicability, and retroactive applicability provisions.

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

DIVISION I FUTURE TAX CONTINGENCIES

Section 1. 2018 Iowa Acts, chapter 1161, section 133, is amended by striking the section and inserting in lieu thereof the following:

SEC. 133. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

DIVISION II CHILD DEPENDENT AND DEVELOPMENT TAX CREDITS

Sec. 2. Section 422.12C, subsection 1, paragraphs f and g, Code 2021, are amended to read as follows:

f. For a taxpayer with net income of forty thousand dollars or more but less than ~~forty-five~~ ninety thousand dollars, thirty percent.

g. For a taxpayer with net income of ~~forty-five~~ ninety thousand dollars or more, zero percent.

¹ See chapter 174, §16 herein

Sec. 3. Section 422.12C, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. The taxes imposed under this subchapter, less the amounts of nonrefundable credits allowed under this subchapter, may be reduced by an early childhood development tax credit equal to twenty-five percent of the first one thousand dollars which the taxpayer has paid to others for each dependent, as defined in the Internal Revenue Code, ages three through five for early childhood development expenses. In determining the amount of early childhood development expenses for the tax year beginning in the 2006 calendar year only, such expenses paid during November and December of the previous tax year shall be considered paid in the tax year for which the tax credit is claimed. This credit is available to a taxpayer whose net income is less than ~~forty-five~~ ninety thousand dollars. If the early childhood development tax credit is claimed for a tax year, the taxpayer and the taxpayer's spouse shall not claim the child and dependent care credit under subsection 1.

Sec. 4. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to tax years beginning on or after January 1, 2021.

DIVISION III COVID-19 RELATED GRANTS — TAXATION

Sec. 5. Section 422.7, subsection 62, Code 2021, is amended to read as follows:

62. a. Subtract, to the extent included, the amount of any ~~financial assistance~~ qualifying COVID-19 grant provided to an eligible small issued to an individual or 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, the Iowa finance authority, or the department of agriculture and land stewardship.

b. For purposes of this subsection, "qualifying COVID-19 grant" includes any grant that was issued between March 17, 2020, and December 31, 2021, identified by the department by rule under a grant program created to primarily provide COVID-19 related financial assistance to economically impacted individuals and businesses located in this state, and administered by the economic development authority, Iowa finance authority, or the department of agriculture and land stewardship.

c. The economic development authority, Iowa finance authority, or the department of agriculture and land stewardship shall notify the department of any COVID-19 grant program that may qualify under this subsection in the manner and form prescribed by the department.

d. This subsection is repealed January 1, 2024, and does not apply to tax years beginning on or after that date.

Sec. 6. Section 422.35, subsection 30, Code 2021, is amended to read as follows:

30. a. Subtract, to the extent included, the amount of any ~~financial assistance~~ qualifying COVID-19 grant provided to an eligible small issued to a 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, the Iowa finance authority, or the department of agriculture and land stewardship.

b. For purposes of this subsection, "qualifying COVID-19 grant" means the same as defined in section 422.7, subsection 62, paragraph "b".

c. The economic development authority, Iowa finance authority, or the department of agriculture and land stewardship shall notify the department of any COVID-19 grant program that may qualify under this subsection in the manner and form prescribed by the department.

d. This subsection is repealed January 1, 2024, and does not apply to tax years beginning on or after that date.

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

Sec. 8. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 17, 2020, for tax years ending on or after that date.

DIVISION IV
FEDERAL PAYCHECK PROTECTION PROGRAM

Sec. 9. FEDERAL PAYCHECK PROTECTION PROGRAM. Notwithstanding any other provision of the law to the contrary, for any tax year ending after March 27, 2020, Division N, Tit. II, subtit. B, §276 and §278(a), of the federal Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, applies in computing net income for state tax purposes under section 422.7 or 422.35.

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

DIVISION V
STATE INHERITANCE TAX

Sec. 11. Section 450.10, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 7. a. In lieu of each rate of tax imposed in subsections 1 through 4, for property passing from the estate of a decedent dying on or after January 1, 2021, but before January 1, 2022, there shall be imposed a rate of tax equal to the applicable tax rate in subsections 1 through 4, reduced by twenty percent, and rounded to the nearest one-hundredth of one percent.

b. In lieu of each rate of tax imposed in subsections 1 through 4, for property passing from the estate of a decedent dying on or after January 1, 2022, but before January 1, 2023, there shall be imposed a rate of tax equal to the applicable tax rate in subsections 1 through 4, reduced by forty percent, and rounded to the nearest one-hundredth of one percent.

c. In lieu of each rate of tax imposed in subsections 1 through 4, for property passing from the estate of a decedent dying on or after January 1, 2023, but before January 1, 2024, there shall be imposed a rate of tax equal to the applicable tax rate in subsections 1 through 4, reduced by sixty percent, and rounded to the nearest one-hundredth of one percent.

d. In lieu of each rate of tax imposed in subsections 1 through 4, for property passing from the estate of a decedent dying on or after January 1, 2024, but before January 1, 2025, there shall be imposed a rate of tax equal to the applicable tax rate in subsections 1 through 4, reduced by eighty percent, and rounded to the nearest one-hundredth of one percent.

Sec. 12. NEW SECTION. **450.98 Tax repealed.**

Effective January 1, 2025, this chapter shall not apply to property of estates of decedents dying on or after January 1, 2025. The inheritance tax shall not be imposed under this chapter in the event the decedent dies on or after January 1, 2025, and, to this extent, this chapter is repealed.

Sec. 13. NEW SECTION. **450B.8 Tax repealed.**

Effective January 1, 2025, this chapter shall not apply to property of estates of decedents dying on or after January 1, 2025. The qualified use inheritance tax shall not be imposed under this chapter in the event the decedent dies on or after January 1, 2025, and, to this extent, this chapter is repealed.

Sec. 14. DEPARTMENT OF REVENUE. The department of revenue is directed to review references to Code chapters 450 and 450B and submit proposed corrections to such references in bill form to the general assembly by the 2022 regular session of the eighty-ninth general assembly.

Sec. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to the estates of decedents dying on or after January 1, 2021.

DIVISION VI
HOUSING TRUST FUND

Sec. 17. Section 428A.8, subsection 3, Code 2021, is amended to read as follows:

3. Notwithstanding subsection 2, the amount of money that shall be transferred pursuant to this section to the housing trust fund in any one fiscal year shall not exceed ~~three~~ seven million dollars. Any money that otherwise would be transferred pursuant to this section to the housing trust fund in excess of that amount shall be deposited in the general fund of the state.

DIVISION VII
HIGH QUALITY JOBS PROGRAM — DAY CARE CENTERS

Sec. 18. Section 15.327, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 016. “*Licensed center*” means the same as defined in section 237A.1.

Sec. 19. Section 15.329, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 3A. In addition to the factors in subsection 3, in determining the eligibility of a business to participate in the program the authority may consider whether a proposed project will provide a licensed center for use by the business’s employees.

DIVISION VIII
TELEHEALTH

Sec. 20. Section 514C.34, subsection 1, Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. “*Covered person*” means the same as defined in section 514J.102.

NEW PARAGRAPH. 00a. “*Facility*” means the same as defined in section 514J.102.

NEW PARAGRAPH. 0c. “*Health carrier*” means the same as defined in section 514J.102.

Sec. 21. Section 514C.34, subsection 1, paragraph c, Code 2021, is amended to read as follows:

c. “*Telehealth*” means the delivery of health care services through the use of real-time interactive audio and video, or other real-time interactive electronic media, regardless of where the health care professional and the covered person are each located. “*Telehealth*” does not include the delivery of health care services delivered solely through an audio-only telephone, electronic mail message, or facsimile transmission.

Sec. 22. Section 514C.34, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. A health carrier shall reimburse a health care professional and a facility for health care services provided by telehealth to a covered person for a mental health condition, illness, injury, or disease on the same basis and at the same rate as the health carrier would apply to the same health care services for a mental health condition, illness, injury, or disease provided in person to a covered person by the health care professional or the facility.

b. As a condition of reimbursement pursuant to paragraph “a”, a health carrier shall not require that an additional health care professional be located in the same room as a covered person while health care services for a mental health condition, illness, injury, or disease are provided via telehealth by another health care professional to the covered person.

Sec. 23. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 24. RETROACTIVE APPLICABILITY. This division of this Act applies to health care services for a mental health condition, illness, injury, or disease provided by a health care professional or a facility to a covered person by telehealth on or after January 1, 2021.

DIVISION IX
HIGH QUALITY JOBS AND RENEWABLE CHEMICAL PRODUCTION TAX CREDITS

Sec. 25. Section 15.119, subsection 2, paragraph a, subparagraphs (2) and (3), Code 2021, are amended to read as follows:

(2) In allocating tax credits pursuant to this subsection for each fiscal year of the fiscal period ~~beginning July 1, 2016, and ending June 30, 2021~~ the fiscal year beginning July 1, 2021, and for each fiscal year thereafter, the authority shall not allocate more than ~~one hundred five~~ seventy million dollars for purposes of this paragraph. ~~This subparagraph (2) is repealed July 1, 2021.~~

~~(3) (a) In allocating tax credits pursuant to this subsection for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the authority shall not allocate more than one hundred five million dollars for purposes of this paragraph if the aggregate amount of renewable chemical production tax credits under section 15.319 that were awarded on or after July 1, 2018, but before July 1, 2021, equals or exceeds twenty-seven million dollars.~~

~~(b) As soon as practicable after June 30, 2021, the authority shall notify the general assembly of the aggregate amount of renewable chemical production tax credits awarded under section 15.319 on or after July 1, 2018, but before July 1, 2021, and whether or not the tax credit allocation limitation described in subparagraph division (a) is applicable.~~

~~(c) This subparagraph (3) is repealed July 1, 2022.~~

Sec. 26. Section 15.119, subsection 2, paragraph h, Code 2021, is amended to read as follows:

h. The renewable chemical production tax credit program administered pursuant to sections 15.315 through 15.322. In allocating tax credits pursuant to this subsection for the fiscal year beginning July 1, 2021, and for each fiscal year thereafter, the authority shall not allocate more than ~~ten~~ five million dollars for purposes of this paragraph. This paragraph is repealed July 1, 2030.

Sec. 27. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
HIGH QUALITY JOBS — ELIGIBILITY REQUIREMENTS

Sec. 28. HIGH QUALITY JOBS — REDUCTIONS IN OPERATIONS.

1. Notwithstanding section 15.329, subsection 1, paragraph “b”, subparagraph (2), the economic development authority shall not presume that a reduction in operations is a reduction in operations while simultaneously applying for assistance with regard to a business that submits an application on or before June 30, 2022, if the business demonstrates to the satisfaction of the authority all of the following:

- a. That the reduction in operations occurred after March 1, 2020.
- b. That the reduction in operations was caused by the COVID-19 pandemic.

2. The economic development authority shall consider whether the benefit of the project proposed by a business under subsection 1 outweighs any negative impact related to the business’s reduction in operations. The business shall remain subject to all other eligibility requirements pursuant to section 15.329.

3. This section is repealed July 1, 2022.

DIVISION XI
MANUFACTURING 4.0

Sec. 29. NEW SECTION. 15.371 Manufacturing 4.0 technology investment program.

1. This section shall be known as and may be cited as the “*Manufacturing 4.0 Technology Investment Program*”.

2. For purposes of this section unless the context otherwise requires:

- a. “*Financial assistance*” means the same as defined in section 15.102.

b. “*Manufacturing 4.0 technology investments*” means projects that are intended to lead to the adoption of, and integration of, smart technologies into existing manufacturing operations located in the state by mitigating the risk to the manufacturer of significant technology investments. Projects may include investments in specialized hardware, software, or other equipment intended to assist a manufacturer in increasing the manufacturer’s productivity, efficiency, and competitiveness.

3. a. A manufacturing 4.0 technology investment fund is created within the state treasury under the control of the authority for the purpose of financing manufacturing 4.0 technology investments as described in this section.

b. The fund may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority. Any moneys appropriated to the fund shall be used for purposes of the manufacturing 4.0 technology investment program. The authority may use all other moneys in the fund, including interest, earnings, and recaptures, for purposes of this section.

c. 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.

d. Notwithstanding any law to the contrary, the authority may transfer any unobligated and unencumbered moneys in the fund, except for moneys appropriated for purposes of this section, to any fund created pursuant to section 15.106A, subsection 1, paragraph “o”.

4. The authority shall establish and administer a manufacturing 4.0 technology investment program and shall use moneys in the fund to award financial assistance to eligible manufacturers for manufacturing 4.0 technology investments.

5. To be eligible for a financial assistance award under the manufacturing 4.0 technology investment program, a manufacturer must do all of the following:

a. Manufacture goods at a facility located in this state.

b. Have a North American industry classification system number within the manufacturing sector range of 31-33.

c. Have been an established business for a minimum of three years prior to the date of application to the program.

d. Derive a minimum of fifty-one percent of the manufacturer’s gross revenue from the sale of manufactured goods.

e. Employ a minimum of three full-time employees and no more than seventy-five full-time employees across all of the manufacturer’s locations.

f. Have an assessment of the manufacturer’s proposed manufacturing 4.0 technology investment completed by the center for industrial research and service at Iowa state university of science and technology.

g. Demonstrate the ability to provide matching financial support for the manufacturer’s manufacturing 4.0 technology investment on a one-to-one basis. The matching financial support must be obtained from private sources.

6. Eligible manufacturers shall submit applications to the manufacturing 4.0 technology investment program in the manner prescribed by the authority by rule.

7. a. The authority may accept applications during one or more application periods each fiscal year as determined by the authority. All completed applications shall be reviewed and scored on a competitive basis pursuant to rules adopted by the authority. The authority may engage an outside technical review panel to complete technical reviews of applications. The board shall review the recommendations of the authority and of the technical review panel, if applicable, and shall approve, defer, or deny each application.

b. In making recommendations to the board, the authority and the technical review panel, if applicable, shall consider all of the following:

(1) The completeness of the manufacturer’s application.

(2) Whether the board should approve or deny an application.

(3) If the board approves an application, the type and amount of financial assistance that should to¹ be awarded to the applicant.

(4) The percentage of the manufacturer's gross revenue that is derived from the sale of manufactured goods pursuant to subsection 5, paragraph "d".

(5) Whether the manufacturer's proposed manufacturing 4.0 technology investment is consistent with the assessment completed by the center for industrial research and service at Iowa state university of science and technology pursuant to subsection 5, paragraph "f".

c. The board shall not approve an application for financial assistance for a manufacturing 4.0 technology investment that was made prior to the date of the application.

8. From moneys appropriated to the manufacturing 4.0 technology investment fund from the general fund of the state and any other state moneys lawfully available to the authority for the manufacturing 4.0 technology investment program, the maximum amount of financial assistance awarded from such moneys to an eligible manufacturer shall not exceed seventy-five thousand dollars.

9. The authority shall adopt rules pursuant to chapter 17A necessary to implement and administer this section.

DIVISION XII ENERGY INFRASTRUCTURE REVOLVING LOAN PROGRAM

Sec. 30. Section 476.10A, subsection 2, Code 2021, is amended to read as follows:

2. Notwithstanding section 8.33, any unexpended moneys remitted to the treasurer of state under this section shall be retained for the purposes designated. ~~Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys remitted under this section shall be retained and used for the purposes designated, pursuant to section 476.46.~~

Sec. 31. Section 476.46, subsection 2, paragraph e, subparagraph (3), Code 2021, is amended to read as follows:

(3) Interest on the fund shall be deposited in the fund. ~~A portion of the interest on the fund, not to exceed fifty percent of the total interest accrued, shall be used for promotion and administration of the fund.~~

Sec. 32. Section 476.46, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The Iowa energy center shall not initiate any new loans under this section after June 30, 2021.

NEW SUBSECTION. 4. Loan payments received under this section on or after July 1, 2021, and any other moneys in the fund on or after July 1, 2021, shall be deposited in the energy infrastructure revolving loan fund created in section 476.46A.

Sec. 33. **NEW SECTION. 476.46A Energy infrastructure revolving loan program.**

1. a. An energy infrastructure revolving loan fund is created in the office of the treasurer of state and shall be administered by the Iowa energy center established in section 15.120.

b. The fund may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully directed to the fund.

c. Moneys in the fund shall be used to provide financial assistance for the development and construction of energy infrastructure, including projects that support electric or gas generation transmission, storage, or distribution; electric grid modernization; energy-sector workforce development; emergency preparedness for rural and underserved areas; the expansion of biomass, biogas, and renewable natural gas; innovative technologies; and the development of infrastructure for alternative fuel vehicles.

d. 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.

¹ See chapter 174, §9 herein

e. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. a. The Iowa energy center shall establish and administer an energy infrastructure revolving loan program to encourage the development of energy infrastructure within the state.

b. An individual, business, rural electric cooperative, or municipal utility located and operating in this state shall be eligible for financial assistance under the program. With the approval of the Iowa energy center governing board established under section 15.120, subsection 2, the economic development authority shall determine the amount and the terms of all financial assistance awarded to an individual, business, rural electric cooperative, or municipal utility under the program. All agreements and administrative authority shall be vested in the Iowa energy center governing board.

c. The economic development authority may use not more than five percent of the moneys in the fund at the beginning of each fiscal year for purposes of administrative costs, marketing, technical assistance, and other program support.

3. For the purposes of this section:

a. “Energy infrastructure” means land, buildings, physical plant and equipment, and services directly related to the development of projects used for, or useful for, electricity or gas generation, transmission, storage, or distribution.

b. “Financial assistance” means the same as defined in section 15.102.

Sec. 34. ALTERNATE ENERGY REVOLVING LOAN FUND — MONEYS TRANSFERRED AND APPROPRIATED. Any unencumbered or unobligated moneys remaining after June 30, 2021, in the alternate energy revolving loan fund created pursuant to section 476.46, are transferred and appropriated to the energy infrastructure revolving loan fund created pursuant to section 476.46A, to be used for purposes of the energy infrastructure revolving loan program.

DIVISION XIII WORKFORCE HOUSING TAX INCENTIVES

Sec. 35. Section 15.119, subsection 2, paragraph g, Code 2021, is amended to read as follows:

g. (1) The workforce housing tax incentives program administered pursuant to sections 15.351 through 15.356. In allocating tax credits pursuant to this subsection, the authority shall not allocate more than ~~twenty-five~~ thirty-five million dollars for purposes of this paragraph. Of the moneys allocated under this paragraph, ~~ten~~ seventeen million five hundred thousand dollars shall be reserved for allocation to qualified housing projects in small cities, as defined in section 15.352, that are registered on or after July 1, 2017.

(2) (a) Notwithstanding subparagraph (1), in allocating tax credits pursuant to this subsection for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the authority shall not allocate more than forty million dollars for the purposes of this paragraph. Of the moneys allocated under this paragraph for the fiscal year beginning July 1, 2021, and ending June 30, 2022, twelve million dollars shall be reserved for allocation to qualified housing projects in small cities, as defined in section 15.352, that are registered on or after July 1, 2017.

(b) This subparagraph is repealed July 1, 2022.

Sec. 36. Section 15.354, subsection 3, paragraph d, Code 2021, is amended to read as follows:

d. Upon completion of a housing project, ~~an~~ a housing business shall submit all of the following to the authority:

(1) An examination of the project in accordance with the American institute of certified public accountants’ statements on standards for attestation engagements, completed by a certified public accountant authorized to practice in this state, shall be submitted to the authority.

(2) A statement of the final amount of qualifying new investment for the housing project.

(3) Any information the authority deems necessary to ensure compliance with the agreement signed by the housing business pursuant to paragraph “a”, the requirements of this part, and rules the authority and the department of revenue adopt pursuant to section 15.356.

Sec. 37. Section 15.354, subsection 3, paragraph e, subparagraph (1), Code 2021, is amended to read as follows:

(1) Upon review of the examination, ~~and verification of the amount of the qualifying new investment, and review of any other information submitted pursuant to paragraph “d”, subparagraph (3),~~ the authority may notify the housing business of the amount that the housing business may claim as a refund of the sales and use tax under section 15.355, subsection 2, and may issue a tax credit certificate to the housing business stating the amount of workforce housing investment tax credits under section 15.355, subsection 3, the eligible housing business may claim. The sum of the amount that the housing business may claim as a refund of the sales and use tax and the amount of the tax credit certificate shall not exceed the amount of the tax incentive award.

Sec. 38. Section 15.354, subsection 6, paragraphs b and c, Code 2021, are amended to read as follows:

b. ~~Notwithstanding subsection 1, the authority may accept applications for disaster recovery housing projects on a continuous basis~~ establish a disaster recovery application period following the declaration of a major disaster by the president of the United States for a county in Iowa.

c. ~~Notwithstanding subsection 2, paragraphs “a”, “b”, and “d”, upon~~ Upon review of a housing business’s application, and scoring of all applications received during a disaster recovery application period, the authority may make a tax incentive award to a disaster recovery housing project. The tax incentive award shall represent the maximum amount of tax incentives that the disaster recovery housing project may qualify for under the program. In determining a tax incentive award, the authority shall not use an amount of project costs that exceeds the amount included in the application of the housing business. Tax incentive awards shall be approved by the director of the authority.

Sec. 39. Section 15.355, subsection 2, Code 2021, is amended to read as follows:

2. A housing business may claim a refund of the sales and use taxes paid under chapter 423 that are directly related to a housing project and specified in the agreement. The refund available pursuant to this subsection shall be as provided in section 15.331A, excluding subsection 2, paragraph “c”, of that section. For purposes of the program, the term “*project completion*”, as used in section 15.331A, shall mean the date on which the authority notifies the department of revenue that all applicable requirements of ~~an~~ the agreement entered into pursuant to section 15.354, subsection 3, paragraph “a”, and all applicable requirements of this part, including the rules the authority and the department of revenue adopted pursuant to section 15.356, are satisfied.

DIVISION XIV BROWNFIELDS AND GRAYFIELDS

Sec. 40. Section 15.119, subsection 3, Code 2021, is amended to read as follows:

3. In allocating the amount of tax credits authorized pursuant to subsection 1 among the programs specified in subsection 2, the authority shall not allocate more than ~~ten~~ fifteen million dollars for purposes of subsection 2, paragraph “f”.

Sec. 41. Section 15.293A, subsection 8, Code 2021, is amended to read as follows:

8. This section is repealed on June 30, ~~2021~~ 2031.

Sec. 42. Section 15.293B, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 5A. a. Tax credits revoked under subsection 3 including tax credits revoked up to five years prior to the effective date of this division of this Act, and tax credits

not awarded under subsection 4 or 5, may be awarded in the next annual application period established in subsection 1, paragraph “c”.

b. Tax credits awarded pursuant to paragraph “a” shall not be counted against the limit under section 15.119, subsection 3.

Sec. 43. Section 15.293B, subsection 7, Code 2021, is amended to read as follows:

7. This section is repealed on June 30, ~~2021~~ 2031.

Sec. 44. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 15.293A, subsection 8.

2. The section of this division of this Act amending section 15.293B, subsection 7.

DIVISION XV DOWNTOWN LOAN GUARANTEE PROGRAM

Sec. 45. NEW SECTION. **15.431 Downtown loan guarantee program.**

1. The economic development authority, in partnership with the Iowa finance authority, shall establish and administer a downtown loan guarantee program to encourage Iowa downtown businesses and banks to reinvest and reopen following the COVID-19 pandemic.

2. In order for a loan to be guaranteed, all of the following conditions must be true:

a. The loan finances an eligible downtown resource center community catalyst building remediation grant project or main street Iowa challenge grant within a designated district.

b. The loan finances a rehabilitation project, or finances acquisition or refinancing costs associated with the project.

c. At least twenty-five percent of the project costs are used for construction on the project or renovation.

d. The project includes a housing component.

e. The loan is used for construction of the project, permanent financing of the project, or both.

f. A federally insured financial lending institution issued the loan.

g. The loan does not reimburse the borrower for working capital, operations, or similar expenses.

h. The project meets downtown resource center and main street Iowa design review.

3. a. For a loan amount less than or equal to five hundred thousand dollars, the economic development authority may guarantee up to fifty percent of the loan amount.

b. For a loan amount greater than five hundred thousand dollars, the economic development authority may provide a maximum loan guarantee of up to two hundred fifty thousand dollars.

4. A project loan must be secured by a mortgage against the project property.

5. The economic development authority may guarantee loans for up to five years. The economic development authority may extend the loan guarantee for an additional five years if an underwriting review finds that an extension would be beneficial.

6. The lender shall pay an annual loan guarantee fee as set forth by rule.

7. The economic development authority reserves the right to deny a loan guarantee for unreasonable bank loan fees or interest rate.

8. The loan must not be insured or guaranteed by another local, state, or federal guarantee program.

9. The loan guarantee is not transferable if the loan or the project is sold or transferred.

10. In the event of a loss due to default, the loan guarantee proportionally pays the guarantee percentage of the loss to the lender.

11. Moneys for the program may consist of any moneys appropriated by the general assembly for purposes of this section, and any other moneys that are lawfully available to the economic development authority, including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph “o”.

DIVISION XVI
DISASTER RECOVERY HOUSING ASSISTANCE

Sec. 46. NEW SECTION. 16.57A Transfer of unobligated or unencumbered funds — report.

1. Notwithstanding any other provision of law to the contrary, the authority may transfer any unobligated and unencumbered moneys in any revolving loan program fund created pursuant to section 16.46, 16.47, 16.48, or 16.49, for deposit in the disaster recovery housing assistance fund created in section 16.57B.

2. Notwithstanding section 8.39, and any other law to the contrary, with the prior written consent and approval of the governor, the executive director of the authority may transfer any unobligated and unencumbered moneys in any fund created pursuant to section 16.5, subsection 1, paragraph “s”, for deposit in the disaster recovery housing assistance fund created in section 16.57B. The prior written consent and approval of the director of the department of management shall not be required to transfer the unobligated and unencumbered moneys.

3. Notwithstanding section 8.39, and any other law to the contrary, with the prior written approval of the governor, the director of the economic development authority may transfer any unobligated and unencumbered moneys in any fund created pursuant to section 15.106A, subsection 1, paragraph “o”, for deposit in the disaster recovery housing assistance fund created in section 16.57B.

4. Any transfer made under this section shall be reported in the same manner as provided in section 8.39, subsection 5.

Sec. 47. NEW SECTION. 16.57B Disaster recovery housing assistance program — fund.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. “*Disaster-affected home*” means a primary residence that is destroyed or damaged due to a natural disaster that occurs on or after the effective date of this division of this Act, and the primary residence is located in a county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance.

b. “*Fund*” means the disaster recovery housing assistance fund.

c. “*Local program administrator*” means any of the following:

(1) The cities of Ames, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Iowa City, Waterloo, and West Des Moines.

(2) A council of governments whose territory includes at least one county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance or the eviction prevention program under section 16.57C on or after the effective date of this division of this Act.

(3) A community action agency as defined in section 216A.91 and whose territory includes at least one county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance or the eviction prevention program under section 16.57C on or after the effective date of this division of this Act.

(4) A qualified local organization or governmental entity as determined by rules adopted by the authority.

d. “*Program*” means the disaster recovery housing assistance program.

e. “*Replacement housing*” means housing purchased by a homeowner or leased by a renter needed to replace a disaster-affected home that is destroyed or damaged beyond reasonable repair as determined by a local program administrator.

f. “*State of disaster emergency*” means the same as described in section 29C.6, subsection 1.

2. *Fund.*

a. (1) A disaster recovery housing assistance fund is created within the authority. The moneys in the fund shall be used by the authority for the development and operation of a forgivable loan and grant program for homeowners and renters with disaster-affected homes, and for the eviction prevention program pursuant to section 16.57C.

(2) Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund shall not revert at the close of a fiscal year.

b. Moneys transferred by the authority for deposit in the fund, moneys appropriated to the fund, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be deposited in the fund.

c. The authority shall not use more than five percent of the moneys in the fund on July 1 of a fiscal year for purposes of administrative costs and other program support during the fiscal year.

3. *Program.*

a. The authority shall establish and administer a disaster recovery housing assistance program and shall use moneys in the fund to award forgivable loans to eligible homeowners and grants to eligible renters of disaster-affected homes. Moneys in the fund may be expended following a state of disaster emergency proclamation by the governor pursuant to section 29C.6 that authorizes disaster recovery housing assistance.

b. The authority may enter into an agreement with one or more local program administrators to administer the program.

4. *Registration required.* To be considered for a forgivable loan or grant under the program, a homeowner or renter must register for the disaster case management program established pursuant to section 29C.20B. The disaster case manager may refer the homeowner or renter to the appropriate local program administrator.

5. *Homeowners.*

a. To be eligible for a forgivable loan under the program, all of the following requirements shall apply:

(1) The homeowner's disaster-affected home must have sustained damage greater than the damage that is covered by the homeowner's property and casualty insurance policy insuring the home plus any other state or federal disaster-related financial assistance that the homeowner is eligible to receive.

(2) A local official must either deem the disaster-affected home suitable for rehabilitation or damaged beyond reasonable repair.

(3) The disaster-affected home is not eligible for buyout by the county or city where the disaster-affected home is located, or the disaster-affected home is eligible for a buyout by the county or city where the disaster-affected home is located, but the homeowner is requesting a forgivable loan for the repair or rehabilitation of the homeowner's disaster-affected home in lieu of a buyout.

(4) Assistance under the program must not duplicate benefits provided by any local, state, or federal disaster recovery assistance program.

b. If a homeowner is referred to the authority or to a local program administrator by the disaster case manager of the homeowner, the authority may award a forgivable loan to the eligible homeowner for any of the following purposes:

(1) Repair or rehabilitation of the disaster-affected home.

(2) (a) Down payment assistance on the purchase of replacement housing, and the cost of reasonable repairs to be performed on the replacement housing to render the replacement housing decent, safe, sanitary, and in good repair.

(b) Replacement housing shall not be located in a one-hundred-year floodplain.

(c) For purposes of this subparagraph, "*decent, safe, sanitary, and in good repair*" means the same as described in 24 C.F.R. §5.703.

c. The authority shall determine the interest rate for the forgivable loan.

d. If a homeowner who has been awarded a forgivable loan sells a disaster-affected home or replacement housing for which the homeowner received the forgivable loan prior to the end of the loan term, the remaining principal on the forgivable loan shall be due and payable pursuant to rules adopted by the authority.

6. *Renters.*

a. To be eligible for a grant under the program, all of the following requirements shall apply:

(1) A local program administrator either deems the disaster-affected home of the renter suitable for rehabilitation but unsuitable for current short-term habitation, or the disaster-affected home is damaged beyond reasonable repair.

(2) Assistance under the program must not duplicate benefits provided by any local, state, or federal disaster recovery assistance program.

b. If a renter is referred to the authority or to a local program administrator by the disaster case manager of the renter, the authority may award a grant to the eligible renter to provide short-term financial assistance for the payment of rent for replacement housing.

7. *Report.* On or before January 31 of each year, the authority shall submit a report to the general assembly that identifies all of the following for the calendar year immediately preceding the year of the report:

a. The date of each state of disaster emergency proclamation by the governor that authorized disaster recovery housing assistance under this section.

b. The total number of forgivable loans and grants awarded.

c. The total number of forgivable loans, and the amount of each loan awarded for repair or rehabilitation.

d. The total number of forgivable loans, and the amount of each loan, awarded for down payment assistance on the purchase of replacement housing and the cost of reasonable repairs to be performed on the replacement housing to render the replacement housing decent, safe, sanitary, and in good repair.

e. The total number of grants, and the amount of each grant, awarded for rental assistance.

f. The total number of forgivable loans and grants awarded in each county in which at least one homeowner or renter has been awarded a forgivable loan or grant.

g. Each local program administrator involved in the administration of the program.

h. The total amount of forgivable loan principal repaid.

Sec. 48. NEW SECTION. 16.57C Eviction prevention program.

1. a. *“Eligible renter”* means a renter whose income meets the qualifications of the program, who is at risk of eviction, and who resides in a county that is the subject of a state of disaster emergency proclamation by the governor that authorizes the eviction prevention program.

b. *“Eviction prevention partner”* means a qualified local organization or governmental entity as determined by rule by the authority.

2. The authority shall establish and administer an eviction prevention program. Under the eviction prevention program, the authority shall award grants to eligible renters and to eviction prevention partners for purposes of this section. Grants may be awarded upon a state of disaster emergency proclamation by the governor that authorizes the eviction prevention program. Eviction prevention assistance shall be paid out of the fund established in section 16.57B.

3. a. Grants awarded to eligible renters pursuant to this section shall be used for short-term financial rent assistance to keep eligible renters in the current residences of such renters.

b. Grants awarded to eviction prevention partners pursuant to this section shall be used to pay for rent or services provided to eligible renters for the purpose of preventing the eviction of eligible renters.

4. The authority may enter into an agreement with one or more local program administrators to administer the program.

Sec. 49. NEW SECTION. 16.57D Rules.

The authority shall adopt rules pursuant to chapter 17A to implement and administer this part, including rules to do all of the following:

1. Establish the maximum forgivable loan and grant amounts awarded under the program.

2. Establish the terms of any forgivable loan provided under the program.

3. Income qualifications of eligible renters in the eviction prevention program.

Sec. 50. CODE EDITOR DIRECTIVE. The Code editor shall designate sections 16.57A through 16.57D, as enacted by this division of this Act, as a new part within chapter 16, subchapter VIII,² and may redesignate the new and preexisting parts, replace references to sections 16.57A through 16.57D with references to the new part, and correct internal references as necessary, including references in subchapter or part headnotes.

Sec. 51. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVII BONUS DEPRECIATION

Sec. 52. Section 422.7, subsection 39A, Code 2021, is amended by striking the subsection.

Sec. 53. Section 422.35, subsection 19A, Code 2021, is amended by striking the subsection.

Sec. 54. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2021, for tax years beginning on or after that date, and for qualified property placed in service on or after that date.

DIVISION XVIII BUSINESS INTEREST EXPENSE DEDUCTION

Sec. 55. Section 422.7, subsection 60, paragraph b, Code 2021, is amended by striking the paragraph.

Sec. 56. Section 422.35, subsection 27, paragraph b, Code 2021, is amended by striking the paragraph.

Sec. 57. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2021, for tax years beginning on or after that date.

DIVISION XIX BEGINNING FARMER TAX CREDIT

Sec. 58. Section 16.58, subsections 1, 2, and 3, Code 2021, are amended to read as follows:

1. “*Agricultural assets*” means agricultural land, agricultural improvements, depreciable agricultural property, crops, or livestock.

2. “*Agricultural improvements*” improvement” means any improvements, including buildings, structures, or fixtures suitable for use in farming ~~which are~~, if located on any size parcel of agricultural land.

3. “*Agricultural land*” means land suitable for use in farming, any portion of which may include an agricultural improvement.

Sec. 59. Section 16.77, subsection 2, Code 2021, is amended to read as follows:

2. “*Agricultural lease agreement*” or “*agreement*” means an agreement for the transfer of agricultural assets, ~~that must at least include a lease of agricultural land~~, from an eligible taxpayer to a qualified beginning farmer as provided in section 16.79A.

Sec. 60. Section 16.79A, subsection 1, Code 2021, is amended to read as follows:

1. a. A beginning farmer tax credit is allowed only for agricultural assets that are subject to an agricultural lease agreement entered into by an eligible taxpayer and a qualifying beginning farmer participating in the beginning farmer tax credit program established pursuant to section 16.78.

b. The tax credit is allowed regardless of whether the principle agricultural asset is soil, pasture, or a building or other structure used in farming.

² According to Act; a reference to “subchapter VII” probably intended

Sec. 61. Section 16.79A, subsection 2, Code 2021, is amended to read as follows:

2. The agreement must include the lease of agricultural land located in this state, ~~including any or agricultural improvements located in this state~~, and may provide for the rental of agricultural equipment as defined in section 322F.1.

Sec. 62. Section 16.79A, subsection 3, paragraph c, Code 2021, is amended to read as follows:

c. The agreement must be for at least two years, but not more than five years. The agreement may be renewed any number of times by the eligible taxpayer and qualified beginning farmer for a term of at least two years, but not more than five years. However, an eligible taxpayer shall not participate in the program for more than fifteen years.

Sec. 63. Section 16.81, subsection 4, Code 2021, is amended by striking the subsection.

Sec. 64. Section 16.81, subsection 6, Code 2021, is amended to read as follows:

6. The authority shall approve all beginning farmer tax credit applications that meet the requirements of this subpart and make tax credit awards on a first-come, first-served basis, subject to the limitations in section 16.82A. An eligible taxpayer may apply and be approved to enter into agreements with different qualified beginning farmers.

Sec. 65. Section 16.82, subsection 5, Code 2021, is amended to read as follows:

5. The amount of tax credits that may be awarded to an eligible taxpayer for any one year under ~~all agreements~~ an agreement shall not exceed fifty thousand dollars.

Sec. 66. BEGINNING FARMER TAX CREDIT PROGRAM — FORMER PERIOD OF PARTICIPATION EXTENDED. An eligible taxpayer first participating in the beginning farmer tax credit program on or after January 1, 2019, as provided in 2019 Iowa Acts, chapter 161, for a tax year beginning on or after that date, may participate in the program for not more than fifteen years in the same manner as provided in section 16.79A, as amended by this division of this Act.

Sec. 67. EFFECTIVE DATE. This division of this Act takes effect January 1, 2022.

DIVISION XX PROMOTIONAL PLAY

Sec. 68. Section 99F.1, subsections 1, 25, and 30, Code 2021, are amended to read as follows:

1. “*Adjusted gross receipts*” means the gross receipts on gambling games less winnings paid to wagerers on gambling games and less promotional play receipts on gambling games. However, for each fiscal year during the time period beginning July 1, 2021, and ending June 30, 2026, “*adjusted gross receipts*” ~~does not shall~~ include promotional play receipts ~~received after the date in any fiscal year that the commission determines that the wagering tax imposed pursuant to section 99F.11 on all licensees in that fiscal year on promotional play receipts exceeds twenty five million eight hundred twenty thousand dollars~~ on gambling games.

25. “*Promotional play receipts*” means the total sums wagered ~~on gambling games~~ with tokens, chips, electronic credits, or other forms of cashless wagering provided by the licensee without an exchange of money as described in section 99F.9, subsection 3.

30. “*Sports wagering net receipts*” means the gross receipts less winnings paid to wagerers and less promotional play receipts on sports wagering.

Sec. 69. Section 99F.6, subsection 4, paragraph a, subparagraphs (3) and (5), Code 2021, are amended to read as follows:

(3) The commission shall authorize, subject to the debt payments for horse racetracks and the provisions of paragraph “b” for dog racetracks, a licensee who is also licensed to conduct pari-mutuel dog or horse racing to use receipts from gambling games and sports wagering within the racetrack enclosure to supplement purses for races particularly for Iowa-bred horses pursuant to an agreement which shall be negotiated between the licensee

and representatives of the dog or horse owners. For agreements subject to commission approval concerning purses for horse racing beginning on or after January 1, 2006, the agreements shall provide that total annual purses for all horse racing shall be four percent of sports wagering net receipts and promotional play receipts on sports wagering and no less than eleven percent of the first two hundred million dollars of net receipts, and six percent of net receipts above two hundred million dollars. In addition, live standardbred horse racing shall not be conducted at the horse racetrack in Polk county, but the purse moneys designated for standardbred racing pursuant to section 99D.7, subsection 5, paragraph “b”, shall be included in calculating the total annual purses required to be paid pursuant to this subsection. Agreements that are subject to commission approval concerning horse purses for a period of time beginning on or after January 1, 2006, shall be jointly submitted to the commission for approval.

(5) For purposes of this paragraph, “net receipts” means the annual adjusted gross receipts from all gambling games and, beginning July 1, 2026, promotional play receipts on all gambling games less the annual amount of money pledged by the owner of the facility to fund a project approved to receive vision Iowa funds as of July 1, 2004.

Sec. 70. Section 99F.11, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. a. Notwithstanding any provision of this section to the contrary, the tax rate imposed on a licensee each fiscal year on any amount of promotional play receipts on gambling games included as adjusted gross receipts shall be determined by multiplying the adjusted percentage by the wagering tax applicable to the licensee pursuant to subsection 2.

b. For purposes of this subsection, “adjusted percentage” means as follows:

(1) For the fiscal year beginning July 1, 2021, and ending June 30, 2022, eighty-three and one-third percent.

(2) For the fiscal year beginning July 1, 2022, and ending June 30, 2023, sixty-six and two-thirds percent.

(3) For the fiscal year beginning July 1, 2023, and ending June 30, 2024, fifty percent.

(4) For the fiscal year beginning July 1, 2024, and ending June 30, 2025, thirty-three and one-third percent.

(5) For the fiscal year beginning July 1, 2025, and ending June 30, 2026, sixteen and two-thirds percent.

c. This subsection is repealed July 1, 2026.

DIVISION XXI TARGETED JOBS WITHHOLDING CREDIT

Sec. 71. Section 403.19A, subsection 3, paragraph c, subparagraph (2), Code 2021, is amended to read as follows:

(2) The pilot project city and the economic development authority shall not enter into a withholding agreement after June 30, ~~2021~~ 2024.

DIVISION XXII FOOD BANKS

Sec. 72. Section 423.3, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 107. The sales price of the sale or rental of tangible personal property sold to and of services furnished to a nonprofit food bank, if the property or services are used by the nonprofit food bank for a charitable purpose. For purposes of this subsection, “nonprofit food bank” means an organization organized under chapter 504 and qualifying 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 that maintains an established operation involving the provision of food or edible commodities or the products thereof on a regular basis to persons in need or to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food on a regular basis to persons in need.

DIVISION XXIII
EMERGENCY VOLUNTEER — TAX CREDIT

Sec. 73. Section 422.12, subsection 2, paragraph c, subparagraph (1), Code 2021, is amended to read as follows:

(1) A volunteer fire fighter and volunteer emergency medical services personnel member credit equal to ~~one~~ two hundred fifty dollars to compensate the taxpayer for the voluntary services if the volunteer served for the entire tax year. A taxpayer who is a paid employee of an emergency medical services program or a fire department and who is also a volunteer emergency medical services personnel member or volunteer fire fighter in a city, county, or area governed by an agreement pursuant to chapter 28E where the emergency medical services program or fire department performs services, shall qualify for the credit provided under this paragraph “c”.

Sec. 74. Section 422.12, subsection 2, paragraph d, subparagraph (1), Code 2021, is amended to read as follows:

(1) A reserve peace officer credit equal to ~~one~~ two hundred fifty dollars to compensate the taxpayer for services as a reserve peace officer if the reserve peace officer served for the entire tax year.

Sec. 75. **RETROACTIVE APPLICABILITY.** This division of this Act applies retroactively to January 1, 2021, for tax years beginning on or after that date.

DIVISION XXIV
INDIVIDUAL INCOME TAX CHECKOFFS

Sec. 76. Section 173.22, subsection 2, Code 2021, is amended to read as follows:

2. A foundation fund is created within the state treasury composed of moneys appropriated or available to and obtained or accepted by the foundation. The foundation fund shall also include moneys credited transferred to the fund as ~~provided in section 422.12I.~~

Sec. 77. **NEW SECTION. 422.12D Income tax checkoff for the Iowa state fair foundation fund.**

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid to the foundation fund of the Iowa state fair foundation as established in section 173.22. If the refund due on the return or the payment remitted with the return is insufficient to pay the amount designated by the taxpayer to the foundation fund, the amount designated shall be reduced to the remaining amount of the refund or the remaining amount remitted with the return. The designation of a contribution to the foundation fund under this section is irrevocable.

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 shall be satisfied.

3. The Iowa state fair board may authorize payment from the foundation fund for purposes of supporting foundation activities.

4. The department of revenue may adopt rules to implement this section.

5. This section is subject to repeal under section 422.12E.

Sec. 78. **NEW SECTION. 422.12L Joint income tax checkoff for veterans trust fund and volunteer fire fighter preparedness fund.**

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid jointly to the veterans trust fund created in section 35A.13 and to the volunteer fire fighter preparedness fund created in section 100B.13. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer, the amount

designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return. The designation of a contribution under this section is irrevocable.

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 shall be satisfied.

3. The department of revenue may adopt rules to administer this section.

4. This section is subject to repeal under section 422.12E.

DIVISION XXV MENTAL HEALTH FUNDING

Sec. 79. Section 123.38, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. For purposes of this subsection, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph “a”, subparagraphs (1) and (2), ~~and in section 331.424A~~, shall not be deemed received either by the division or by a local authority.

Sec. 80. Section 218.99, Code 2021, is amended to read as follows:

218.99 Counties to be notified of patients’ personal accounts.

The administrator in control of a state institution shall direct the business manager of each institution under the administrator’s jurisdiction which is mentioned in section 331.424, subsection 1, paragraph “a”, subparagraphs (1) and (2), and for which services are paid ~~under section 331.424A~~ by the county of residence or a mental health and disability services region, to quarterly inform the county of residence of any patient or resident who has an amount in excess of two hundred dollars on account in the patients’ personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the county of residence at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no residency in this state or the person’s residency is unknown, notice shall be made to the director of human services and the administrator in control of the institution involved.

Sec. 81. Section 225.24, Code 2021, is amended to read as follows:

225.24 Collection of preliminary expense.

Unless a committed private patient or those legally responsible for the patient’s support offer to settle the amount of the claims, the regional administrator for the person’s county of residence shall collect, by action if necessary, the amount of all claims for per diem and expenses that have been approved by the regional administrator for the county and paid by the regional administrator as provided under section 225.21. Any amount collected shall be credited to the ~~county mental health and disabilities~~ disability services fund region combined account created in accordance with section ~~331.424A~~ 331.391.

Sec. 82. Section 225C.4, subsection 1, paragraph i, Code 2021, is amended to read as follows:

i. Administer and distribute state appropriations in connection with the mental health and disability ~~services~~ regional services ~~service~~ fund established by section 225C.7A.

Sec. 83. Section 225C.7A, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

225C.7A Mental health and disability services regional service fund — region incentive fund.

1. A mental health and disability services regional service fund is created in the office of the treasurer of state under the authority of the department. 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. Moneys in the fund include appropriations made to the fund and other moneys deposited into the fund. Moneys in the fund shall be used solely for purposes of making regional service payments and incentive payments under this section.

2. *a.* For each fiscal year beginning on or after July 1, 2021, there is appropriated from the general fund of the state to the mental health and disability services regional service fund an amount necessary to make all regional service payments under this section for that fiscal year.

b. The department shall distribute the moneys appropriated from the mental health and disability services regional service fund to mental health and disability services regions for funding of services in accordance with performance-based contracts with the regions and in the manner provided in this section.

c. The performance-based contracts between the department and each mental health and disability services region shall be in effect beginning January 1, 2022, and shall include all of the following:

(1) Authority for the department to approve, deny, or revise each mental health and disability services region's annual service and budget plan under section 331.393.

(2) A requirement for the mental health and disability services region to provide access to all core services under section 331.397.

(3) A requirement that the mental health and disability services region utilize all federal government funding, including Medicaid funding, third-party payment sources, and other nongovernmental funding prior to using regional service payments received under this section.

(4) An annual review of the mental health and disability services region's administrative costs conducted by the department.

(5) Authority for the department to establish outcome improvement goals for populations served by the region including but not limited to decreases in emergency department visits, improved use of mobile crisis response and jail diversion programs, and improved employment-based outcomes.

(6) Provisions authorizing the department, in response to a mental health and disability services region's violation of the contract, to implement the actions described under section 331.389, subsection 5, paragraph "a".

3. For each fiscal year beginning on or after July 1, 2021, the moneys available in a fiscal year in the mental health and disability services regional service fund, except for moneys in the region incentive fund under subsection 8, are appropriated to the department and shall be distributed to each region on a per capita basis calculated under subsection 4 using each region's population, as defined in section 331.388, for that fiscal year.

4. The amount of each region's regional service payment shall be determined as follows:

a. For the fiscal year beginning July 1, 2021, an amount equal to the product of fifteen dollars and eighty-six cents multiplied by the sum of the region's population for the fiscal year.

b. For the fiscal year beginning July 1, 2022, an amount equal to the product of thirty-eight dollars multiplied by the sum of the region's population for the fiscal year.

c. For the fiscal year beginning July 1, 2023, an amount equal to the product of forty dollars multiplied by the sum of the region's population for the fiscal year.

d. For the fiscal year beginning July 1, 2024, an amount equal to the product of forty-two dollars multiplied by the sum of the region's population for the fiscal year.

e. (1) For the fiscal year beginning July 1, 2025, and each succeeding fiscal year, an amount equal to the product of the sum of the region's population for the fiscal year multiplied by the sum of the dollar amount used to calculate the regional service payments under this subsection for the immediately preceding fiscal year plus the regional service growth factor for the fiscal year.

(2) For purposes of this paragraph, "*regional service growth factor*" for a fiscal year is an amount equal to the product of the dollar amount used to calculate the regional service payments under this subsection for the immediately preceding fiscal year multiplied by the percent increase, if any, in the amount of sales tax revenue deposited into the general fund of the state under section 423.2A, subsection 1, paragraph "a", less the transfers required under section 423.2A, subsection 2, between the fiscal year beginning three years prior to the

applicable fiscal year and the fiscal year beginning two years prior to the applicable year, but not to exceed one and one-half percent.

5. Regional service payments received by a region shall be deposited in the region's combined account under section 331.391 and used solely for providing mental health and disability services under the regional service system management plan.

6. Regional service payments from the mental health and disability services regional service fund shall be paid in quarterly installments to the appropriate regional administrator in July, October, January, and April of each fiscal year.

7. *a.* For the fiscal year beginning July 1, 2021, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph "b", exceeds forty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph "b", exceeds forty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department of human services any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

b. For the fiscal year beginning July 1, 2022, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph "b", exceeds twenty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph "b", exceeds twenty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department of human services any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

c. For the fiscal year beginning July 1, 2023, and each succeeding fiscal year, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph "b", exceeds five percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph "b", exceeds five percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department of human services any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

8. *a.* A region incentive fund is created in the mental health and disability services regional service fund under subsection 1. The incentive fund shall consist of the moneys appropriated or credited to the incentive fund by law, including amounts credited to the incentive fund under subsection 7. Notwithstanding section 8.33, moneys in the incentive fund at the end of each fiscal year shall not revert to any other fund but shall remain in the incentive fund for use in subsequent fiscal years. For fiscal years beginning on or after July 1, 2021, there is

appropriated from the general fund of the state to the incentive fund the following amounts to be used for the purposes of this subsection:

(1) For the fiscal year beginning July 1, 2021, three million dollars.

(2) (a) For each fiscal year beginning on or after July 1, 2025, an amount equal to the incentive fund growth factor multiplied by the ending balance of the incentive fund at the conclusion of the fiscal year ending June 30 immediately preceding the application deadline under paragraph “b” for the fiscal year for which the appropriation is made.

(b) For purposes of this subparagraph, the “*incentive fund growth factor*” for each fiscal year is the percent increase, if any, in the amount of sales tax revenue deposited into the general fund of the state under section 423.2A, subsection 1, paragraph “a”, less the transfers required under section 423.2A, subsection 2, between the fiscal year beginning three years prior to the applicable fiscal year and the fiscal year beginning two years prior to the applicable year, minus one and one-half percent, and the incentive fund growth factor for any fiscal year shall not exceed three and one-half percent.

b. To receive funding from the incentive fund, a regional administrator must submit to the department sufficient data to demonstrate that the region has met the standards outlined in the region’s performance-based contract. The purpose of the incentive fund shall be to provide appropriate financial incentives for outcomes met from services provided by the regional administrator’s mental health and disability services region. The department shall make its final decisions on or before December 15 regarding acceptance or rejection of the submissions for incentive funds applications for assistance and the total amount accepted shall be considered obligated.

c. In addition to incentive submission requirements under paragraphs “d”, “e”, and “g”, basic eligibility for incentive funds requires that a mental health and disability services region meet all of the following conditions:

(1) The mental health and disability services region is in compliance with the regional service system management plan requirements of section 331.393.

(2) (a) In the fiscal year that commenced two years prior to the fiscal year of application for incentive funds, the ending balance, under generally accepted accounting principles, of the mental health and disability services region’s combined services funds was equal to or less than the ending balance threshold under subparagraph division (b) for the fiscal year for which assistance is requested.

(b) For purposes of this subparagraph (2), “*ending balance threshold*” means the following:

(i) For applications for the fiscal year beginning July 1, 2021, forty percent of the actual expenditures of the mental health and disability services region for the fiscal year that commenced two years prior to the fiscal year of application for assistance.

(ii) For applications for the fiscal year beginning July 1, 2022, twenty percent of the actual expenditures of the mental health and disability services region for the fiscal year that commenced two years prior to the fiscal year of application for assistance.

(iii) For applications for fiscal years beginning on or after July 1, 2023, five percent of the actual expenditures of the mental health and disability services region for the fiscal year that commenced two years prior to the fiscal year of application for assistance.

d. The department shall review the fiscal year-end financial records for all mental health and disability services regions that are granted incentive funds. If the department determines a mental health and disability services region’s actual need for incentive funds was less than the amount of incentive funds granted to the mental health and disability services region, the mental health and disability services region shall refund the difference between the amount of assistance granted and the actual need. The mental health and disability services region shall submit the refund within thirty days of receiving notice from the department. Refunds shall be credited to the incentive fund.

e. The department shall determine application requirements to ensure prudent use of the incentive fund. The department may accept or reject an application for incentive funds in whole or in part. The decision of the department is final.

f. The total amount of incentive funds approved shall be limited to the amount available in the incentive fund for a fiscal year. Any unobligated balance in the incentive fund at the close of a fiscal year shall remain in the incentive fund for distribution in the succeeding fiscal year.

g. Incentive funds shall only be made available to address one or more of the following circumstances:

(1) To reimburse regions for reductions in available funding for core services as the result of the reduction and elimination of the levy under section 331.424A, Code 2021, if the region has an operating deficit. The department shall prioritize approval of incentive funds for the circumstances specified in this subparagraph.

(2) To incentivize quality core services that meet or exceed the defined outcomes in the performance-based contract.

(3) To support regional efforts to fund non-core services that support the defined outcomes of core services in the performance-based contract.

(4) To support non-core services to maintain an individual in a community setting or that would create a risk that the individuals needing services and supports would be placed in more restrictive, higher-cost settings.

h. Subject to the amount available and obligated from the incentive fund for a fiscal year, the department shall annually calculate the amount of moneys due to eligible mental health and disability services regions in accordance with the department's decisions and that amount is appropriated from the incentive fund to the department for payment of the moneys due. The department shall distribute incentive funds payable to the mental health and disability services regions for the amounts due on or before January 1.

i. On or before March 1 and September 1 of each fiscal year, the department shall provide the governor's office and the general assembly with a report of the financial condition of the incentive fund. The report shall include but is not limited to an itemization of the funding source's balances, types and amount of revenues credited, and payees and payment amounts for the expenditures made from the funding source during the reporting period.

j. If the department has made its decisions but has determined that there are otherwise qualifying requests for incentive funds that are beyond the amount available in the incentive fund for a fiscal year, the department shall compile a list of such requests and the supporting information for the requests. The list and information shall be submitted to the commission, the children's behavioral health system state board, and the general assembly.

9. The commission shall consult with regional administrators and the director in prescribing forms and adopting rules to administer this section.

Sec. 84. Section 249N.8, subsection 1, Code 2021, is amended to read as follows:

1. Biennially, a report of the results of a review, by county and region, of mental health services previously funded through taxes levied by counties pursuant to section 331.424A, Code 2021, or funds administered by a mental health and disability services region that are funded during the reporting period under the Iowa health and wellness plan.

Sec. 85. Section 331.389, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. If a county has been exempted prior to July 1, 2014, from the requirement to enter into a regional service system, the county and the county's board of supervisors shall fulfill all requirements and be eligible as a region under this chapter and ~~chapter~~ chapters 222, 225, 225C, 226, 227, 229, and 230 for a regional service system, regional service system management plan, regional governing board, and regional administrator, and any other provisions applicable to a region of counties providing local mental health and disability services. Additionally, a county exempted under this subsection shall be considered a region for purposes of chapter 426B.

Sec. 86. Section 331.389, subsection 5, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) Reduce the amount of the annual state funding provided for the regional service system or exempted county, including amounts received under section 225C.7A, not to exceed fifteen percent of the amount.

Sec. 87. Section 331.391, subsections 1 and 3, Code 2021, are amended to read as follows:

1. The funding under the control of the governing board shall be maintained in a combined account, ~~in separate county accounts that are under the control of the governing board, or~~

~~pursuant to other arrangements authorized by law that limit the administrative burden of such control while facilitating public scrutiny of financial processes. A county exempted under section 331.389, subsection 1, shall maintain a county mental health and disability services fund for the deposit of funding received under section 225C.7A and appropriations specifically authorized to be made from the county mental health and disability services fund shall not be made from any other fund of the county. A county mental health and disability services fund established by an exempt county, to the extent feasible, shall be considered to be the same as a region combined account and shall be subject to the same requirements as a region's combined account.~~

3. The funding provided pursuant to appropriations from the mental health and disability services regional services service fund created in section 225C.7A and from performance-based contracts with the department shall be credited to the account ~~or accounts~~ under the control of the governing board.

Sec. 88. Section 331.391, subsection 4, paragraphs a, b, and c, Code 2021, are amended to read as follows:

a. If a region is meeting the financial obligations for implementation of its regional service system management plan for a fiscal year and residual funding is anticipated, the regional administrator shall ~~may~~ reserve an adequate amount of unobligated and unencumbered funds for cash flow of expenditure obligations in the next fiscal year.

b. Each region shall certify to the department of ~~management~~ human services on or before December 1, ~~2022~~ 2021, and each December 1 thereafter, the amount of the region's cash flow amount in the combined account that is attributable to each county within the region based upon each county's proportionate amount of funding and contributions to the region or other methodology specified in the regional governance agreement or certify the cash flow amount for each separate county account that is under the control of the governing board at the conclusion of the most recently completed fiscal year.

c. For fiscal years beginning on or after July 1, 2023, the region's cash flow amount, ~~either reserved in the region's combined account or reserved among all separate county accounts under the control of the governing board,~~ shall not exceed forty ~~five~~ percent of the gross actual expenditures from the combined account ~~or from all separate county accounts under control of the governing board~~ for the fiscal year preceding the fiscal year in progress.

Sec. 89. Section 331.392, subsection 4, paragraph a, Code 2021, is amended to read as follows:

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.~~

Sec. 90. Section 331.393, subsection 10, Code 2021, is amended to read as follows:

10. The director's approval of a regional plan shall not be construed to constitute certification of the ~~respective county budgets or of the region's budget.~~

Sec. 91. Section 331.394, subsection 4, Code 2021, is amended to read as follows:

4. ~~If a county of residence is part of a mental health and disability services region that has agreed to pool funding and liability for services, the~~ The responsibilities of the county under law regarding such mental health and disability services shall be performed on behalf of the county by the regional administrator. ~~The county of residence or the county's mental health and disability services region, as applicable,~~ is responsible for paying the public costs of the mental health and disability services that are not covered by the medical assistance program under chapter 249A and are provided in accordance with the region's approved service management plan to persons who are residents of the ~~county or region.~~

Sec. 92. Section 331.398, subsection 1, Code 2021, is amended to read as follows:

1. The financing of a regional mental health and disability service system is limited to a fixed budget amount. The fixed budget amount shall be the amount identified in a regional service system management plan and budget for the fiscal year. ~~A region shall receive state~~

~~funding for growth in non-Medicaid expenditures through the mental health and disability regional services fund created in section 225C.7A to address increased service costs, additional service populations, additional core service domains, and increased numbers of persons receiving services.~~

Sec. 93. NEW SECTION. 331.400 Quarterly reports.

Beginning with the fiscal year, beginning July 1, 2022, the department shall deliver on a quarterly basis a report to the general assembly that provides a summary of the status of implementing core services in each region, the accessibility of core services in each region, how each region is using the funding provided under section 225C.7A, and recommendations for improvements to the mental health and disability services system in order to attain the outcome improvement goals set by the department consistent with the goals specified in the performance-based contracts under section 225C.7A, subsection 2, paragraph "c", subparagraph (5).

Sec. 94. Section 331.424A, subsection 1, paragraph b, Code 2021, is amended by striking the paragraph.

Sec. 95. Section 331.424A, subsection 3, Code 2021, is amended to read as follows:

3. a. County revenues from taxes and other sources designated by a county for mental health and disabilities services shall be credited to the county mental health and disabilities services fund which shall be created by the county. ~~The~~ Until the required transfer of funds under paragraph "b", the board shall make appropriations from the fund for payment of services provided under the regional service system management plan approved pursuant to section 331.393. The For fiscal years beginning before July 1, 2022, the county may pay for the services in cooperation with other counties by pooling appropriations from the county services fund with appropriations from the county services fund of other counties through the county's regional administrator, or through another arrangement specified in the regional governance agreement entered into by the county under section 331.392.

b. Notwithstanding section 331.432, subsection 3, upon conclusion of the fiscal year beginning July 1, 2021, except for an exempt county under section 331.391, subsection 1, the county treasurer shall transfer the remaining balance of the county's county services fund created under paragraph "a", including all unobligated and unencumbered funds, to the county's region to which the county belongs in the fiscal year beginning July 1, 2022, for deposit in the region's combined account under section 331.391.

Sec. 96. Section 331.424A, subsection 4, paragraph a, Code 2021, is amended to read as follows:

a. An amount of unobligated and unencumbered funds, as specified in the regional governance agreement entered into by the county under section 331.392, shall, for fiscal years beginning before July 1, 2022, be reserved in the county services fund to address cash flow obligations in the next fiscal year, ~~subject to the limitations of this subsection.~~

Sec. 97. Section 331.424A, subsection 4, paragraphs c and d, Code 2021, are amended by striking the paragraphs.

Sec. 98. Section 331.424A, subsections 5, 6, and 9, Code 2021, are amended to read as follows:

5. Receipts from the state or federal government for fiscal years beginning before July 1, 2022, for the mental health and disability services administered or paid for by a county shall be credited to the county services fund, including moneys distributed to the county from the department of human services and moneys allocated under chapter 426B.

6. For each fiscal year beginning before July 1, 2022, the county shall certify a levy for payment of services. For each such fiscal year, county revenues from taxes imposed by the county credited to the county services fund shall not exceed an amount equal to the county budgeted amount for the fiscal year. A levy certified under this section is not subject to the appeal provisions of section 331.426 or to any other provision in law authorizing a county to exceed, increase, or appeal a property tax levy limit.

9. *a.* For the fiscal year beginning July 1, 2017, and each subsequent fiscal year beginning before July 1, 2022, the county budgeted amount determined for each county shall be the amount necessary to meet the county's financial obligations for the payment of services provided under the regional service system management plan approved pursuant to section 331.393, not to exceed an amount equal to the product of ~~the regional per capita expenditure target amount~~ twenty-one dollars and fourteen cents multiplied by the county's population, ~~and, for fiscal years beginning on or after July 1, 2023, reduced by the amount of the county's cash flow reduction amount for the fiscal year calculated under subsection 4, if applicable.~~

b. If a county officially joins a different region, the county's budgeted amount for a fiscal year beginning before July 1, 2022, shall be the amount necessary to meet the county's financial obligations for payment of services provided under the new region's regional service system management plan approved pursuant to section 331.393, not to exceed an amount equal to the product of ~~the new region's regional per capita expenditure target amount~~ twenty-one dollars and fourteen cents multiplied by the county's population, ~~and, for fiscal years beginning on or after July 1, 2023, reduced by the amount of the county's cash flow reduction amount for the fiscal year calculated under subsection 4, if applicable.~~

Sec. 99. Section 331.424A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 10. This section is repealed July 1, 2022.

Sec. 100. Section 331.432, subsection 3, Code 2021, is amended to read as follows:

3. *a.* Except as authorized in section 331.477, transfers of moneys between the county services fund created pursuant to section 331.424A and any other fund are prohibited. This ~~subsection paragraph~~ does not apply to appropriations made or the value of in-kind care and treatment provided pursuant to section 347.7, subsection 1, paragraph "c", Code 2021, or to transfers from a county public hospital fund under section 347.7. This paragraph is repealed July 1, 2022.

b. Payments or transfers of moneys from any fund of the county to a mental health and disability services region's combined account under section 331.391 are prohibited. This paragraph applies to fiscal years beginning on or after July 1, 2022, but does not apply to transfers from a county public hospital fund under section 347.7 for the fiscal year beginning July 1, 2022, or the fiscal year beginning July 1, 2023.

Sec. 101. Section 347.7, subsection 1, paragraph c, Code 2021, is amended by striking the paragraph.

Sec. 102. Section 426B.1, subsection 2, Code 2021, is amended to read as follows:

2. Moneys shall be distributed from the property tax relief fund to ~~counties~~ for the mental health and disability regional service system for mental health and disabilities services, in accordance with the appropriations made to the fund and other statutory requirements.

Sec. 103. Section 426B.2, Code 2021, is amended to read as follows:

426B.2 Property tax relief fund payments.

The director of human services shall draw warrants on the property tax relief fund, payable to the ~~county treasurer~~ regional administrator in the amount due to a ~~county mental health and disability services region~~ in accordance with statutory requirements, and mail the warrants to the ~~county auditors~~ regional administrator in July and January of each year.

Sec. 104. Section 426B.4, Code 2021, is amended to read as follows:

426B.4 Rules.

The mental health and disability services commission shall consult with ~~county representatives~~ regional administrators and the director of human services in prescribing forms and adopting rules pursuant to chapter 17A to administer this chapter.

Sec. 105. ADJUSTMENT TO PROPERTY TAXES CERTIFIED UNDER SECTION 331.424A — FY 2021-2022. For each county for which the amount of taxes certified for levy for the purposes of section 331.424A for the fiscal year beginning July 1, 2021, exceeds the

product of the population of the county as determined under section 331.424A, subsection 1, paragraph “e”, multiplied by twenty-one dollars and fourteen cents, the department of management shall reduce the amount of such taxes certified for levy to an amount not to exceed the product of the population of the county as determined under section 331.424A, subsection 1, paragraph “e”, multiplied by twenty-one dollars and fourteen cents and shall revise the rate of taxation as necessary to raise the reduced amount. The department of management shall report the reduction in the certified taxes and the revised rate of taxation to the county auditors by June 15, 2021.

Sec. 106. IMPLEMENTATION OF REGION INCENTIVE FUND UNDER SECTION 225C.7A — EMERGENCY RULEMAKING.

1. In order to timely implement the provisions of this division of this Act establishing the region incentive fund under section 225C.7A, subsection 8, for mental health and disability services regions for funding the fiscal year beginning July 1, 2021, and the fiscal year beginning July 1, 2022, the director of human services shall establish alternative application deadlines and expedited application review and approval timelines.

2. The department of human services may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement 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.8, subsections 9 and 10, shall be applicable to a delay imposed under this section, notwithstanding a provision in those subsections 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.

Sec. 107. DEPARTMENT OF HUMAN SERVICES — MENTAL HEALTH AND DISABILITY REGIONS STUDY. The department of human services shall convene a study committee to evaluate the current mental health and disability region structure and operations in the context of the changes made and the funding provided by this division of this Act. The study shall, at a minimum, review how effectively each mental health and disability services region has implemented the core services outlined in sections 331.397 and 331.397A, including the degree of uniformity of the core services between the regions. The department shall be authorized to contract with and retain the services of an independent contractor in order to conduct the study. The department shall submit a report detailing the study’s findings and recommendations to the general assembly and the governor no later than December 15, 2022.

Sec. 108. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVI

COMMERCIAL AND INDUSTRIAL PROPERTY TAX REPLACEMENT PAYMENTS

Sec. 109. Section 2.48, subsection 3, paragraph f, subparagraph (6), Code 2021, is amended by striking the subparagraph.

Sec. 110. Section 331.512, subsection 15, Code 2021, is amended by striking the subsection.

Sec. 111. Section 331.559, subsection 27, Code 2021, is amended by striking the subsection.

Sec. 112. Section 441.21A, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. For each fiscal year beginning on or after July 1, 2014, but before July 1, 2029, there is appropriated from the general fund of the state to the department of revenue an amount necessary for the payment of all commercial and industrial property tax replacement claims under this section for the fiscal year. However, for ~~a the fiscal year years~~ beginning on or after July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021, the total amount of moneys appropriated from the general fund of the state to the department of revenue for the payment of commercial and industrial property tax replacement claims ~~in that each~~ in each fiscal year shall not exceed the total amount of money necessary to pay all commercial and industrial property tax replacement claims for the fiscal year beginning July 1, 2016.

Sec. 113. Section 441.21A, subsections 2 and 3, Code 2021, are amended to read as follows:

2. ~~a. Beginning with the~~ For each fiscal year beginning on or after July 1, 2014, but before July 1, 2022, each county treasurer shall be paid by the department of revenue an amount equal to the amount of the commercial and industrial property tax replacement claims in the county, as calculated in subsection 4. If an amount appropriated for ~~a the fiscal year~~ beginning on July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, or July 1, 2021, is insufficient to pay all replacement claims for the fiscal year, the director of revenue shall prorate the payment of replacement claims to the county treasurers and shall notify the county auditors of the pro rata percentage on or before September 30.

b. For each fiscal year beginning on or after July 1, 2022, but before July 1, 2029, each county treasurer shall be paid by the department of revenue an amount equal to the sum of the commercial and industrial property tax replacement claims for all taxing authorities, or portion thereof, located in the county, as calculated in subsection 4A. The county treasurer shall pay to each taxing authority the taxing authority's commercial and industrial property tax replacement claim, or portion thereof, as calculated in subsection 4A.

3. ~~a.~~ On or before July 1 of each fiscal year beginning on or after July 1, 2014, but before July 1, 2022, the assessor shall report to the county auditor the total actual value of all commercial property and industrial property in the county that is subject to assessment and taxation for the assessment year used to calculate the taxes due and payable in that fiscal year.

b. On or before July 1, 2022, the department of management shall calculate and report to the department of revenue for each taxing authority in this state that is a city or a county all of the following:

(1) The total assessed value as of January 1, 2012, of all taxable property located in the taxing authority that is subject to assessment and taxation used to calculate taxes which are due and payable in the fiscal year beginning July 1, 2013, excluding property subject to the statewide property tax imposed under section 437A.18 or 437B.14.

(2) The total assessed value as of January 1, 2019, of all taxable property located in the taxing authority that is subject to assessment and taxation used to calculate taxes which are due and payable in the fiscal year beginning July 1, 2020, excluding property subject to the statewide property tax imposed under section 437A.18 or 437B.14.

Sec. 114. Section 441.21A, subsection 4, unnumbered paragraph 1, Code 2021, is amended to read as follows:

On or before a date established by rule of the department of revenue of each fiscal year beginning on or after July 1, 2014, but before July 1, 2022, the county auditor shall prepare a statement, based upon the report received pursuant to subsection 3, paragraph "a", listing for each taxing district in the county:

Sec. 115. Section 441.21A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. a. As used in this subsection, unless the context clearly requires otherwise:

- (1) "Qualified taxing authority" means any of the following:
- (a) A taxing authority that is not a city or a county.

(b) A taxing authority that is a city or county for which the amount determined under subsection 3, paragraph “b”, subparagraph (2), is less than one hundred thirty-one and twenty-four hundredths percent of the amount determined under subsection 3, paragraph “b”, subparagraph (1).

(2) “*Taxing authority*” means a city, county, community college, or other governmental entity or political subdivision in this state authorized to certify a levy on property located within such authority, but does not include a school district.

b. For fiscal years beginning on or after July 1, 2022, but before July 1, 2029, the amount of each taxing authority’s replacement claim is as follows:

(1) If the taxing authority is a qualified taxing authority:

(a) For the fiscal year beginning July 1, 2022, seven-eighths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(b) For the fiscal year beginning July 1, 2023, six-eighths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(c) For the fiscal year beginning July 1, 2024, five-eighths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(d) For the fiscal year beginning July 1, 2025, four-eighths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(e) For the fiscal year beginning July 1, 2026, three-eighths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(f) For the fiscal year beginning July 1, 2027, two-eighths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(g) For the fiscal year beginning July 1, 2028, one-eighth of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(2) If the taxing authority is not a qualified taxing authority:

(a) For the fiscal year beginning July 1, 2022, four-fifths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(b) For the fiscal year beginning July 1, 2023, three-fifths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(c) For the fiscal year beginning July 1, 2024, two-fifths of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(d) For the fiscal year beginning July 1, 2025, one-fifth of the amount received by the taxing authority under this section for the fiscal year beginning July 1, 2021.

(e) For the fiscal year beginning July 1, 2026, and each succeeding fiscal year beginning before July 1, 2029, zero.

(3) The department of management shall calculate and report to the department of revenue the amount received by each taxing authority in this state as the result of commercial and industrial property tax replacement claims paid for the fiscal year beginning July 1, 2021, and the portion of the amount attributable to each county where the taxing authority is located, if applicable.

Sec. 116. Section 441.21A, subsection 5, Code 2021, is amended to read as follows:

5. For purposes of computing replacement amounts under this section for fiscal years beginning on or after July 1, 2014, but before July 1, 2022, that portion of an urban renewal area defined as the sum of the assessed valuations defined in section 403.19, subsections 1 and 2, shall be considered a taxing district.

Sec. 117. Section 441.21A, subsection 6, paragraph a, Code 2021, is amended to read as follows:

a. The For fiscal years beginning on or after July 1, 2014, but before July 1, 2022, the county auditor shall certify and forward one copy of the statement to the department of revenue not later than a date of each year established by the department of revenue by rule.

Sec. 118. Section 441.21A, subsection 6, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. This subsection shall apply to the apportionment of replacement claim amounts for fiscal years beginning on or after July 1, 2014, but before July 1, 2022.

Sec. 119. Section 441.21A, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 7. *a.* For fiscal years beginning on or after July 1, 2022, but before July 1, 2029, each taxing authority's replacement claim calculated under subsection 4A, or portion thereof, shall be paid to the appropriate county treasurer, as provided in subsection 2, paragraph "b", in equal installments in September and March of each year.

b. After payment by the county treasurer to the taxing authority, the taxing authority's replacement claim shall be apportioned and credited by the governing body of the taxing authority among the taxing authority's tax levies in the same proportion that each property tax levy bears to the total of all property tax levies imposed by the taxing authority for the fiscal year for which the payment is received.

c. Of the amounts allocated and credited to each property tax levy that is subject to division under section 403.19, the total amount paid into the fund for the taxing authority as taxes by or for the taxing authority into which all other property taxes are paid and the special fund of the applicable municipality under section 403.19, subsection 2, shall be an amount of the replacement claim that is proportionate to the amount of the total sum of the assessed value of the taxable commercial and industrial property in the urban renewal area as a share of total assessed value of all taxable property in the taxing authority and shall be apportioned as follows:

(1) To the fund for the taxing authority as taxes by or for the taxing authority into which all other property taxes are paid, an amount proportionate to the amount of actual value of the commercial and industrial property in the urban renewal area as determined in section 403.19, subsection 1, that was subtracted pursuant to section 403.20, as it bears to the total amount of actual value of the commercial and industrial property in the urban renewal area that was subtracted pursuant to section 403.20 for the assessment year for property taxes due and payable in the fiscal year for which the replacement claim is computed.

(2) (a) To the special fund of the applicable municipality under section 403.19, subsection 2, the remaining amount, if any.

(b) The amount allocated under subparagraph division (a) shall not exceed the amount equal to the amount certified to the county auditor under section 403.19 for the fiscal year in which the claim is paid, after deduction of the amount of other revenues committed for payment on that amount for the fiscal year. The amount not allocated as a result of the operation of this subparagraph division (b) shall be allocated to and paid into the fund for the taxing authority as taxes by or for the taxing authority in the manner provided in subparagraph (1).

NEW SUBSECTION. 8. This section is repealed July 1, 2029.

Sec. 120. EFFECTIVE DATE. The following take effect July 1, 2029:

1. The section of this division of this Act amending section 331.512.
2. The section of this division of this Act amending section 331.559.

DIVISION XXVII SCHOOL FOUNDATION PERCENTAGE

Sec. 121. Section 257.1, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. For the budget year commencing July 1, 1999, and for each succeeding budget year beginning before July 1, 2022, the regular program foundation base per pupil is eighty-seven and five-tenths percent of the regular program state cost per pupil. For the budget year commencing July 1, 2022, and for each succeeding budget year, the regular program foundation base per pupil is eighty-eight and four-tenths percent of the regular program state cost per pupil. For the budget year commencing July 1, 1991, and for each succeeding budget year the special education support services foundation base is seventy-nine percent of the special education support services state cost per pupil. The combined foundation base is the sum of the regular program foundation base, the special education support services foundation base, the total teacher salary supplement district cost, the total professional development supplement district cost, the total early intervention supplement district

cost, the total teacher leadership supplement district cost, the total area education agency teacher salary supplement district cost, and the total area education agency professional development supplement district cost.

Sec. 122. Section 257.3, subsection 1, paragraph d, Code 2021, is amended by striking the paragraph.

Sec. 123. EFFECTIVE DATE. The section of this division of this Act amending section 257.3, subsection 1, paragraph “d”, takes effect July 1, 2022.

DIVISION XXVIII
ELDERLY PROPERTY TAX CREDIT

Sec. 124. Section 25B.7, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. Low-income property tax credit and elderly and disabled property tax credit pursuant to sections 425.16 through 425.40, subject to the limitation of section 425.39, subsection 1, paragraph “b”.

Sec. 125. Section 425.17, subsection 2, Code 2021, is amended to read as follows:

2. a. “Claimant” means ~~either~~ any of the following:

(1) A person filing a claim for credit ~~or reimbursement~~ under this subchapter who has attained the age of sixty-five years ~~but who has not attained the age of seventy years on or before December 31 of the base year or, a person filing a claim for credit or reimbursement under this subchapter who is totally disabled and was totally disabled on or before December 31 of the base year, or a person filing a claim for reimbursement under this subchapter who has attained the age of sixty-five years on or before December 31 of the base year and who is domiciled in this state at the time the claim is filed or at the time of the person’s death in the case of a claim filed by the executor or administrator of the claimant’s estate.~~

(2) A person filing a claim for credit or reimbursement under this subchapter who has attained the age of twenty-three years on or before December 31 of the base year or was a head of household on December 31 of the base year, as defined in the Internal Revenue Code, but has not attained the age or disability status described in ~~this paragraph “a”, subparagraph (1) or the age status and eligibility criteria of subparagraph (3), and is domiciled in this state at the time the claim is filed or at the time of the person’s death in the case of a claim filed by the executor or administrator of the claimant’s estate, and was not claimed as a dependent on any other person’s tax return for the base year.~~

(3) A person filing a claim for credit under this subchapter who has attained the age of seventy years on or before December 31 of the base year, who has a household income of less than two hundred fifty percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, and is domiciled in this state at the time the claim is filed or at the time of the person’s death in the case of a claim filed by the executor or administrator of the claimant’s estate.

b. “Claimant” under paragraph “a”, ~~subparagraph (1) or (2),~~ includes a vendee in possession under a contract for deed and may include one or more joint tenants or tenants in common. In the case of a claim for rent constituting property taxes paid, the claimant shall have rented the property during any part of the base year. In the case of a claim for property taxes due, the claimant shall have occupied the property during any part of the fiscal year beginning July 1 of the base year. If a homestead is occupied by two or more persons, and more than one person is able to qualify as a claimant, the persons may each file a claim based upon each person’s income and rent constituting property taxes paid or property taxes due.

Sec. 126. Section 425.23, subsection 1, paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The tentative credit or reimbursement for a claimant described in section 425.17, subsection 2, paragraph “a”, ~~subparagraphs subparagraph (1) and (2), if no appropriation is made to the fund created in section 425.40~~ shall be determined in accordance with the following schedule:

Sec. 127. Section 425.23, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The tentative credit for a claimant described in section 425.17, subsection 2, paragraph “a”, subparagraph (3), shall be the greater of the following:

(1) The amount of the credit under the schedule specified in paragraph “a” of this subsection as if the claimant was a claimant as defined in section 425.17, subsection 2, paragraph “a”, subparagraph (1), filing for a credit under paragraph “a” of this subsection.

(2) The difference between the actual amount of property taxes due on the homestead during the fiscal year next following the base year minus the actual amount of property taxes due on the homestead during the first fiscal year for which the claimant filed a claim for a credit calculated under this paragraph “c” and for which the property taxes due on the homestead were calculated on an assessed valuation that was not a partial assessment and if the claimant has filed for the credit calculated under this paragraph “c” for each of the subsequent fiscal years after the first credit claimed.

Sec. 128. Section 425.23, subsection 4, paragraph a, Code 2021, is amended to read as follows:

a. For the base year beginning in the 1999 calendar year and for each subsequent base year, the dollar amounts set forth in subsections subsection 1, paragraphs “a” and “b”, and subsection 3 shall be multiplied by the cumulative adjustment factor for that base year. “Cumulative adjustment factor” means the product of the annual adjustment factor for the 1998 base year and all annual adjustment factors for subsequent base years. The cumulative adjustment factor applies to the base year beginning in the calendar year for which the latest annual adjustment factor has been determined.

Sec. 129. Section 425.24, Code 2021, is amended to read as follows:

425.24 Maximum property tax for purpose of credit or reimbursement.

In For claimants under section 425.17, subsection 2, paragraph “a”, subparagraphs (1) and (2), and for the calculation under section 425.23, subsection 1, paragraph “c”, subparagraph (1), in any case in which property taxes due or rent constituting property taxes paid for any household exceeds one thousand dollars, the amount of property taxes due or rent constituting property taxes paid shall be deemed to have been one thousand dollars for purposes of this subchapter.

Sec. 130. Section 425.39, subsection 1, as amended by 2021 Iowa Acts, House File 368,³ section 33, is amended to read as follows:

1. a. The elderly and disabled property tax credit fund is created. There is appropriated annually from the general fund of the state to the department of revenue to be credited to the elderly and disabled property tax credit fund, from funds not otherwise appropriated, an amount sufficient to implement this subchapter for credits for property taxes due for claimants described in section 425.17, subsection 2, paragraph “a”, subparagraph subparagraphs (1) and (3), subject to paragraph “b”.

b. Regardless of the amount of the credit determined under section 425.23, subsection 1, paragraph “c”, the amount paid by the director of revenue to each county treasurer for credits for claimants described under section 425.17, subsection 2, paragraph “a”, subparagraph (3), shall not exceed the amount calculated for the claimant under section 425.23, subsection 1, paragraph “c”, subparagraph (1), and section 25B.7, subsection 1, shall not apply to the amount of the credit in excess of the amount paid by the director of revenue.

Sec. 131. APPLICABILITY. This division of this Act applies to claims under chapter 425, subchapter II, filed on or after January 1, 2022.

Approved June 16, 2021

³ Chapter 41 herein

CHAPTER 178

STATE CHILD CARE ASSISTANCE — GRADUATED ELIGIBILITY PHASE-OUT

H.F. 302

AN ACT establishing a graduated eligibility phase-out program for state child care assistance.

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

Section 1. NEW SECTION. **237A.14 Child care assistance — graduated eligibility phase-out.**

1. At the time of a twelve-month eligibility redetermination for a family receiving state child care assistance, the family shall remain eligible to receive child care assistance, subject to the graduated eligibility phase-out program as specified in subsection 2, if either of the following conditions are met:

a. The family's nonexempt gross monthly income is determined to be at least two hundred twenty-five percent but less than two hundred fifty percent of the federal poverty level applicable to the family size for children needing basic care.

b. The family's nonexempt gross monthly income is determined to be at least two hundred twenty-five percent but less than two hundred seventy-five percent of the federal poverty level applicable to the family size for children needing special needs care.

2. a. A family with an income at the following percentages of the federal poverty level applicable to the family size for children needing basic care shall be responsible for the following share of child care costs:

(1) A family with an income above two hundred twenty-five percent of the federal poverty level but less than two hundred thirty-five percent of the federal poverty level shall pay for thirty-three percent of the family child care costs.

(2) A family with an income at or above two hundred thirty-five percent of the federal poverty level but less than two hundred forty-five percent of the federal poverty level shall pay for forty-five percent of the family child care costs.

(3) A family with an income at or above two hundred forty-five percent of the federal poverty level but at or less than two hundred fifty percent of the federal poverty level shall pay for sixty percent of the family child care costs.

b. A family with an income at the following percentages of the federal poverty level applicable to the family size for children needing special needs care shall be responsible for the following share of child care costs:

(1) A family with an income above two hundred twenty-five percent of the federal poverty level but less than two hundred forty-five percent of the federal poverty level shall pay for thirty-three percent of the family child care costs.

(2) A family with an income at or above two hundred forty-five percent of the federal poverty level but less than two hundred sixty-five percent of the federal poverty level shall pay for forty-five percent of the family child care costs.

(3) A family with an income at or above two hundred sixty-five percent of the federal poverty level but at or less than two hundred seventy-five percent of the federal poverty level shall pay for sixty percent of the family child care costs.

c. The graduated eligibility phase-out as provided in paragraphs "a" and "b" shall be implemented no later than July 1, 2022.

3. Child care provider reimbursement rates under the graduated eligibility phase-out program shall be the same rates as the child care provider reimbursement rates in effect on July 1, 2021.¹

4. The department of human services shall adopt rules pursuant to chapter 17A in accordance with this section.

Approved June 16, 2021

¹ See chapter 174, §41 herein

CHAPTER 179**BUSINESSES OPERATED BY MINORS — REGULATION BY COUNTIES OR CITIES***H.F. 313*

AN ACT prohibiting counties or cities from imposing restrictions on certain businesses operated by persons under the age of eighteen, and including effective date provisions.

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

Section 1. Section 331.301, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 18. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment imposing any requirement to obtain a permit or license, or to pay a fee, for an eligible business operated on an occasional basis for no more than eighty-nine calendar days in a calendar year by a person or persons under the age of eighteen. For purposes of this subsection, “*eligible business*” means an on-site transactional business traditionally operated exclusively by a person under the age of eighteen, including a “*stand operated by a minor*” as defined in section 137F.1, that a person under the age of eighteen is not otherwise prohibited by law from operating.

Sec. 2. Section 364.3, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 13. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment imposing any requirement to obtain a permit or license, or to pay a fee, for an eligible business operated on an occasional basis for no more than eighty-nine calendar days in a calendar year by a person or persons under the age of eighteen. For purposes of this subsection, “*eligible business*” means an on-site transactional business traditionally operated exclusively by a person under the age of eighteen, including a “*stand operated by a minor*” as defined in section 137F.1, that a person under the age of eighteen is not otherwise prohibited by law from operating.

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

Approved June 16, 2021

CHAPTER 180**MOTOR VEHICLE ACCIDENTS RESULTING IN INJURY OR DEATH***H.F. 524*

AN ACT relating to motor vehicle accidents resulting in injury or death, providing penalties, and making penalties applicable.

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

Section 1. Section 321.209, subsection 3, Code 2021, is amended to read as follows:

3. Failure to stop and render aid as required under the laws of this state or to otherwise comply with section 321.261 in the event of a motor vehicle accident resulting in the death or personal injury of another.

Sec. 2. Section 321.261, subsection 1, Code 2021, is amended to read as follows:

1. a. The driver of any vehicle who knows or has reason to believe that the driver’s vehicle was involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close as possible and if able, shall then

return to and remain at the scene of the accident in accordance with section 321.263. Every such stop shall be made without obstructing traffic more than is necessary.

b. If the driver of a vehicle leaves the scene of an accident resulting in injury to or death of a person without knowledge or reason to believe that the driver's vehicle was involved in the accident, and later discovers that the driver's vehicle may have been involved in an accident that resulted in injury to or death of a person, the driver shall, as soon as reasonably possible, make a good-faith effort to immediately contact emergency services or make a 911 call and provide the dispatcher with any requested information described in section 321.263 and the location and possible time of the accident.

Sec. 3. Section 321.261, subsections 3 and 4, Code 2021, are amended to read as follows:

3. a. Notwithstanding subsection 2, any person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in a serious injury to any person, is guilty upon conviction of an aggravated misdemeanor.

b. Notwithstanding paragraph "a", the driver of a vehicle who knows or has reason to believe that the driver's vehicle caused an accident resulting in a serious injury to one or more persons, and who fails to stop or comply with the requirements of subsection 1, is guilty upon conviction of a class "D" felony.

c. For purposes of this section subsection, "serious injury" means as defined in section 702.18.

4. a. A person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in the death of a person, is guilty upon conviction of a class "D" felony.

b. Notwithstanding paragraph "a", the driver of a vehicle who knows or has reason to believe that the driver's vehicle caused an accident resulting in the death of one or more persons, and who fails to stop or comply with the requirements of subsection 1, is guilty upon conviction of a class "C" felony.

Sec. 4. Section 321.261, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding any other provision of law to the contrary, any person who has suffered physical, emotional, or financial harm as the result of a motor vehicle accident from which another person who caused the accident failed to stop or to comply with the requirements of subsection 1, as described in subsection 3, paragraph "b", and subsection 4, paragraph "b", shall be considered a victim pursuant to chapter 915, subchapter II, for purposes of any related proceedings against the other person.

Sec. 5. Section 321.555, subsection 1, paragraph f, Code 2021, is amended to read as follows:

f. Failure to stop and leave information, ~~or to render aid as required by,~~ or to otherwise comply with sections 321.261 and 321.263.

Approved June 16, 2021

CHAPTER 181

PERSONS, MATTERS, AND ENTITIES REGULATED BY THE INSURANCE DIVISION OF THE DEPARTMENT OF COMMERCE

H.F. 838

AN ACT relating to various matters under the purview of the insurance division of the department of commerce, providing fees, making an appropriation, and resolving inconsistencies.

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

DIVISION I
INSURANCE

Section 1. Section 507A.4, subsection 9, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

9. Transactions involving a multiple employer welfare arrangement as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §1002, paragraph 40, or a multiple employer welfare arrangement formed as an association health plan pursuant to 29 C.F.R. pt. 2510 that complies with chapter 513D.

Sec. 2. Section 507B.7, Code 2021, is amended to read as follows:

507B.7 ~~Cease and desist orders~~ Orders and penalties.

1. If, after hearing, the commissioner determines that a person has engaged in an unfair method of competition or an unfair or deceptive act or practice, the commissioner shall reduce the findings to writing and shall issue and cause to be served upon the person charged with the violation a copy of such findings, an order requiring such person to cease and desist from engaging in such method of competition, act, or practice, and the commissioner may at the commissioner's discretion order any one or more of the following:

a. Payment of a civil penalty of not more than one thousand dollars for each act or violation of this subtitle, but not to exceed an aggregate of ten thousand dollars, unless the person knew or reasonably should have known the person was in violation of this subtitle, in which case the penalty shall be not more than five thousand dollars for each act or violation, but not to exceed an aggregate penalty of fifty thousand dollars in any one six-month period. If the commissioner finds that a violation of this subtitle was directed, encouraged, condoned, ignored, or ratified by the employer of the person or by an insurer, the commissioner shall also assess a penalty to the employer or insurer.

b. Suspension or revocation of the license of a person as defined in section 507B.2, subsection 1, if the person knew or reasonably should have known the person was in violation of this subtitle.

c. Payment of interest at the rate of ten percent per annum if the commissioner finds that the insurer failed to pay interest as required under section 507B.4, subsection 3, paragraph "p".

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, 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.

3. After the expiration of the time allowed for filing such a petition for review if no such petition has been duly filed within such time, the commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify, or set aside, in whole or in part, any order issued by the commissioner under this section, whenever in the commissioner's opinion conditions of fact or of law have so changed as to require such action, or if the public interest shall so require.

4. Any person who violates a ~~cease and desist~~ an order of the commissioner, and while such order is in effect, may, after notice and hearing and upon order of the commissioner, be subject at the discretion of the commissioner to any one or more of the following:

a. A monetary penalty of not more than ten thousand dollars for each and every act or violation. A penalty collected under this lettered paragraph shall be deposited as provided in section 505.7.

b. Suspension or revocation of such person's license.

Sec. 3. Section 507E.2A, subsection 2, Code 2021, is amended to read as follows:

2. "Insurer" includes an insurer means any corporation, association, partnership, or individual engaged in the business of insurance, including but not limited to a corporation, association, partnership, or individual that issues a policy of workers' compensation, a self-insured business for purposes of workers' compensation liability, or a group or

self-insured plan as described in section 87.4. “Insurer” does not include a person required to be licensed to sell, solicit, or negotiate insurance pursuant to chapter 522B.

Sec. 4. Section 507E.8, Code 2021, is amended to read as follows:

507E.8 Law enforcement authority.

1. An individual employed by the division and designated as a peace officer shall be considered a law enforcement officer as that term is defined in section 80B.3, and shall exercise the powers of a law enforcement officer as follows:

a. 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 authority and status of a law enforcement officer pursuant to section 80B.3, subsection 3.~~

b. While conducting an investigation or engaged in an assignment authorized by this chapter or ordered by the commissioner.

c. To protect life if a public offense is committed in the presence of the peace officer.

d. While providing assistance to a law enforcement agency or another law enforcement officer.

e. While providing assistance at the request of a member of the public.

2. ~~The laws~~ Laws applicable to an arrest of an individual by a law enforcement officer of the state shall apply to an ~~insurance fraud bureau investigator individual employed by the division and designated as a peace officer.~~ An insurance fraud bureau investigator individual employed by the division and designated as a peace officer shall have the power to execute arrest warrants and search warrants, serve subpoenas issued for the examination, investigation, and trial of all offenses identified through 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 a provision of this chapter or a law of this state.

Sec. 5. Section 508.38, subsection 3, paragraph b, subparagraph (1), subparagraph division (c), Code 2021, is amended to read as follows:

(c) The resulting interest guarantee shall not be less than ~~one~~ fifteen hundredths percent.

Sec. 6. Section 508E.2, subsection 14, Code 2021, is amended to read as follows:

14. ~~“Viatical settlement broker” means a person, including a life insurance producer as provided for in section 508E.3, who, working exclusively on behalf of a viator and for a fee, commission, or other valuable consideration, offers or attempts to negotiate viatical settlement contracts between a viator and one or more viatical settlement providers or one or more viatical settlement brokers. Notwithstanding the manner in which the viatical settlement broker is compensated, a viatical settlement broker is deemed to represent only the viator, and not the insurer or the viatical settlement provider, and owes a fiduciary duty to the viator to act according to the viator’s instructions and in the best interest of the viator. “Viatical settlement broker” does not include an attorney, certified public accountant, or a financial planner accredited by a nationally recognized accreditation agency who is retained to represent the viator and whose compensation is not paid directly or indirectly by the viatical settlement provider or purchaser.~~

Sec. 7. Section 509.1, subsection 9, Code 2021, is amended to read as follows:

9. A policy of group health insurance coverage issued to ~~an associated health plan a multiple employer welfare arrangement pursuant to section 513D.1~~ chapter 513D that is subject to regulation by the commissioner.

Sec. 8. Section 509.19, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. A multiple employer welfare arrangement, as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §1002(40), paragraph 40, or a multiple employer welfare arrangement formed as an association health plan pursuant to 29 C.F.R. pt. 2510, that meets the requirements of section 507A.4, subsection 9, paragraph “a” chapter 513D.

Sec. 9. Section 510.21, Code 2021, is amended to read as follows:

510.21 Certificate of registration required Certificates — registration and renewal.

A person shall not act as or represent oneself to be a third-party administrator in this state, other than an adjuster licensed in this state for the kinds of business for which the person is acting as a third-party administrator, unless the person holds a current certificate of registration as a third-party administrator issued by the commissioner of insurance. A certificate of registration as a third-party administrator is renewable shall be renewed every three years. Failure to hold a current certificate subjects the of registration shall subject a third-party administrator to the sanctions set out in section 507B.7. The An application for a certificate of registration shall be accompanied by a filing fee of one hundred dollars. A certificate of registration shall be issued by the commissioner to a third-party administrator unless the commissioner, after due notice and hearing, determines that the third-party administrator is not competent, trustworthy, financially responsible, or of good personal and business reputation, or has had a previous an application for an insurance license denied for cause within the preceding five years.

An application for registration shall be accompanied by a filing fee of one hundred dollars. After notice and hearing, the commissioner may impose any or all of the sanctions set out in section 507B.7, upon finding that either the third-party administrator violated any of the requirements of sections 510.12 through 510.20 and this section, or the third-party administrator is not competent, trustworthy, financially responsible, or of good personal and business reputation. If the commissioner denies an application for registration or renewal, a written notice that specifies the reasons for the denial or nonrenewal shall be provided to the applicant. Pursuant to chapter 17A, upon the applicant's request, the commissioner shall grant the applicant a hearing on the denial or nonrenewal.

Sec. 10. Section 510.23, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

510.23 Violations and penalties.

1. If, after hearing, the commissioner determines that a third-party administrator has violated this chapter, or chapter 507B, the commissioner may order any one or more of the sanctions or penalties set out in section 507B.7.

2. If, after hearing, the commissioner determines that a person has aided and abetted a third-party administrator in commission of a violation of this chapter, or chapter 507B, the commissioner may order any one or more of the sanctions or penalties set out in section 507B.7.

3. If, after hearing, the commissioner determines that a third-party administrator is not competent, trustworthy, financially responsible, or of good personal and business reputation, the commissioner may order any one or more of the sanctions and penalties set out in section 507B.7.

Sec. 11. Section 513D.1, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

513D.1 Multiple employer welfare arrangements and association health plans.

1. As used in this chapter, unless the context otherwise requires:

a. "Association health plan" or "AHP" means a multiple employer welfare arrangement formed as an association health plan pursuant to 29 C.F.R. pt. 2510.

b. "Commissioner" means the commissioner of insurance.

c. "Multiple employer welfare arrangement" or "MEWA" means a multiple employer welfare arrangement as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §1002, paragraph 40.

2. An AHP or MEWA that offers a plan to, or maintains a group health plan for, any resident of this state shall be subject to the jurisdiction of the commissioner and shall comply with all of the following requirements:

a. The AHP or MEWA must be administered by an insurer authorized to do the business of insurance in this state or an authorized third-party administrator that holds a current certificate of registration pursuant to section 510.21.

b. The AHP or MEWA must be established by a trade, industry, or professional association of employers that has a constitution or bylaws, is organized and maintained in good faith, and has membership stability as defined by rules adopted by the commissioner.

c. The AHP or MEWA must register with the commissioner and obtain and maintain a certificate of registration issued by the commissioner.

d. The AHP or MEWA shall comply with all rules and solvency standards established by rules adopted by the commissioner.

3. An AHP or MEWA that does not meet the solvency standards pursuant to subsection 2, paragraph “d”, shall be subject to chapter 507C.

4. An AHP or MEWA that meets all of the requirements of subsection 2 shall not be considered any of the following:

a. An insurance company or association of whatever kind or character under section 432.1.

b. A member of the Iowa individual health benefit reinsurance association pursuant to section 513C.10, subsection 1.

c. A member insurer of the Iowa life and health insurance guaranty association pursuant to section 508C.5.

5. An AHP or MEWA that is registered with the commissioner pursuant to subsection 2, paragraph “c”, shall annually file with the commissioner on or before March 1 a copy of the report required to be filed by the AHP or MEWA with the United States department of labor pursuant to 29 C.F.R. §2520.101-2.

6. An AHP or MEWA that is registered with the commissioner pursuant to subsection 2, paragraph “c”, shall annually file with the commissioner a report on or before March 1 for the preceding calendar year. The annual report shall contain the information and be in a form and manner as prescribed by the commissioner.

7. A foreign or domestic AHP or MEWA doing business in the state shall pay fees as prescribed by the commissioner unless otherwise provided by law.

8. A MEWA that is recognized as tax-exempt under Internal Revenue Code section 501(c)(9) and that is registered with the commissioner prior to January 1, 2018, shall not be considered an AHP unless the MEWA affirmatively elects to be treated as an AHP.

Sec. 12. Section 513D.2, subsection 1, Code 2021, is amended to read as follows:

1. The commissioner of insurance shall adopt rules, as necessary, pursuant to chapter 17A to administer this chapter.

Sec. 13. Section 514G.103, subsection 10, Code 2021, is amended to read as follows:

10. “*Independent review entity organization*” means a review entity organization certified by the commissioner pursuant to section 514G.110, subsection 4.

Sec. 14. Section 514G.110, subsections 4, 5, 6, 7, 8, and 9, Code 2021, are amended to read as follows:

4. *Qualifications of independent review entities organizations.* The commissioner shall maintain a list of qualified independent review entities organizations that are certified by the commissioner. Independent review entities organizations shall be recertified by the commissioner every two years in order to remain on the list. In order to be certified, an independent review entity organization shall meet all of the following criteria:

a. Have on staff, or contract with, a qualified, licensed health care professional in an appropriate field for determining an insured’s functional or cognitive impairment who can conduct an independent review.

(1) In order to be qualified, a licensed health care professional who is a physician shall hold a current certification by a recognized American medical specialty board in a specialty appropriate for determining an insured’s functional or cognitive impairment.

(2) In order to be qualified, a licensed health care professional who is not a physician shall hold a current certification in the specialty in which that person is licensed, by a recognized American specialty board in a specialty appropriate for determining an insured’s functional or cognitive impairment.

b. Ensure that any licensed health care professional who conducts an independent review has no history of disciplinary actions or sanctions, including but not limited to the loss of

staff privileges or any participation restrictions taken or pending by any hospital or state or federal government regulatory agency.

c. Ensure that the independent review entity organization or any of its employees, agents, or licensed health care professionals utilized does not receive compensation of any type that is dependent on the outcome of a review.

d. Ensure that the independent review entity organization or any of its employees, agents, or licensed health care professionals utilized are not in any manner related to, employed by, or affiliated with the insured or with a person who previously provided medical care to the insured.

e. Ensure that an independent review entity organization or any of its employees, agents, or licensed health care professionals utilized is not a subsidiary of, or owned or controlled by, an insurer or by a trade association of insurers of which the insurer is a member.

f. Have a quality assurance program on file with the commissioner that ensures the timeliness and quality of reviews performed, the qualifications and independence of the licensed health care professionals who perform the reviews, and the confidentiality of the review process.

g. Have on staff or contract with a licensed health care practitioner, as defined in section 514G.103, subsection 3, who is qualified to certify that an individual is chronically ill for purposes of a qualified long-term care insurance contract.

5. *Independent review process.* The independent review process shall be conducted as follows:

a. Within three business days of receiving a notice from the commissioner of the certification of a request for independent review or receipt of a denial of an insurer's appeal from such a certification, the insurer shall do all of the following:

(1) Select an independent review entity organization from the list certified by the commissioner and notify the insured in writing of the name, address, and telephone number of the ~~selected~~ independent review ~~entity-selected~~ organization. The selected independent review ~~entity-selected~~ organization shall utilize a licensed health care professional with qualifications appropriate to the benefit trigger determination that is under review.

(2) Notify the independent review entity organization that it has been selected to conduct an independent review of a benefit trigger determination and provide sufficient descriptive information to enable the independent review entity organization to provide licensed health care professionals who will be qualified to conduct the review.

(3) Provide the commissioner with a copy of the notices sent to the insured and to the ~~selected~~ independent review ~~entity-selected~~ organization.

b. Within three business days of receiving a notice from an insurer that it has been selected to conduct an independent review, the independent review entity organization shall do one of the following:

(1) Accept its selection as the independent review entity organization, designate a qualified licensed health care professional to perform the independent review, and provide notice of that designation to the insured and the insurer, including a brief description of the health care professional's qualifications and the reasons that person is qualified to determine whether the insured's benefit trigger has been met. A copy of this notice shall be sent to the commissioner via facsimile. The independent review entity organization is not required to disclose the name of the health care professional selected.

(2) Decline its selection as the independent review entity organization or, if the independent review entity organization does not have a licensed health care professional who is qualified to conduct the independent review available, request additional time from the commissioner to have a qualified licensed health care professional certified, and provide notice to the insured, the insurer, and the commissioner. The commissioner shall notify the independent review entity organization, the insured, and the insurer of how to proceed within three business days of receipt of such notice from the independent review entity organization.

c. An insured may object to the independent review entity organization selected by the insurer or to the licensed health care professional designated by the independent review entity organization to conduct the review by filing a notice of objection along with reasons for the objection, with the commissioner within ten days of receipt of a notice sent by the

independent review entity organization pursuant to paragraph “b”. The commissioner shall consider the insured’s objection and shall notify the insured, the insurer, and the independent review entity organization of the commissioner’s decision to sustain or deny the objection within two business days of receipt of the objection.

d. Within five business days of receiving a notice from the independent review entity organization accepting its selection or within five business days of receiving a denial of an objection to the independent review entity organization selected, whichever is later, the insured may submit any information or documentation in support of the insured’s claim to both the independent review entity organization and the insurer.

e. Within fifteen days of receiving a notice from the independent review entity organization accepting its selection or within three business days of receipt of a denial of an objection to the independent review entity organization selected, whichever is later, an insurer shall do all of the following:

(1) Provide the independent review entity organization with any information submitted to the insurer by the insured in support of the insured’s internal appeal of the insurer’s benefit trigger determination.

(2) Provide the independent review entity organization with any other relevant documents used by the insurer in making its benefit trigger determination.

(3) Provide the insured and the commissioner with confirmation that the information required under subparagraphs (1) and (2) has been provided to the independent review entity organization, including the date the information was provided.

f. The independent review entity organization shall not commence its review until fifteen days after the selection of the independent review entity organization is final including the resolution of any objection made pursuant to paragraph “c”. During this time period, the insurer may consider any information provided by the insured pursuant to paragraph “d” and overturn or affirm the insurer’s benefit trigger determination based on such information. If the insurer overturns its benefit trigger determination, the independent review process shall immediately cease.

g. In conducting a review, the independent review entity organization shall consider only the information and documentation provided to the independent review entity organization pursuant to paragraphs “d” and “e”.

h. The independent review entity organization shall submit its decision as soon as possible, but not later than thirty days from the date the independent review entity organization receives the information required under paragraphs “d” and “e”, whichever is received later. The decision shall include a description of the basis for the decision and the date of the benefit trigger determination to which the decision relates. The independent review entity organization, for good cause, may request an extension of time from the commissioner to file its decision. A copy of the decision shall be mailed to the insured, the insurer, and the commissioner.

i. All medical records submitted for use by the independent review entity organization shall be maintained as confidential records as required by applicable state and federal laws. The commissioner shall keep all information obtained during the independent review process confidential pursuant to section 505.8, subsection 8, except that the commissioner may share some information obtained as provided under section 505.8, subsection 8, and as required by this chapter and rules adopted pursuant to this chapter.

j. If an insured dies before completion of the independent review, the review shall continue to completion if there is potential liability of an insurer to the estate of the insured or to a provider for rendering qualified long-term care services to the insured.

6. *Costs.* All reasonable fees and costs of the independent review entity organization in conducting an independent review under this section shall be paid by the insurer.

7. *Immunity.* An independent review entity organization that conducts a review under this section is not liable for damages arising from determinations made during the review. Immunity does not apply to any act or omission made by an independent review entity organization in bad faith or that involves gross negligence.

8. *Effect of independent review decision.*

a. The review decision by the independent review ~~entity~~ organization conducting the review is binding on the insurer.

b. The independent review process set forth in this section shall not be considered a contested case under chapter 17A.

c. An insured may appeal the review decision by the independent review ~~entity~~ organization conducting the review by filing a petition for judicial review in the district court in the county in which the insured resides. The petition for judicial review shall be filed within fifteen business days after the issuance of the review decision by the independent review organization. The petition shall name the insured as the petitioner and the insurer as the respondent. The petitioner shall not name the independent review ~~entity~~ organization as a party. The commissioner shall not be named as a respondent unless the insured alleges action or inaction by the commissioner under the standards articulated under section 17A.19, subsection 10. Allegations made against the commissioner under section 17A.19, subsection 10, must be stated with particularity. The commissioner may, upon motion, intervene in a judicial review proceeding brought pursuant to this paragraph. The findings of fact by the independent review ~~entity~~ organization conducting the review are conclusive and binding on appeal.

d. An insurer shall not be subject to any penalties, sanctions, or damages for complying in good faith with a review decision rendered by an independent review ~~entity~~ organization pursuant to this section.

e. Nothing contained in this section or in section 514G.109 shall be construed to limit the right of an insurer to assert any rights an insurer may have under a long-term care insurance policy related to:

(1) An insured's misrepresentation.

(2) Changes in the insured's benefit eligibility.

(3) Terms, conditions, and exclusions contained in the policy, other than failure to meet the benefit trigger.

f. The requirements of this section and section 514G.109 are not applicable to a group long-term care insurance policy that is governed by the federal Employee Retirement Income Security Act of 1974, as codified at 29 U.S.C. §100 §1001 et seq.

g. The provisions of this section and section 514G.109 are in lieu of and supersede any other third-party review requirement contained in chapter 514J or in any other provision of law.

h. The insured may bring an action in the district court in the county in which the insured resides to enforce the review decision of the independent review ~~entity~~ organization conducting the review or the decision of the court on appeal.

9. *Receipt of notice.* Notice required by this section shall be deemed received within five days after the date of mailing.

Sec. 15. Section 515A.2, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. "Commissioner" means the commissioner of insurance.

Sec. 16. Section 515A.6, subsection 7, Code 2021, is amended to read as follows:

7. Notwithstanding any ~~other provision of the Code law to the contrary,~~ the commissioner ~~of insurance~~ shall provide for a hearing in a proceeding involving a workers' compensation insurance rate filing by a licensed rating organization in accordance with the provisions of this subsection and rules promulgated by the commissioner ~~of insurance~~ pursuant to chapter 17A. Except as otherwise provided herein, the provisions of this subsection shall not be subject to the requirements of chapter 17A. The procedures for such hearing shall be as follows:

a. The commissioner shall provide notice of the filing of the proposed rates at least thirty days before the effective date of the proposed rates by publishing a notice on the internet site of the insurance division of the department of commerce.

b. A public hearing shall be held on the proposed rates by the commissioner ~~of insurance~~ if within fifteen days of the date of publication a workers' compensation policyholder or an established organization with one or more workers' compensation policyholders among its

members files a written demand with the commissioner of insurance for a hearing on the proposed rates.

c. The commissioner of insurance shall hold the hearing within twenty days after receipt of the written demand for a hearing and shall give not less than ten days written notice of the time and place of the hearing to the person or association filing the demand, to the rating organization, and to any other person requesting such notice.

d. At any such hearing, the rating organization shall bear the burden of proof to support the proposed rates by a preponderance of the evidence. The person or association requesting the hearing, and any other person admitted as a party to the proceeding, shall be given the opportunity to respond and introduce evidence and arguments on all the issues involved.

e. Within fifteen days after the start of the hearing, the commissioner of insurance will shall approve or disapprove the proposed rates and specify the reasons therefor. The commissioner of insurance may suspend or postpone the effective date of the proposed rates pending the hearing and written decision thereon.

f. Judicial review of the decision of the commissioner of insurance on such rates may be sought in accordance with the provisions of chapter 17A.

g. Absent a request for a hearing as provided in paragraph "b", the commissioner shall issue an order approving or disapproving the proposed rates.

h. The waiting period for a workers' compensation insurance rate filing shall commence no earlier than the date that notice of the insurance rate filing is published.

Sec. 17. Section 515A.10, Code 2021, is amended to read as follows:

515A.10 Advisory organizations.

1. Every group, association or other organization of insurers, whether located within or outside of this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this chapter, shall be known as an advisory organization.

2. An advisory organization shall not provide a service relating to this chapter, and an insurer shall not utilize the services of an advisory organization for such purposes unless the advisory organization has obtained a license under subsection 3.

2. 3. Every An advisory organization applying for a license shall file include with its application to the commissioner all of the following:

a. A copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its bylaws, rules and regulations governing its activities.

b. A list of its members.

c. The name and address of a resident of this state upon whom notices or orders of the commissioner or process issued at the commissioner's direction may be served.

d. An agreement that the commissioner may examine such advisory organization in accordance with the provisions of section 515A.12.

e. A fee of one hundred dollars.

3. 4. If, after a hearing, the commissioner finds that the furnishing of such information or assistance involves an advisory organization has engaged in any act or practice which is unfair, or unreasonable, or otherwise inconsistent with the provisions in violation of this chapter, the commissioner may issue a written an order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this chapter, and requiring the discontinuance of such act or practice advisory organization to cease and desist such act or practice. The commissioner may, at any time after hearing, revoke or suspend the license of an advisory organization which does not comply with this chapter.

4. 5. No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this section or with an order of the commissioner involving such statistics or recommendations issued under subsection 3 4 of this section. If the commissioner finds such insurer or rating organization to be in violation of this subsection the commissioner may issue an order requiring the discontinuance of such violation.

6. A license issued under this section shall remain in effect for three years unless sooner suspended or revoked by the commissioner.

Sec. 18. Section 515D.4, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. The named insured or any operator who either resides in the same household or customarily operates an automobile insured under the policy has that person's driver's license suspended or revoked during the policy term or, if the policy is a renewal, during its term or the one hundred eighty days immediately preceding its effective date. any of the following:

(1) The term of the policy.

(2) The term of a renewal policy.

(3) Within one hundred eighty calendar days immediately preceding the effective date of a renewal of the policy.

Sec. 19. Section 515D.4, subsection 3, Code 2021, is amended to read as follows:

3. This section shall not apply to any policy or coverage which has been in effect less than sixty calendar days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy. This section shall not apply to the nonrenewal of a policy.

Sec. 20. Section 515D.5, Code 2021, is amended to read as follows:

515D.5 Delivery of notice.

1. a. Notwithstanding the provisions of section 515.129A, a notice of cancellation of a policy shall not be effective unless mailed or delivered by the insurer to the named insured at least thirty calendar days prior to the effective date of cancellation, or, where the cancellation is for nonpayment of premium notwithstanding the provisions of section 515.129A, at least ten calendar days prior to the date of cancellation. A post office department certificate of mailing to the named insured at the address shown in the policy shall be proof of receipt of such mailing. Unless the reason accompanies the notice of cancellation, the notice shall state that upon written request of the named insured, mailed or delivered to the insurer not less than fifteen calendar days prior to the date of cancellation, the insurer will state the reason for cancellation together with notification of the right to a hearing before the commissioner within fifteen calendar days as provided in this chapter.

b. When the reason does not accompany the notice of cancellation, the insurer shall, upon receipt of a timely request by the named insured, state in writing the reason for cancellation. A statement of reason shall be mailed or delivered to the named insured within five calendar days after receipt of a request.

2. A notice of exclusion of a person under a policy pursuant to section 515D.4, is not effective unless written notice is mailed or delivered to the named insured at least twenty calendar days prior to the effective date of the exclusion. The written notice shall state the reason for the exclusion, together with notification of the right to a hearing before the commissioner pursuant to section 515D.10 within fifteen calendar days of receipt or delivery of a statement of reason as provided in this section.

Sec. 21. Section 515D.6, Code 2021, is amended to read as follows:

515D.6 Prohibited reasons for nonrenewal.

1. No insurer shall refuse to renew a policy solely because of age, residence, sex, race, color, creed, or occupation ~~of an insured~~.

2. No insurer shall require a physical examination of a policyholder as a condition for renewal solely on the basis of age or other arbitrary reason. In the event that an insurer requires a physical examination of a policyholder, the burden of proof in establishing reasonable and sufficient grounds for such requirement shall rest with the insurer and the expenses incident to such examination shall be borne by the insurer.

Sec. 22. Section 515D.7, Code 2021, is amended to read as follows:

515D.7 Notice of intent.

1. Notwithstanding the provisions of sections 515.125, 515.128, 515.129B, and 515.129C, an insurer shall not fail to renew a policy except by notice to the insured as provided in this

chapter. A notice of intention not to renew shall not be effective unless mailed or delivered by the insurer to the named insured at least thirty calendar days prior to the expiration date of the policy. A post office department certificate of mailing to the named insured at the address shown in the policy shall be proof of receipt of such mailing. Unless the reason accompanies the notice of intent not to renew, the notice shall state that, upon written request of the named insured, mailed or delivered to the insurer not less than thirty calendar days prior to the expiration date of the policy, the insurer will state the reason for nonrenewal.

2. When the reason does not accompany the notice of intent not to renew, the insurer shall, upon receipt of a timely request by the named insured, state in writing the reason for nonrenewal, together with notification of the right to a hearing before the commissioner within fifteen calendar days as provided herein. A statement of reason shall be mailed or delivered to the named insured within ten days after receipt of a request.

3. This section shall not apply:

- a. If the insurer has manifested its willingness to renew.
- b. If the insured fails to pay any premium due or any advance premium required by the insurer for renewal.
- c. If the insured is transferred from an insurer to an affiliate for future coverage as a result of a merger, acquisition, or company restructuring and if the transfer results in the same or broader coverage.

Sec. 23. Section 515D.10, Code 2021, is amended to read as follows:

515D.10 Hearing before commissioner.

Any named insured who has received a statement of reason for cancellation, or of reason for an insurer's intent not to renew a policy, may, within fifteen calendar days of the receipt or delivery of a statement of reason, request a hearing before the commissioner of insurance. The purpose of this hearing shall be limited to establishing the existence of the proof or evidence ~~used stated~~ by the insurer ~~in~~ as its reason for cancellation or intent not to renew. The burden of proof of the reason for cancellation or intent not to renew shall be upon the insurer. Other than the sharing of information required by this chapter and the rules adopted pursuant to the provisions of this chapter, the commissioner shall keep confidential the information obtained from the insured or in the hearing process, pursuant to section 505.8, subsection 8. The commissioner of insurance shall adopt rules ~~for carrying out~~ pursuant to chapter 17A to implement the provisions of this section.

Sec. 24. Section 515F.2, Code 2021, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 25. Section 515F.2, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. "Commissioner" means the commissioner of insurance.

Sec. 26. Section 515F.8, subsection 3, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) A license fee of one hundred dollars.

Sec. 27. Section 515F.8, subsection 3, paragraph d, Code 2021, is amended to read as follows:

d. *Duration.* A license issued under this section shall remain in effect for ~~one year~~ three years unless the license is suspended or revoked. The commissioner may, at any time after hearing, revoke or suspend the license of an advisory organization which does not comply with ~~the requirements and standards~~ of this chapter.

Sec. 28. Section 515F.32, Code 2021, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this subchapter, unless the context otherwise requires:

Sec. 29. Section 515F.32, subsection 3, Code 2021, is amended to read as follows:

3. “*Insurer*” includes all companies or associations licensed to transact insurance business in this state under chapters 515, 518, and 518A, reciprocal insurers issued a certificate of authority pursuant to chapter 520, and companies or associations admitted or seeking to be admitted to do business in this state under any of those chapters, notwithstanding any provision of the Code to the contrary.

Sec. 30. Section 515F.36, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2021, are amended to read as follows:

(1) American property casualty insurance association.

(2) ~~Property casualty insurers association of America~~ National association of mutual insurance companies.

Sec. 31. NEW SECTION. 515F.39 Cancellation or nonrenewal — FAIR notice.

If basic property insurance coverage is canceled or not renewed other than for nonpayment of a premium pursuant to section 515.125, 515.126, 515.127, 515.128, 518.23, or 518A.29, the insurer shall notify the named insured that the named insured may be eligible for basic property insurance through the FAIR plan. The notice shall accompany the notice of cancellation or the intent not to renew.

Sec. 32. Section 515I.4, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. Capital and surplus or its equivalent under the laws of the insurer’s domiciliary jurisdiction which equals the ~~greater of either~~ greatest of the following:

(1) The minimum capital and surplus requirements under the laws of this state.

(2) Fifteen million dollars.

(3) The risk-based capital level requirements pursuant to chapter 521E.

Sec. 33. Section 522.9, subsection 1, Code 2021, is amended to read as follows:

1. If an insurer fails, without just cause, to file an own risk and solvency assessment summary report by the filing date stipulated to the commissioner pursuant to section 522.5, subsection 1, paragraph “c”, the commissioner shall, after notice and hearing, impose a penalty of five hundred dollars for each calendar day after the stipulated date that the summary report is not filed. The penalties shall be collected by the commissioner and deposited ~~in the general fund of the state~~ pursuant to section 505.7. The maximum penalty which may be imposed under this section is fifty thousand dollars.

DIVISION II

CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SALES

Sec. 34. Section 523A.204, subsections 1 and 2, Code 2021, are amended to read as follows:

1. A preneed seller shall file an annual report with the commissioner not later than April 1 ~~of each year an annual report 15~~ on a form prescribed by the commissioner.

2. A preneed seller filing an annual report shall pay a filing fee of ten dollars per purchase agreement sold during the year covered by the report. Duplicate filing fees are not required for the same purchase agreement. If a purchase agreement has multiple sellers, the filing fee shall be paid by the preneed seller actually providing the merchandise and services.

Sec. 35. Section 523A.204, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commissioner may impose a late fee of five dollars for each day after April 15 that a preneed seller fails to file the preneed seller’s annual report. The maximum late fee that may be imposed under this subsection is five hundred dollars. The fee shall be collected by the commissioner and deposited pursuant to section 505.7.

Sec. 36. Section 523A.501, subsection 7, Code 2021, is amended to read as follows:

7. A preneed seller's license ~~expires~~ shall expire annually on April 15 ~~30~~. If ~~the a~~ preneed seller has filed ~~a complete~~ an annual report pursuant to section 523A.204, subsection 1, and paid the required fees ~~as required in section 523A.204~~, the commissioner shall renew the preneed seller's license until April 15 ~~30~~ of the following year.

Sec. 37. Section 523A.502, subsection 5, Code 2021, is amended to read as follows:

5. A sales license shall expire annually on April 15 ~~30~~. If ~~the a~~ sales agent has filed ~~a substantially complete~~ an annual report as required in pursuant to section 523A.502A, subsection 1, and has fulfilled the continuing education requirements pursuant to subsection ~~6~~, the commissioner shall renew the sales agent's sales license until April 15 ~~30~~ of the following year.

Sec. 38. Section 523A.502A, subsection 1, Code 2021, is amended to read as follows:

1. A ~~No later than April 15~~, a sales agent shall file an annual report with the commissioner ~~not later than April 1 of each year an annual report~~ on a form prescribed by the commissioner describing each purchase agreement sold by the sales agent during the year. An annual report must be filed whether or not sales ~~were made~~ a sales agent sold any purchase agreements during the year and ~~even if the whether or not a sales agent is no longer~~ still an agent of a preneed seller or is still licensed by the commissioner.

Sec. 39. Section 523A.502A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The commissioner may impose a late fee of five dollars for each day after April 15 that a sales agent fails to file the sales agent's annual report. The maximum late fee that may be imposed pursuant to this section is five hundred dollars. The fee shall be collected by the commissioner and deposited pursuant to section 505.7.

Sec. 40. Section 523A.601, subsection 4, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

4. All purchase agreements, including a purchase agreement delivered or executed by electronic means, must have a sales agent identified. A purchase agreement, including a purchase agreement delivered or executed by electronic means, shall be reviewed by the sales agent identified and named in the purchase agreement pursuant to subsection 1, paragraph "a", and signed by the purchaser and seller. If the purchase agreement is for mortuary science services as "*mortuary science*" is defined in section 156.1, the purchase agreement must also be signed by a person licensed to deliver funeral services.

Sec. 41. Section 523A.807, subsection 3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

If the commissioner finds that a person has violated section 523A.201, 523A.202, 523A.203, ~~523A.204~~, 523A.207, 523A.401, 523A.402, 523A.403, 523A.404, 523A.405, 523A.501, ~~or 523A.502~~, or 523A.502A, or any rule adopted pursuant thereto, the commissioner may order any or all of the following:

Sec. 42. Section 523A.812, Code 2021, is amended to read as follows:

523A.812 Insurance division regulatory fund.

The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. The commissioner shall allocate annually from the filing fees paid pursuant to section 523A.204, two dollars for each purchase agreement reported on a preneed seller's annual report filed pursuant to section 523A.204 for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.204 shall be deposited as provided in section 505.7. The commissioner shall also allocate annually the examination fees paid pursuant to section 523A.814 and any examination expense reimbursement for deposit to the regulatory fund. The moneys in the regulatory fund shall be retained in the fund. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay examiners, examination expenses, investigative expenses, the expenses of mediation ordered by the commissioner,

consumer education expenses, the expenses of a toll-free telephone line to receive consumer complaints, and the expenses of receiverships established under section 523A.811. If the commissioner determines that funding is not otherwise available to reimburse the expenses of a person who receives title to a cemetery subject to chapter 523I, pursuant to such a receivership, the commissioner shall use moneys in the regulatory fund as necessary to preserve, protect, restore, and maintain the physical integrity of that cemetery and to satisfy claims or demands for cemetery merchandise, funeral merchandise, and funeral services based on purchase agreements which the commissioner determines are just and outstanding. ~~An annual allocation to the regulatory fund shall not be imposed if the current balance of the fund exceeds five hundred thousand dollars.~~

DIVISION III RESIDENTIAL AND MOTOR VEHICLE SERVICE CONTRACTS

Sec. 43. Section 523C.3, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. If applicable, a fee in the amount of ~~fifty~~ thirty-five dollars for each motor vehicle service contract form submitted in an application as provided in subsection 1, paragraph "f".

Sec. 44. Section 523C.4, subsection 3, paragraph c, Code 2021, is amended to read as follows:

c. If applicable, a fee in the amount of ~~fifty~~ thirty-five dollars for each motor vehicle service contract form submitted ~~in a with the renewal application pursuant to subsection 2, and~~ as provided in section 523C.3, subsection 1, paragraph "f".

DIVISION IV IOWA CEMETERY ACT

Sec. 45. Section 523I.102, subsection 6, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. A cemetery under the jurisdiction and control of a cemetery commission pursuant to section 331.325, subsection 3, paragraph "c".

Sec. 46. Section 523I.213, Code 2021, is amended to read as follows:

523I.213 Insurance division's enforcement fund.

A special revenue fund in the state treasury, to be known as the insurance division's enforcement fund, is created under the authority of the commissioner. The commissioner shall ~~allocate annually from the examination fees paid pursuant to section 523I.808, an amount not exceeding fifty thousand dollars, for deposit to all examination fees collected pursuant to section 523I.808 in~~ the insurance division's enforcement fund. The moneys in the enforcement fund shall be retained in the fund. The moneys are appropriated and, subject to authorization by the commissioner, shall be used to pay examiners, examination expenses, investigative expenses, the expenses of consumer education, compliance, and education programs for filers and other regulated persons, and educational or compliance program materials, the expenses of a toll-free telephone line for consumer complaints, and the expenses of receiverships of perpetual care cemeteries established under section 523I.212.

Sec. 47. Section 523I.301, subsections 1 and 2, Code 2021, are amended to read as follows:

1. A cemetery shall disclose, prior to the sale of interment rights, whether opening and closing ~~of the interment space is~~ services are included in the purchase of the interment rights. If opening and closing services are not included in the sale of interment rights and the cemetery offers opening and closing services, the cemetery must disclose that the price for ~~this service opening and closing services~~ is subject to change and must disclose the current prices for opening and closing services provided by the cemetery.

2. The cemetery shall fully disclose all fees required for interment, entombment, or inurnment, or disinterment of human remains.

Sec. 48. Section 523I.309, subsection 6, Code 2021, is amended to read as follows:

6. A cemetery ~~may~~ shall disinter and relocate remains interred in the cemetery for the purpose of correcting an error made by the cemetery after obtaining a disinterment permit as required by section 144.34, unless the interested parties have a written agreement directing otherwise. The cemetery shall bear the costs of the disinterment and relocation. The cemetery shall provide written notice describing the error to the commissioner and to the person who has the right to control the interment, relocation, or disinterment of the remains erroneously interred, by restricted certified mail at the person's last known address and sixty days prior to the disinterment. The notice shall include the location where the disinterment will occur and the location of the new interment space. A cemetery is not civilly or criminally liable for an erroneously made interment that is corrected in compliance with this subsection unless the error was the result of gross negligence or intentional misconduct.

Sec. 49. Section 523I.808, Code 2021, is amended to read as follows:

523I.808 Examination Annual report — examination fee.

~~An examination fee of ten dollars for each certificate of interment rights issued during the time period covered by the report shall be submitted with the a perpetual care cemetery's annual report in an amount equal to five dollars for each certificate of interment rights issued during the time period covered by the report filed pursuant to section 523I.813.~~ The cemetery may charge the examination fee directly to the purchaser of the interment rights.

Sec. 50. Section 523I.813, subsection 3, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

3. The commissioner may impose a late fee of five dollars for each day after April 30 that a perpetual care cemetery fails to file the perpetual care cemetery's annual report. The maximum late fee that shall be imposed by the commissioner is five hundred dollars. The late fee shall be collected by the commissioner and deposited pursuant to section 505.7.

DIVISION V
STATE INNOVATION WAIVER

Sec. 51. NEW SECTION. **505.18A State innovation waivers.**

1. The commissioner of insurance may develop by rule a state innovation waiver pursuant to section 1332 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

2. The commissioner of insurance may submit an application on behalf of the state to the United States secretary of health and human services and the United States secretary of the treasury for the state innovation waiver developed pursuant to subsection 1.

3. If a state innovation waiver submitted pursuant to subsection 2 is approved by the United States secretary of health and human services and the United States secretary of the treasury, the commissioner of insurance may implement the state innovation waiver in a manner consistent with applicable state and federal law.

4. The commissioner of insurance may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this section 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.

DIVISION VI
STUDY COMMITTEE — HEALTH INSURANCE MANDATES

Sec. 52. **HEALTH INSURANCE MANDATES — STUDY.**

1. The legislative council is requested to establish a study committee to meet during the 2021 legislative interim to accomplish the following:

a. Identify each health insurance mandate contained in chapter 514C, and in any other provision of the 2021 Iowa Code, and identify all of the following:

(1) The specific health insurance coverage required to be provided by each health insurance mandate.

(2) Each class of contract, policy, plan, and agreement that provides for third-party payment or prepayment of health or medical expenses that is subject to each health insurance mandate.

(3) Each class of contract, policy, plan, and agreement that provides for third-party payment or prepayment of health or medical expenses that is excluded from each health insurance mandate.

(4) Each type of health carrier that is subject to each health insurance mandate. For purposes of this section, “health carrier” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the insurance commissioner, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any other entity providing a plan of health insurance, health care benefits, or health care services. “Health carrier” includes the department of human services, or a managed care organization acting pursuant to a contract with the department of human services to administer the medical assistance program under chapter 249A or the healthy and well kids in Iowa (hawk-i) program under chapter 514I.

(5) Each type of health carrier that is excluded from each health insurance mandate.

b. For each health insurance mandate identified in paragraph “a”, analyze all of the following:

(1) The fiscal impact to the state.

(2) The fiscal impact to each health carrier subject to each health insurance mandate.

(3) The impact to the premiums for individuals covered by a contract, policy, plan, or agreement of a health carrier under subparagraph (2).

c. For a possible future health insurance mandate related to continuity of care and nonmedical switching, analyze all of the following:

(1) The potential fiscal impact to the state.

(2) The potential fiscal impact to each health carrier that may be subject to the health insurance mandate.

(3) The potential impact to the premiums for individuals covered by a contract, policy, plan, or agreement of a health carrier under subparagraph (2).

d. For a possible future health insurance mandate related to the diagnosis and treatment of infertility, analyze all of the following:

(1) The potential fiscal impact to the state.

(2) The potential fiscal impact to each health carrier that may be subject to the health insurance mandate.

(3) The potential impact to the premiums for individuals covered by a contract, policy, plan, or agreement of a health carrier under subparagraph (2).

e. For a possible future health insurance mandate related to pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS), analyze all of the following:

(1) The potential fiscal impact to the state.

(2) The potential fiscal impact to each health carrier that may be subject to the health insurance mandate.

(3) The potential impact to the premiums for individuals covered by a contract, policy, plan, or agreement of a health carrier under subparagraph (2).

f. For a possible future health insurance mandate related to medically necessary food and low protein modified food product for individuals with certain inherited metabolic disorders, analyze all of the following:

(1) The potential fiscal impact to the state.

(2) The potential fiscal impact to each health carrier that may be subject to the health insurance mandate.

(3) The potential impact to the premiums for individuals covered by a contract, policy, plan, or agreement of a health carrier under subparagraph (2).

g. Identify the approximate number of Iowa residents that are covered by each of the following types of insurance:

(1) Individual health insurance.

(2) Small group health insurance.

- (3) Large group health insurance.
 - (4) The medical assistance program under chapter 249A.
 - (5) The healthy and well kids in Iowa (hawk-i) program under chapter 514I.
2. The study committee shall have no more than fifteen members and shall be composed of the following members:
- a. Two members of the senate, one to be appointed by the president of the senate and one to be appointed by the minority leader of the senate.
 - b. Two members of the house of representatives, one to be appointed by the speaker of the house of representatives and one to be appointed by the minority leader of the house of representatives.
 - c. The director of the insurance division of the department of commerce, or the director's designee.
 - d. The director of the department of human services, or the director's designee.
 - e. The consumer advocate of the consumer advocate bureau of the insurance division of the department of commerce, or the consumer advocate's designee.
 - f. At least one representative from each of the following:
 - (1) One or more trade organizations based in Iowa whose membership is comprised of independent insurance agents that sell health insurance.
 - (2) One or more health insurance trade organizations based in Iowa whose membership is comprised of companies or individuals engaged in the business of health insurance.
3. The study committee shall submit a report with its findings to the general assembly no later than December 31, 2021. The report shall not directly or indirectly disclose any of the following:
- a. The identity of a specific health carrier.
 - b. The identity of a specific contract, policy, plan, or agreement that provides for third-party payment or prepayment of health or medical expenses.

Approved June 16, 2021

CHAPTER 182

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

H.F. 891

AN ACT relating to appropriations for health and human services and veterans and including other related provisions and appropriations, providing penalties, and including effective date and retroactive and other applicability date provisions.

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

DIVISION I

DEPARTMENT ON AGING — FY 2021-2022

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging 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 aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day, respite care, chore, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	11,304,082
.....	FTEs	27.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$418,700 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

4. Of the funds appropriated in this section, at least \$600,000 shall be used to fund home and community-based services through the area agencies on aging that enable older individuals to avoid more costly utilization of residential or institutional services and remain in their own homes.

5. Of the funds appropriated in this section, \$812,000 shall be used for the purposes of chapter 231E and to administer the prevention of elder abuse, neglect, and exploitation program pursuant to section 231.56A, in accordance with the requirements of the federal Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.

6. Of the funds appropriated in this section, \$1,000,000 shall be used to fund continuation of the aging and disability resource center lifelong links to provide individuals and caregivers with information and services to plan for and maintain independence.

7. Of the funds appropriated in this section, \$250,000 shall be used by the department on aging, in collaboration with the department of human services and affected stakeholders, to continue to expand the pilot initiative to provide long-term care options counseling utilizing support planning protocols, to assist non-Medicaid eligible consumers who indicate a preference to return to the community and are deemed appropriate for discharge, to return to their community following a nursing facility stay. The department on aging shall submit a report regarding the outcomes of the pilot initiative to the governor and the general assembly by December 15, 2021.

DIVISION II
OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2021-2022

Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is appropriated from the general fund of the state to the office of long-term care ombudsman 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 salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,149,821
.....	FTEs	16.00

DIVISION III
DEPARTMENT OF PUBLIC HEALTH — FY 2021-2022

Sec. 3. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

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

a. (1) Of the funds appropriated in this subsection, \$4,020,894 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 governor and the general assembly any reduction in the provision of nicotine replacement products realized by the initiative through implementation of the prerequisite screening.

(2) (a) 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.

(b) For the fiscal year beginning July 1, 2021, and ending June 30, 2022, 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 21 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.

b. (1) Of the funds appropriated in this subsection, \$19,638,485 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.

(2) Of the amount allocated under this paragraph, \$306,000 shall be utilized by the department of public health, in collaboration with the department of human services, to maintain 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.

c. The requirement of section 123.17, subsection 5, is met by the appropriations and allocations made in this division of this Act for purposes of substance-related disorder treatment and addictive disorders for the fiscal year beginning July 1, 2021.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children and adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	5,816,681
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, 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.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, priority for home visitation program funding shall be given to programs using evidence-based or promising models for home visitation.

c. Of the funds appropriated in this subsection, \$3,075,000 shall be used for continuation of the department’s initiative to provide for adequate developmental surveillance and screening during a child’s first five years. The funds shall be used first to fully fund the current sites to ensure that the sites are fully operational, with the remaining funds to be used for expansion to additional sites. The full implementation and expansion shall include enhancing the scope of the initiative through collaboration with the child health specialty clinics to promote healthy child development through early identification and response to both biomedical and social determinants of healthy development; by monitoring child health metrics to inform practice, document long-term health impacts and savings, and provide for continuous improvement through training, education, and evaluation; and by providing for practitioner consultation particularly for children with behavioral conditions and needs. The department of public health shall also collaborate with the Iowa Medicaid enterprise and the child health specialty clinics to integrate the activities of the first five initiative into the establishment of patient-centered medical homes, community utilities, accountable care organizations, and other integrated care models developed to improve health quality and population health while reducing health care costs. To the maximum extent possible, funding allocated in this paragraph shall be utilized as matching funds for medical assistance program reimbursement.

d. Of the funds appropriated in this subsection, \$64,000 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the dental lifeline network to provide dental services to indigent individuals who are elderly or with disabilities.

e. Of the funds appropriated in this subsection, \$156,000 shall be used to provide audiological services and hearing aids for children.

f. Of the funds appropriated in this subsection, \$23,000 is transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, oral and health delivery system bureau, to provide dental care to underserved populations throughout the state.

g. Of the funds appropriated in this subsection, \$50,000 shall be used to address youth suicide prevention.

h. Of the funds appropriated in this subsection, \$40,000 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

i. Of the funds appropriated in this subsection, up to \$494,000 shall be used for childhood obesity prevention.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	4,258,373
.....	FTEs	10.00

a. Of the funds appropriated in this subsection, \$188,000 shall be used for grants to individual patients who have an inherited metabolic disorder to assist with the costs of medically necessary foods and formula.

b. Of the funds appropriated in this subsection, \$1,055,000 shall be used for the brain injury services program pursuant to section 135.22B, including \$861,000 for contracting with an

existing nationally affiliated and statewide organization whose purpose is to educate, serve, and support Iowans with brain injury and their families, for resource facilitator services in accordance with section 135.22B, subsection 9, and for contracting to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, \$95,000 shall be used to fund 1.00 full-time equivalent position to serve as the state brain injury services program manager.

c. Of the funds appropriated in this subsection, \$144,000 shall be used for the public purpose of continuing to contract with an existing nationally affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families. The amount allocated in this paragraph in excess of \$50,000 shall be matched dollar-for-dollar by the organization specified. Funds allocated under this paragraph shall be distributed in their entirety for the purpose specified on July 1, 2021.

d. Of the funds appropriated in this subsection, \$809,000 shall be used for child health specialty clinics.

e. Of the funds appropriated in this subsection, \$384,000 shall be used by the regional autism assistance program established pursuant to section 256.35, and administered by the child health specialty clinic located at the university of Iowa hospitals and clinics. The funds shall be used to enhance interagency collaboration and coordination of educational, medical, and other human services for persons with autism, their families, and providers of services, including delivering regionalized services of care coordination, family navigation, and integration of services through the statewide system of regional child health specialty clinics and fulfilling other requirements as specified in chapter 225D. The university of Iowa shall not receive funds allocated under this paragraph for indirect costs associated with the regional autism assistance program.

f. Of the funds appropriated in this subsection, \$577,000 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this paragraph "f", \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, \$97,000 shall be used for cervical and colon cancer screening, and \$177,000 shall be used to enhance the capacity of the cervical cancer screening program to include provision of recommended prevention and early detection measures to a broader range of low-income women.

h. Of the funds appropriated in this subsection, \$506,000 shall be used for the center for congenital and inherited disorders.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	7,319,306
.....	FTEs	13.00

a. Of the funds appropriated in this subsection, \$95,000 is allocated for continuation of the child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the department regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, \$48,000 shall be used for a grant to a statewide association of psychologists, that is affiliated with the American psychological association, to be used for continuation of a program to rotate intern psychologists in placements that serve urban and rural mental health professional shortage areas. Once an intern psychologist begins service, the intern psychologist may continue serving in the location of the intern psychologist's placement, notwithstanding any change in the mental health professional shortage area designation of such location. The intern psychologist may

also provide services via telehealth, to underserved populations, and to Medicaid members. For the purposes of this paragraph “b”, “mental health professional shortage area” means a geographic area in this state that has been designated by the United States department of health and human services, health resources and services administration, bureau of health professionals, as having a shortage of mental health professionals.

c. Of the funds appropriated in this subsection, the following amounts are allocated to be used as follows to support the goals of increased access, health system integration, and engagement:

(1) Not less than \$1,600,000 is allocated to the Iowa prescription drug corporation for continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108, and for the prescription drug donation repository program created in chapter 135M. Of the amount allocated in this subparagraph, \$1,000,000 shall be used as one-time funding to support program expansion and to implement an automated multi-dose prescription packaging system. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2021.

(2) Not less than \$334,000 is allocated to free clinics and free clinics of Iowa for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2021.

(3) Not less than \$25,000 is allocated to the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2021.

(4) Not less than \$225,000 is allocated to the Polk county medical society for continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2021.

d. Of the funds appropriated in this subsection, \$191,000 is allocated for the purposes of health care and public health workforce initiatives.

e. Of the funds appropriated in this subsection, \$96,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to continue to develop the criteria and implement the loan repayment program.

f. Of the funds appropriated in this subsection, \$100,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

g. Of the funds appropriated in this subsection, \$96,000 shall be used for continuation of a grant to a nationally affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, and community and patient service programs. The contractor shall submit a report to the general assembly regarding the use of funds allocated under this paragraph “g”. The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, grade level if appropriate, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on services provided; and the continuing needs of the program.

h. Of the funds appropriated in this subsection, \$2,100,000 shall be deposited in the medical residency training account created in section 135.175, subsection 5, paragraph “a”, and is appropriated from the account to the department of public health to be used for the purposes of the medical residency training state matching grants program as specified in section 135.176.

i. Of the funds appropriated in this subsection, \$250,000 shall be used for the public purpose of providing funding to Des Moines university to continue a provider education project to provide primary care physicians with the training and skills necessary to recognize the signs of mental illness in patients.

j. Of the funds appropriated in this subsection, \$600,000 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.

k. Of the funds appropriated in this subsection, \$150,000 shall be used for psychiatric training to increase access to mental health care services by expanding the mental health workforce via training of additional physician assistants and nurse practitioners.

1. Of the funds appropriated in this subsection, \$425,000 shall be used for the creation of a center of excellence program to encourage innovation and collaboration among regional health care providers in a rural area based upon the results of a regional community needs assessment to transform health care delivery in order to provide quality, sustainable care that meets the needs of the local communities. An applicant for the funds shall specify how the funds will be expended to accomplish the goals of the program and shall provide a detailed five-year sustainability plan prior to being awarded any funding. Following the receipt of funding, a recipient shall submit periodic reports as specified by the department to the governor and the general assembly regarding the recipient’s expenditure of the funds and progress in accomplishing the program goals.

5. ESSENTIAL PUBLIC HEALTH SERVICES

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

..... \$ 7,662,464

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 1,796,206

..... FTEs 6.00

7. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

..... \$ 4,466,601

..... FTEs 142.00

a. Of the funds appropriated in this subsection, not more than \$304,000 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, 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 paragraph “b” shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, up to \$500,000 shall be used for the state poison control center. Pursuant to the directive under 2014 Iowa Acts, chapter 1140, section 102, the federal matching funds available to the state poison control center from the department of human services under the federal Children’s Health Insurance Program Reauthorization Act allotment shall be subject to the federal administrative cap rule of 10 percent applicable to funding provided under Tit. XXI of the federal Social Security Act and included within the department’s calculations of the cap.

d. Of the funds appropriated in this subsection, up to \$504,000 shall be used for childhood lead poisoning provisions.

8. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

..... \$ 933,871

..... FTEs 4.00

9. MISCELLANEOUS PROVISIONS

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

Sec. 4. 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, 2021, and ending June 30, 2022, 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:

..... \$ 1,750,000

DIVISION IV
DEPARTMENT OF VETERANS AFFAIRS — FY 2021-2022

Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,229,763
..... FTEs 15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 7,131,552

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. The Iowa veterans home expenditure report shall be submitted monthly to the general assembly.

c. The Iowa veterans home shall continue to include in the annual discharge report applicant information to provide for the collection of demographic information including but not limited to the number of individuals applying for admission and admitted or denied admittance and the basis for the admission or denial; the age, gender, and race of such individuals; and the level of care for which such individuals applied for admission including residential or nursing level of care.

3. HOME OWNERSHIP ASSISTANCE PROGRAM

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54:

..... \$ 2,000,000

Sec. 6. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in section 35A.16 for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the amount appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veteran affairs fund under section 35A.16:

..... \$ 990,000

DIVISION V
DEPARTMENT OF HUMAN SERVICES — FY 2021-2022

Sec. 7. 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, 2021, and ending June 30, 2022, 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 amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 5,002,006

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 5,412,060

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,888,980

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 succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2022, the moneys shall revert.

4. For field operations:

..... \$ 31,296,232

5. For general administration:

..... \$ 3,744,000

6. For state child care assistance:

..... \$ 47,166,826

a. Of the funds appropriated in this subsection, \$26,205,412 is transferred to the child care and development block grant appropriation made by the Eighty-ninth General Assembly, 2021 session, for the federal fiscal year beginning October 1, 2021, and ending September 30, 2022. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for families who are employed including but not limited to individuals enrolled in the family investment program.

7. For child and family services:

..... \$ 32,380,654

8. For child abuse prevention grants:

..... \$ 125,000

9. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 1,913,203

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2021, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2021, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which

demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

10. For technology needs and other resources necessary to meet federal, state, and welfare reform reporting, tracking, and case management requirements and other departmental needs:

..... \$ 1,037,186

11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2020 Iowa Acts or 2021 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the temporary assistance for needy families block grant received by the state and not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2021, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for families who are employed, and for the family investment program share of system costs for eligibility determination and related functions. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for assistance under the family investment program, in subsection 6 for state child care assistance, or in subsection 10 for technology costs related to the family investment program, as applicable, have been expended. For the purposes of this subsection, the funds appropriated in subsection 6, paragraph "a", for transfer to the child care and development block grant appropriation are considered fully expended when the full amount has been transferred.

b. The department shall, on a quarterly basis, advise the general assembly and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

12. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2021, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

13. For continuation of the program providing categorical eligibility for the food assistance program as specified for the program in the section of this division of this Act relating to the family investment program account:

..... \$ 14,236

14. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

15. With the exception of moneys allocated under this section for the family development and self-sufficiency grant program, to the extent moneys allocated in this section are deemed by the department not to be necessary to support the purposes for which they are allocated, such moneys may be used in the same fiscal year for any other purpose for which funds are allocated in this section or in section 8 of this division of this Act for the family investment program account. If there are conflicting needs, priority shall first be given to the family investment program account as specified under subsection 1 of this section and used for the purposes of assistance under the family investment program in accordance with chapter 239B, followed by state child care assistance program payments for families who are employed, followed by other priorities as specified by the department.

Sec. 8. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2021, and ending June 30, 2022, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in subsection 4, excluding the allocation under subsection 4, paragraph "b", to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary

to implement and operate the services referred to in this section and those funded in the appropriations made in section 7 for the temporary assistance for needy families block grant and in section 9 for the family investment program from the general fund of the state in this division of this Act for the same fiscal year.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2021, and ending June 30, 2022, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in FIP and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 10,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 7,192,834

(1) Of the funds allocated for the family development and self-sufficiency grant program in this paragraph "b", not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2021-2022.

(3) The department of human rights may engage in activities to strengthen and improve family outcomes measures and data collection systems under the family development and self-sufficiency grant program.

c. For the diversion subaccount of the FIP account:

..... \$ 1,293,000

A portion of the moneys allocated for the diversion subaccount may be used for field operations, salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program. To the extent moneys allocated in this paragraph "c" are deemed by the department not to be necessary to support diversion activities, such moneys may be used for other efforts intended to increase engagement by family investment program participants in work, education, or training activities, or for the purposes of assistance under the family investment program in accordance with chapter 239B.

d. For the food assistance employment and training program:

..... \$ 66,588

(1) The department shall apply the federal supplemental nutrition assistance program (SNAP) employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50 percent federal reimbursement provisions for the claiming of allowable federal reimbursement funds from the United States department of agriculture pursuant to the federal SNAP employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program, not more than:

..... \$ 12,018,258

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and

meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payments account.

Sec. 9. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B and other costs associated with providing needs-based benefits or assistance:

..... \$ 41,003,978

1. Of the funds appropriated in this section, \$6,606,198 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$4,313,854 is allocated for the family development and self-sufficiency grant program.

3. a. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2021, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys; to comply with federal requirements; or to maximize the use of federal funds; the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- (1) For the family investment program.
- (2) For state child care assistance.
- (3) For child and family services.
- (4) For field operations.
- (5) For general administration.

b. This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the general assembly.

4. Of the funds appropriated in this section, \$195,000 shall be used for a contract for tax preparation assistance to low-income Iowans 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. The department shall not retain any portion of the allocation under this subsection for administrative costs.

5. Of the funds appropriated in this section, \$70,000 shall be used for the continuation of the parenting program, as specified in 441 IAC ch. 100, relating to parental obligations, in which the child support recovery unit participates, to support the efforts of a nonprofit organization committed to strengthening the community through youth development, healthy living, and social responsibility headquartered in a county with a population over 350,000 according to the 2010 certified federal census. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships, to support a broad-based multi-county parenthood initiative that promotes payment of child support obligations, improved family relationships, and full-time employment.

6. The department may transfer funds appropriated in this section, excluding the allocation in subsection 2 for the family development and self-sufficiency grant program, to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section, section 7 for the temporary assistance for needy families block grant, and section 8 for the family investment program account.

Sec. 10. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services 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 child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 15,942,885
..... FTEs 459.00

1. The department shall expend up to \$24,000, including federal financial participation, for the fiscal year beginning July 1, 2021, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

Sec. 11. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2021-2022. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2021, and ending June 30, 2022, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 12. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2021-2022. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2021, and ending June 30, 2022, are appropriated to the department of human services to supplement the medical assistance appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 13. 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, 2021, and ending June 30, 2022, 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, 2021, 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:

..... \$ 1,503,848,253

1. Iowans support reducing the number of abortions performed in our state. Funds appropriated under this section shall not be used for abortions, unless otherwise authorized under this section.

2. The provisions of this section relating to abortions shall also apply to the Iowa health and wellness plan created pursuant to chapter 249N.

3. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection

6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

4. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2021, is transferred to the department of human services for an integrated substance-related disorder managed care system. The departments of human services and public health shall work together to maintain the level of mental health and substance-related disorder treatment services provided by the managed care contractors. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

5. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

6. Of the funds appropriated in this section, up to \$3,050,082 may be transferred to the field operations or general administration appropriations in this division of this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

7. Of the funds appropriated in this section, up to \$442,100 may be transferred to the appropriation in this division of this Act for health program operations to be used for clinical assessment services and prior authorization of services.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, health program operations, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300, and to support other reviews and quality control activities to improve the integrity of these programs.

9. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with an intellectual disability, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

10. a. Hospitals that meet the conditions specified in subparagraphs (1) and (2) shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment in an amount up to the hospital-specific limit as approved in the Medicaid state plan. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment in an amount up to the hospital-specific limit as approved in the Medicaid state plan.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

11. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to

medical assistance-covered children, shall be made from the appropriation made in this section.

12. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for health program operations to be used for administrative activities associated with the money follows the person demonstration project.

13. Of the funds appropriated in this section, \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

14. a. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to sustain cost management efforts. The department shall report any such increase to the general assembly and the department of management.

b. If the savings to the medical assistance program from ongoing cost management efforts exceed the associated cost for the fiscal year beginning July 1, 2021, the department may transfer any savings generated for the fiscal year due to medical assistance program cost management efforts to the appropriation made in this division of this Act for health program operations or general administration to defray the costs associated with implementing the efforts.

15. For the fiscal year beginning July 1, 2021, and ending June 30, 2022, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph "d", and section 437A.15, subsection 3, paragraph "f", shall instead be credited to and supplement the appropriation made in this section and used for the allocations made in this section.

16. a. Of the funds appropriated in this section, up to \$50,000 may be transferred by the department to the appropriation made in this division of this Act to the department for the same fiscal year for general administration to be used for associated administrative expenses and for not more than 1.00 full-time equivalent position, in addition to those authorized for the same fiscal year, to be assigned to implementing the children's mental health home project.

b. Of the funds appropriated in this section, up to \$400,000 may be transferred by the department to the appropriation made to the department in this division of this Act for the same fiscal year for Medicaid program-related general administration planning and implementation activities. The funds may be used for contracts or for personnel in addition to the amounts appropriated for and the positions authorized for general administration for the fiscal year.

c. Of the funds appropriated in this section, up to \$3,000,000 may be transferred by the department to the appropriations made in this division of this Act for the same fiscal year for general administration or health program operations to be used to support the development and implementation of standardized assessment tools for persons with mental illness, an intellectual disability, a developmental disability, or a brain injury.

17. Of the funds appropriated in this section, \$150,000 shall be used for lodging expenses associated with care provided at the university of Iowa hospitals and clinics for patients with cancer whose travel distance is 30 miles or more and whose income is at or below 200 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The department of human services shall establish the maximum number of overnight stays and the maximum rate reimbursed for overnight lodging, which may be based on the state employee rate established by the department of administrative services. The funds allocated in this subsection shall not be used as nonfederal share matching funds.

18. Of the funds appropriated in this section, up to \$3,383,880 shall be used for administration of the state family planning services program pursuant to section 217.41B, and of this amount, the department may use up to \$200,000 for administrative expenses.

19. Of the funds appropriated in this section, \$1,545,530 shall be used and may be transferred to other appropriations in this division of this Act as necessary to administer the provisions in the division of this Act relating to Medicaid program administration.

20. The department shall comply with the centers for Medicare and Medicaid services' guidance related to Medicaid program and children's health insurance program maintenance of effort provisions, including eligibility standards, methodologies, procedures, and

continuous enrollment, to receive the enhanced federal medical assistance percentage under section 6008(b) of the federal Families First Coronavirus Response Act, Pub. L. No. 116-127. The department shall utilize and implement all tools, processes, and resources available to expediently return to normal eligibility and enrollment operations in compliance with federal guidance and expectations.

21. Of the funds appropriated in this section, up to \$1,031,530 shall be used to implement reductions in the waiting list for the children’s mental health home and community-based services waiver.

22. Of the funds appropriated in this section, a sufficient amount is allocated to fund up to three full-time equivalent positions to support the administrative work associated with existing and potential supplemental payment programs.

Sec. 14. 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For health program operations:

..... \$ 17,831,343

1. The department of inspections and appeals shall provide all state matching funds 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 funds for such activities.

2. Of the funds 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 in this division of this Act 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 funds 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. a. Of the funds 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:

b. Of the funds 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 2010 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. 15. 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, 2021, and ending June 30, 2022, 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, 2021, 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 residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act 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. 16. 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, 2021, and ending June 30, 2022, 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:

..... \$ 37,957,643

2. Of the funds appropriated in this section, \$149,189 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 in this division of this Act for field operations or health program operations 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. 17. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For child care programs:

..... \$ 40,816,931

1. Of the funds appropriated in this section, \$34,966,931 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, \$5,850,000 shall be credited to the early childhood programs grants account in the early childhood Iowa fund created in section 256I.11. The moneys shall be distributed for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas in accordance with approved community plans as provided in section 256I.8.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered

obligated at the time expenditures are projected or are allocated to the department’s service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care services, the entire amount of the increase, except as necessary to meet federal requirements including quality set asides, shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care, or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 18. 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, 2021, and ending June 30, 2022, 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:

.....	\$	17,397,068
.....	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, 2021.

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, 2021.

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. 19. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For child and family services:

..... \$ 89,071,930

2. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

3. a. Of the funds appropriated in this section, up to \$31,500,000 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.

b. If at any time after September 30, 2021, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

4. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2021-2022. Of the funds appropriated in this section, \$1,717,000 is allocated specifically for expenditure for fiscal year 2021-2022 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

5. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

6. Of the funds appropriated in this section, a sufficient amount is allocated for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care.

7. Federal funds received by the state during the fiscal year beginning July 1, 2021, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

8. a. Of the funds appropriated in this section, up to \$3,290,000 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this paragraph "a", up to \$1,556,000 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$748,000 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department of human services' division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2021.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, \$17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

9. Of the funds appropriated in this section, \$12,253,000 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn a federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

10. Of the funds appropriated in this section, \$1,658,000 is transferred to the department of public health to be used for the child protection center grant program for child protection centers located in Iowa in accordance with section 135.118. The grant amounts under the program shall be equalized so that each center receives a uniform base amount of \$245,000, and so that the remaining funds are awarded through a funding formula based upon the volume of children served. To increase access to child protection center services for children in rural areas, the funding formula for the awarding of the remaining funds shall provide for the awarding of an enhanced amount to eligible grantees to develop and maintain satellite centers in underserved regions of the state.

11. Of the funds appropriated in this section, \$4,025,000 is allocated for the preparation for adult living program pursuant to section 234.46.

12. Of the funds appropriated in this section, \$227,000 shall be used for the public purpose of continuing a grant to a nonprofit human services organization, providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

13. Of the funds appropriated in this section, \$300,000 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

14. Of the funds appropriated in this section, \$202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

15. Of the funds appropriated in this section, \$630,000 is allocated for the community partnership for child protection sites.

16. Of the funds appropriated in this section, \$371,000 is allocated for the department’s minority youth and family projects under the redesign of the child welfare system.

17. Of the funds appropriated in this section, \$851,000 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

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.

19. Of the funds appropriated in this section, \$211,000 shall be used for continuation of the central Iowa system of care program grant for the purposes of funding community-based services and other supports with a system of care approach for children with serious emotional disturbance and their families through a nonprofit provider that is located in a county with a population of more than 420,000 but less than 450,000 according to the 2010 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2021.

20. Of the funds appropriated in this section, \$235,000 shall be used for the public purpose of the continuation and expansion of a system of care program grant implemented in Cerro Gordo and Linn counties to utilize a comprehensive and long-term approach for helping children and families by addressing the key areas in a child’s life of childhood basic needs, education and work, family, and community.

21. Of the funds appropriated in this section, \$110,000 shall be used for the public purpose of funding community-based services and other supports with a system of care approach for children with a serious emotional disturbance and their families through 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 of more than 200,000 but less than 220,000 according to the 2010 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2021.

22. If a separate funding source is identified that reduces the need for state funds within an allocation under this section, the allocated state funds may be redistributed to other allocations under this section for the same fiscal year.

23. Of the funds appropriated in this section, a portion 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.

Sec. 20. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

a. For adoption subsidy payments and related costs and for other services provided for under paragraph “b”, subparagraph (2):

..... \$ 40,596,007

b. (1) Of the funds appropriated in this section, a sufficient amount is allocated for adoption subsidy payments and related costs.

(2) Any funds appropriated in this section remaining after the allocation under subparagraph (1) are designated and allocated as state savings resulting from implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, and successor legislation, as determined in accordance with 42 U.S.C. §673(a)(8), and shall be used for post-adoption services and for other purposes allowed under these federal laws, Tit. IV-B or Tit. IV-E of the federal Social Security Act.

(a) The department of human services may transfer funds allocated in this subparagraph (2) to the appropriation for child and family services in this division of this Act for the purposes designated in this subparagraph (2).

(b) Notwithstanding section 8.33, moneys allocated under this subparagraph (2) shall not revert to any fund but shall remain available for the purposes designated in this subparagraph (2) until expended.

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2021, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2021, and ending June 30, 2022, are appropriated to the department of human services for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2020. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2020. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2021, shall be limited to the amount appropriated for the purposes of this section.

Sec. 22. FAMILY SUPPORT SUBSIDY 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, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... \$ 949,282

2. At least \$899,291 of the moneys appropriated in this section 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.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 23. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... \$ 33,632

Sec. 24. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For operation of the state mental health institute at Cherokee as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 15,457,597

..... FTEs 169.00

b. For operation of the state mental health institute at Independence as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	19,652,379
.....	FTEs	208.00

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.

3. Notwithstanding any provision of law to the contrary, a Medicaid member residing at the state mental health institute at Cherokee or the state mental health institute at Independence shall retain Medicaid eligibility during the period of the Medicaid member’s stay for which federal financial participation is available.

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. 25. 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, 2021, and ending June 30, 2022, 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:

.....	\$	14,802,873
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b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	12,237,937
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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 2021-2022.

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. 26. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	13,643,727
.....	FTEs	139.00

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

3. 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. 27. FIELD OPERATIONS.

1. There is appropriated from the general fund of the state to the department of human services 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 field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	60,596,667
.....	FTEs	1,539.00

2. Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 28. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	15,342,189
.....	FTEs	294.00

1. The department shall report at least monthly to the general assembly concerning the department's operational and program expenditures.

2. Of the funds appropriated in this section, \$150,000 shall be used for the provision of a program to provide technical assistance, support, and consultation to providers of home and community-based services under the medical assistance program.

3. Of the funds appropriated in this section, \$50,000 is transferred to the Iowa finance authority to be used for administrative support of the council on homelessness established in section 16.2D and for the council to fulfill its duties in addressing and reducing homelessness in the state.

4. Of the funds appropriated in this section, \$200,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, to be used for implementation and administration activities of the Iowa ABLE savings plan trust.

5. Of the funds appropriated in this section, \$200,000 is transferred to the economic development authority for the Iowa commission on volunteer services to continue to be used

for the RefugeeRISE AmeriCorps program established under section 15H.8 for member recruitment and training to improve the economic well-being and health of economically disadvantaged refugees in local communities across Iowa. Funds transferred may be used to supplement federal funds under federal regulations.

6. Of the funds appropriated in this section, up to \$300,000 shall be used as follows:

a. To fund not more than one full-time equivalent position to address the department’s responsibility to support the work of the children’s behavioral health system state board and implementation of the services required pursuant to section 331.397.

b. To support the cost of establishing and implementing new or additional services required pursuant to sections 331.397 and 331.397A.

c. Of the amount allocated, \$32,000 shall be transferred to the department of public health to support the costs of establishing and implementing new or additional services required pursuant to sections 331.397 and 331.397A.

7. Of the funds appropriated in this section, \$800,000 shall be used for the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K.

Sec. 29. DEPARTMENT-WIDE DUTIES. There is appropriated from the general fund of the state to the department of human services 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 salaries, support, maintenance, and miscellaneous purposes at facilities under the purview of the department of human services:
..... \$ 2,879,274

Sec. 30. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For development and coordination of volunteer services:
..... \$ 84,686

Sec. 31. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) (a) Notwithstanding any provision of law to the contrary, for the fiscal year beginning July 1, 2021, the department shall not rebase case-mix nursing facility rates, but shall instead reimburse case-mix nursing facilities by adjusting the nursing facility case-mix adjusted rates that were effective July 1, 2019, using the mid-points of each of the most recent cost reports submitted by the nursing facility for the period ending on or before December 31, 2018, and inflating these costs forward applying the inflation factor as determined using the latest available quarterly publication of the HCFA/SNF index, to the extent possible within the state funding, including the \$19,080,860 provided for this purpose.

(b) For the fiscal year beginning July 1, 2021, non-case-mix and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30 of the prior fiscal year.

(c) 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 division (a) 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 division shall be budget neutral to the state budget.

(d) For the fiscal year beginning July 1, 2021, Medicaid managed care long-term services and supports capitation rates shall be adjusted to reflect the case-mix adjusted rates specified pursuant to subparagraph division (a) for the patient populations residing in Medicaid-certified nursing facilities.

(2) 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. (1) For the fiscal year beginning July 1, 2021, contingent upon implementation of the contractual agreements with Medicaid managed care organizations as described pursuant to subparagraph (2), the department shall establish the fee-for-service pharmacy dispensing fee reimbursement at \$10.38 per prescription, until a cost of dispensing survey is completed. The actual dispensing fee shall be determined by a cost of dispensing survey performed by the department and required to be completed by all medical assistance program participating pharmacies every two years. A change in the dispensing fee shall become effective following federal approval of the Medicaid state plan.

(2) The department shall amend Medicaid managed care organization contracts to authorize establishment of a managed care pharmacy dispensing fee reimbursement in accordance with either of the following:

(a) The established fee-for-service pharmacy dispensing fee reimbursement per prescription as specified pursuant to subparagraph (1).

(b) A dispensing fee determined contractually by mutual agreement between the managed care organization and a participating pharmacy with more than thirty locations in the state and headquarters located outside the state, not to exceed the established fee-for-service pharmacy dispensing fee reimbursement per prescription as specified pursuant to subparagraph (1).

(3) The department shall utilize an average acquisition cost reimbursement methodology for all drugs covered under the medical assistance program in accordance with 2012 Iowa Acts, chapter 1133, section 33.

c. (1) For the fiscal year beginning July 1, 2021, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 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.

(2) For the fiscal year beginning July 1, 2021, reimbursement rates for inpatient hospital services shall be rebased effective October 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.

(3) For the fiscal year beginning July 1, 2021, 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.

(4) For the fiscal year beginning July 1, 2021, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2021, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(5) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. §1395x(v)(1)(N).

d. For the fiscal year beginning July 1, 2021, reimbursement rates for hospices and acute psychiatric hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2021, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2021.

f. (1) For the fiscal year beginning July 1, 2021, reimbursement rates for home health agencies shall continue to be based on the Medicare low utilization payment adjustment (LUPA) methodology with state geographic wage adjustments and shall be adjusted to increase the rates to the extent possible within the state funding, including the \$2,000,000 appropriated for this purpose. The department shall continue to update the rates every two years to reflect the most recent Medicare LUPA rates.

(2) For the fiscal year beginning July 1, 2021, rates for private duty nursing and personal care services under the early and periodic screening, diagnostic, and treatment program benefit shall be calculated based on the methodology in effect on June 30, 2021.

g. For the fiscal year beginning July 1, 2021, federally qualified health centers and rural health clinics shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2021, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2021.

i. (1) For the fiscal year beginning July 1, 2021, reimbursement rates for non-state-owned psychiatric medical institutions for children shall be increased to the extent possible within the \$3,900,000 appropriated for this purpose.

(2) As a condition of participation in the medical assistance program, enrolled providers shall accept the medical assistance reimbursement rate for any covered goods or services provided to recipients of medical assistance who are children under the custody of a psychiatric medical institution for children.

j. For the fiscal year beginning July 1, 2021, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2021, except for area education agencies, local education agencies, infant and toddler services providers, home and community-based services providers including consumer-directed attendant care providers under a section 1915(c) or 1915(i) waiver, targeted case management providers, and those providers whose rates are required to be determined pursuant to section 249A.20, or to meet federal mental health parity requirements.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2021, the reimbursement rate for anesthesiologists shall remain at the rates in effect on June 30, 2021, and updated on January 1, 2022, to align with the most current Iowa Medicare anesthesia rate.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2021, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under section 249A.20 shall remain at the rate in effect on June 30, 2021; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2021, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2021, the reimbursement rates for inpatient mental health services provided at hospitals shall be rebased effective October 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; and psychiatrists shall be reimbursed at the medical assistance program fee-for-service rate in effect on June 30, 2021.

o. For the fiscal year beginning July 1, 2021, community mental health centers may choose to be reimbursed for the services provided to recipients of medical assistance through either of the following options:

(1) For 100 percent of the reasonable costs of the services.

(2) In accordance with the alternative reimbursement rate methodology approved by the department of human services in effect on June 30, 2021.

p. For the fiscal year beginning July 1, 2021, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on June 30, 2021.

q. (1) For the fiscal year beginning July 1, 2021, reimbursement rates for providers of home and community-based services waiver and habilitation services shall be increased to the extent possible within the \$11,002,240 appropriated for this purpose.

(2) For the fiscal year beginning July 1, 2021, reimbursement rates for providers of state plan home and community-based services home-based habilitation services shall be increased with the \$7,134,214 appropriated for this purpose. The reimbursement rates for home-based habilitation services shall be based on a fee schedule that incorporates the acuity-based tiers.

r. For the fiscal year beginning July 1, 2021, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2021, or as approved by the centers for Medicare and Medicaid services of the United States department of health and human services.

s. For the fiscal year beginning July 1, 2021, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2021.

t. For the fiscal year beginning July 1, 2021, assertive community treatment per diem rates shall remain at the rates in effect on June 30, 2021.

u. For the fiscal year beginning July 1, 2021, the reimbursement rate for family-centered services providers shall be established by contract.

v. For the fiscal year beginning July 1, 2021, the reimbursement rate for air ambulance services shall be increased to the extent possible within the additional \$100,000 appropriated for this purpose.

2. For the fiscal year beginning July 1, 2021, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2021, 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 to 23 who have exited foster care, the preparation for adult living program maintenance rate shall be up to \$602.70 per month as calculated based on the age of the participant. 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.

5. For the fiscal year beginning July 1, 2021, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2021, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2021, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. a. For the fiscal year beginning July 1, 2021, the reimbursement rates for resource family recruitment and retention contractors shall be established by contract.

b. For the fiscal year beginning July 1, 2021, the reimbursement rates for supervised apartment living foster care providers shall be established by contract.

7. For the fiscal year beginning July 1, 2021, the reimbursement rate for group foster care providers shall be the combined service and maintenance reimbursement rate established by contract.

8. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

9. a. For the fiscal year beginning July 1, 2021, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established by contract.

b. For the fiscal year beginning July 1, 2021, the combined service and maintenance components of the reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$101.83 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2021, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the fiscal year beginning July 1, 2020.

10. For the fiscal year beginning July 1, 2021, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2021, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2021.

11. Effective July 1, 2021, the department of human services shall set the reimbursement rate of child care providers whose reimbursement rates are below the fiftieth percentile of the most recent market rate survey at the fiftieth percentile of the most recent market rate survey. Reimbursement rates of child care providers whose reimbursement rates are at or above the fiftieth percentile of the most recent market rate survey shall remain at the rates in effect on June 30, 2021. The department shall also adjust quality rating system bonuses to reflect increased child care provider reimbursement rates as appropriate. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying any increase only to registered and licensed providers.

12. The department may adopt emergency rules to implement this section.

Sec. 32. 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, subsections 9 and 10, shall be applicable to a delay imposed under this section, notwithstanding a provision in those subsections 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 general assembly 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.

Sec. 33. REPORTS. Unless otherwise provided, any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2021, shall be submitted on or before the dates specified for submission of the reports or information.

Sec. 34. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, takes effect upon enactment:

1. The provision relating to section 232.141 and directing the state court administrator and the division administrator of the department of human services division of child and family services to make the determination, by June 15, 2021, of the distribution of funds allocated for the payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state.

DIVISION VI
HEALTH CARE ACCOUNTS AND FUNDS — FY 2021-2022

Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services 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 purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for health program operations under the medical assistance program for the fiscal year beginning July 1, 2021, and ending June 30, 2022:
..... \$ 234,193

Sec. 36. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:
..... \$ 56,305,139

Sec. 37. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:
..... \$ 33,920,554

Sec. 38. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2021-2022. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2021, and ending June 30, 2022, from the general fund of the state, the quality assurance trust fund, and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION VII
NURSING FACILITY REIMBURSEMENT METHODOLOGY — FISCAL PERIOD JULY 1, 2023, THROUGH JUNE 30, 2025

Sec. 39. NURSING FACILITY REIMBURSEMENT METHODOLOGY — FISCAL PERIOD JULY 1, 2023, THROUGH JUNE 30, 2025. Notwithstanding any provision of law to the contrary, for the fiscal period beginning July 1, 2023, and ending June 30, 2025, the department of human services shall rebase case-mix nursing facility rates beginning July 1, 2023, using the Medicaid cost reports on file for the period ending December 31, 2022, and applying a minimum occupancy factor of 70 percent.

DIVISION VIII
NURSING FACILITY REIMBURSEMENT STUDY

Sec. 40. NURSING FACILITY CASE-MIX REIMBURSEMENT — STUDY AND RECOMMENDATIONS. The department of human services shall convene a workgroup including representatives of nursing facilities, managed care organizations, and other appropriate stakeholders to review the case-mix reimbursement methodology and process for nursing facilities, including but not limited to rebasing, the use of cost reports, and the application of quarterly case-mix index adjustments, and shall submit recommendations to the governor and the general assembly by December 1, 2021, for improvements including those related to the methodology, the process, the use of prospective payments, and the applicable time frames to increase efficiencies and accuracy in the determination of reimbursements, reduce duplication of effort, more adequately reflect the actual costs of care, address changes in patient acuity levels without reliance on retroactive rate adjustments, and incentivize quality outcomes.

DIVISION IX
MEDICAID-ELIGIBLE CHILDREN — PEDIATRIC HEALTH CARE SERVICES

Sec. 41. MEDICAID-ELIGIBLE CHILDREN — PROVISION OF PEDIATRIC HEALTH CARE SERVICES — REVIEW AND REPORT. The department of human services shall review federal Medicare and state law and administrative rule restrictions related to the provision of physical therapy, occupational therapy, speech-language pathology, applied behavior analysis, and other pediatric health care services to Medicaid-eligible children to determine necessary changes in law and policy to ensure that these services are provided consistent with the early and periodic screening, diagnostic, and treatment program. The department shall submit a report including the findings of the review and recommendations to the governor and the general assembly by October 1, 2021.

DIVISION X
DECATEGORIZATION CARRYOVER FUNDING

Sec. 42. DECATEGORIZATION CARRYOVER FUNDING FY 2019 — 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, 2018, 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, 2020, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2021.

Sec. 43. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 44. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2020.

DIVISION XI
PRIOR APPROPRIATIONS AND OTHER PROVISIONS
COURT-ORDERED SERVICES REIMBURSEMENT BY MANAGED CARE
ORGANIZATIONS

Sec. 45. 2018 Iowa Acts, chapter 1165, section 128, subsection 2, paragraph a, is amended to read as follows:

a. If a Medicaid member is receiving court-ordered services ~~or treatment~~ for a substance-related disorder pursuant to ~~chapter 125~~ or for a mental illness pursuant to ~~chapter 229~~, such services ~~or treatment~~ shall be provided and reimbursed for an initial period of three days before a managed care organization may apply medical necessity criteria to determine the most appropriate services, ~~treatment~~, or placement for the Medicaid member.

FAMILY INVESTMENT PROGRAM ACCOUNT

Sec. 46. 2019 Iowa Acts, chapter 85, section 9, as amended by 2020 Iowa Acts, chapter 1121, section 20, is amended by adding the following new subsection:

NEW SUBSECTION. 8. 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 other appropriations made in this division of this Act as necessary to carry out the initiatives included in the report submitted on nonreversion of funds required pursuant to 2020 Iowa Acts, chapter 1121, section 43, until the close of the succeeding fiscal year.

CHILD AND FAMILY SERVICES

Sec. 47. 2019 Iowa Acts, chapter 85, section 19, as amended by 2020 Iowa Acts, chapter 1121, section 23, is amended by adding the following new subsection:

NEW SUBSECTION. 25. 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 purpose of the redesign of the child welfare system, until the close of the succeeding fiscal year.

FIELD OPERATIONS

Sec. 48. 2019 Iowa Acts, chapter 85, section 27, as amended by 2020 Iowa Acts, chapter 1121, section 25, is amended by adding the following new subsection:

NEW SUBSECTION. 5. 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. 49. 2019 Iowa Acts, chapter 85, section 28, as amended by 2020 Iowa Acts, chapter 1121, section 26, is amended by adding the following new subsection:

NEW SUBSECTION. 8. 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. 50. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII

EXTENSION OF FUTURE REPEAL — HOSPITAL HEALTH CARE ACCESS ASSESSMENT PROGRAM

Sec. 51. Section 249M.5, Code 2021, is amended to read as follows:

249M.5 Future repeal.

This chapter is repealed July 1, ~~2021~~ 2023.

Sec. 52. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIII

PUBLIC HEALTH EMERGENCY PROVISIONS COVID-19 REGULATIONS

Sec. 53. **COVID-19 FEDERAL REGULATIONS.** For the time period beginning on the effective date of this division of this Act, and ending June 30, 2022, 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 and for such period of time following the end of the federally declared state of emergency applicable to the respective federal regulations.

DIVISION XIV
FOSTER HOME INSURANCE FUND

Sec. 54. Section 237.13, subsection 2, Code 2021, is amended to read as follows:

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 provide home and property coverage for foster parents to cover damages to property resulting from the actions of a foster child residing in a foster home or 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. The department may establish limitations of liability for individual claims as deemed reasonable by the department.

DIVISION XV
MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS

Sec. 55. MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS. Notwithstanding section 331.432, a county with a population of over 300,000 based on the 2010 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, 2021, and ending June 30, 2022. The county shall submit a report to the governor and the general assembly by September 1, 2022, 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.

DIVISION XVI
IN-PERSON SUPERVISION REQUIREMENTS FOR LICENSURE — CERTAIN
PROFESSIONALS

Sec. 56. Section 154C.3, subsection 1, paragraph c, subparagraph (5), subparagraph division (a), Code 2021, is amended by adding the following new subparagraph subdivision:
NEW SUBPARAGRAPH SUBDIVISION. (0ii) By a person licensed under section 154D.2 to practice marital and family therapy without supervision or mental health counseling without supervision.

Sec. 57. Section 154C.3, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 4. *Supervision.* The board shall not, by rule or other means, require that supervision be completed in person as a condition for an applicant to receive a license, a reciprocal license, or a renewed license under this chapter.

Sec. 58. Section 154D.2, Code 2021, is amended to read as follows:

154D.2 Licensure — marital and family therapy — mental health counseling.

1. An applicant for a license to practice marital and family therapy or mental health counseling shall be granted a license by the board when the applicant satisfies all of the following requirements:

~~1.~~ a. Possesses a master's degree in marital and family therapy or mental health counseling, as applicable, consisting of at least sixty semester hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.

~~2.~~ b. Has at least two years of supervised clinical experience or its equivalent as approved by the board. Standards for supervision, including the required qualifications for supervisors,

shall be determined in accordance with subsection 2 and by the board by rule, provided that a supervisor may be a person licensed under this section to practice marital and family therapy or mental health counseling without supervision or a licensed independent social worker licensed under chapter 154C.

~~3. c.~~ Passes an examination approved by the board.

2. The board shall not, by rule or other means, require any in-person supervised clinical experience.

Sec. 59. Section 154D.4, subsection 2, paragraph b, Code 2021, is amended to read as follows:

b. A person who practices marital and family therapy or mental health counseling under the supervision of a person licensed under this chapter as part of a clinical experience as described in section 154D.2, subsection 2 1, paragraph “b”.

Sec. 60. BOARD OF SOCIAL WORK AND BOARD OF BEHAVIORAL SCIENCE — RULES. The board of social work and the board of behavioral science shall amend their administrative rules pursuant to chapter 17A to remove any requirement for supervised clinical experience and supervised professional practice to be completed in person as a condition for the licensure of marital and family therapists, mental health counselors, and social workers pursuant to chapters 154C and 154D. The board of social work and the board of behavioral science shall replace all licensing requirements for in-person supervision with the ability to have supervision requirements completed electronically.

Sec. 61. EMERGENCY RULES.

1. The board of social work and the board of behavioral science shall adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, to implement the sections of this division of this Act amending section 154C.3 and section 154D.2, 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.

2. The board of social work and the board of behavioral science shall jointly develop rules adopted pursuant to this subsection through a collaborative process. The respective boards may establish subcommittees or designate other personnel to facilitate such a process. Such rules shall consist of substantively identical standards applicable to the professions regulated by the respective boards and shall, to the greatest extent possible, consist of substantially similar language in a substantially similar format. Prior to a vote to adopt such rules by either board, each board shall, by a separate vote, approve the language to be adopted by the other board. Neither board shall vote to adopt such rules until the rules to be adopted by both boards have been so approved. Such rules shall have the same effective date and shall be submitted to the administrative rules coordinator and the administrative code editor for publication in the same issue of the Iowa administrative bulletin pursuant to sections 17A.4 and 17A.5.

Sec. 62. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVII MEDICAL RESIDENCY LIABILITY COSTS

Sec. 63. Section 135.176, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For the period beginning July 1, 2021, and ending June 30, 2026, the payment by the sponsor of medical residency program liability costs subject to provision by the sponsor of dollar-for-dollar matching funds used for payment of such costs. This paragraph shall not apply to medical residency programs to which chapter 669 applies.

Sec. 64. Section 135.176, subsection 2, paragraphs e and f, Code 2021, are amended to read as follows:

e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor that establishes a new or alternative campus accredited medical residency training program as defined in subsection 1, paragraph "a", shall not receive more than fifty percent of the state matching funds available each year to support the program. An individual sponsor proposing the provision of a new residency position within an existing accredited medical residency or fellowship training program as specified in subsection 1, paragraph "b", ~~or the funding of residency positions which are in excess of the federal residency cap as defined in subsection 1, paragraph "c", or the funding of the payment by the sponsor of medical residency program liability costs subject to provision by the sponsor of dollar-for-dollar matching funds used for payment of such costs as specified in subsection 1, paragraph "d"~~, shall not receive more than twenty-five percent of the state matching funds available each year to support the program.

f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section, including but not limited to the costs associated with residency stipends and physician faculty stipends. For the period beginning July 1, 2021, and ending June 30, 2026, use of the funds awarded may include payment by the sponsor of medical residency program liability costs in accordance with subsection 1, paragraph "d", and subject to provision by the sponsor of dollar-for-dollar matching funds used for payment of such costs.

DIVISION XVIII
REPORT ON NONREVERSION OF FUNDS

Sec. 65. 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, 2020, and ending June 30, 2021, for field operations or general administration to the general assembly on a quarterly basis beginning October 1, 2021.

DIVISION XIX
PHYSICIAN ORDERS FOR SCOPE OF TREATMENT

Sec. 66. Section 144D.2, subsection 1, paragraph e, subparagraph (4), Code 2021, is amended by striking the subparagraph.

Approved June 16, 2021

CHAPTER 183

GOVERNMENT RECORDS AND FILINGS; QUALIFIED IMMUNITY; PEACE OFFICER RIGHTS, DISCIPLINE, HEALTH PLANS, AND WORKERS' COMPENSATION; DISCRIMINATION IN LAW ENFORCEMENT; CRIMES AND CRIMINAL ACTIVITY; SHERIFF SALARIES; AND CIVIL SERVICE EXAMINATIONS

S.F. 342

AN ACT relating to public records and communications in professional confidence; uniform commercial code filings; qualified immunity; peace officer health plans and workers' compensation; certain law enforcement matters; criminal laws involving public disorder, assaults, and harassment; civil liability for certain vehicle operators; window tinting; acts on certain highways; and civil service commission examinations; providing penalties, and including effective date and retroactive applicability provisions.

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

DIVISION I

PUBLIC RECORDS — COMMUNICATIONS IN PROFESSIONAL CONFIDENCE

Section 1. Section 9E.1, Code 2021, is amended to read as follows:

9E.1 Purpose.

The general assembly finds that individuals attempting to escape from actual or threatened domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for the purposes specified in this chapter. In addition, the purpose of this chapter is to prevent such victims from being physically located through a public records search.

Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021, is amended to read as follows:

a. "Eligible person" means a person who is all a resident of this state, an adult, a minor, or an incapacitated person as defined in section 633.701, and is one of the following:

(1) A resident of this state.

~~(2) An adult, a minor, or an incapacitated person as defined in section 633.701.~~

~~(3) A victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking as evidenced by the filing of a petition pursuant to section 236.3 or a criminal complaint or information pursuant to section 708.1, 708.2A, 708.11, or 710A.2, or any violation contained in chapter 709.~~

(2) A currently active or retired state or local judicial officer, as defined in section 4.1, a federal judge, or a spouse or child of such a person.

(3) A currently active or retired state or local prosecuting attorney, as defined in section 801.4, or a spouse or child of such a person.

(4) A currently active or retired peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or a spouse or child of such a person.

Sec. 3. Section 9E.3, subsection 1, paragraph b, subparagraph (1), subparagraph division (a), Code 2021, is amended to read as follows:

(a) The eligible person listed on the application is a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.

Sec. 4. Section 9E.3, subsection 1, paragraph e, Code 2021, is amended to read as follows:
e. The residential address of the eligible person, disclosure of which could lead to an increased risk of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.

Sec. 5. Section 9E.7, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. Upon request by a program participant, the assessor or the assessor's staff shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site. The assessor shall implement and maintain a process to facilitate these requests. A fee shall not be charged for the administration of this paragraph.¹

Sec. 6. Section 22.10, subsection 3, paragraph b, subparagraph (2), Code 2021, is amended to read as follows:

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of this chapter. It shall constitute such good reason and good faith belief and a court shall not assess any damages, costs, or fees under this subsection if the person incorrectly balanced the right of the public to receive public records against the rights and obligations of the government body to maintain confidential records as provided in section 22.7 under any judicially created balancing test, unless the person is unable to articulate any reasonable basis for such balancing.

Sec. 7. Section 331.604, subsection 3, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. (1) Upon request by a peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or state or federal judicial officer or state or federal prosecutor, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site.

(2) Upon request by a former peace officer, as defined in section 801.4, or a former civilian employee of a law enforcement agency, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, may redact, upon the presentation of evidence that a compelling safety interest is served by doing so, the requestor's name contained in electronic documents that are displayed for public access through an internet site.

(3) This paragraph does not apply to a requestor holding or seeking public office.

(4) The county assessor and the county recorder shall implement and maintain a process to facilitate requests pursuant to this paragraph.

(5) A fee shall not be charged for the administration of this paragraph.

Sec. 8. Section 622.10, subsection 9, paragraphs a and b, Code 2021, are amended to read as follows:

a. A peer support group counselor or individual present for a group crisis intervention who obtains information from an officer or a civilian employee of a law enforcement agency or fire department by reason of the counselor's capacity as a peer support group counselor or an individual's presence for a group crisis intervention shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the counselor or individual present for a group crisis intervention by the officer or civilian employee while receiving counseling or group crisis intervention.

b. The prohibition in this subsection does not apply where the officer or civilian employee has consented to the disclosure of the information specified in paragraph "a" or where the peer support group counselor or individual present for a group crisis intervention was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services or the group crisis intervention to the officer or civilian employee.

¹ According to Act; a reference to "this subsection" probably intended

DIVISION II
UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

Sec. 9. Section 554.9510, subsection 1, Code 2021, is amended to read as follows:

1. *Filed record effective if authorized.* A filed record is effective only to the extent that it was filed by a person that may file it under section 554.9509 or by the filing office under section 554.9513A.

Sec. 10. **NEW SECTION. 554.9513A Termination of wrongfully filed financing statement — reinstatement.**

1. *Trusted filer.* “Trusted filer” means a person that does any of the following:

a. Regularly causes records to be communicated to the filing office for filing and has provided the filing office with current contact information and information sufficient to establish the person’s identity.

b. Satisfies either of the following conditions:

(1) The filing office has issued the person credentials for access to online filing services.

(2) The person has established a prepaid or direct debit account for payment of filing fees, regardless of whether the account is used in a particular transaction.

2. *Affidavit of wrongful filing.* A person identified as debtor in a filed financing statement may deliver to the filing office a notarized, sworn affidavit that identifies the financing statement by file number, indicates the affiant’s mailing address, and states that the affiant believes that the filed record identifying the affiant as debtor was not authorized to be filed and was caused to be communicated to the filing office with the intent to harass or defraud the affiant. The filing office may reject an affidavit that is incomplete or that it believes was delivered to it with the intent to harass or defraud the secured party. The office of the secretary of state shall adopt a form of affidavit for use under this section.

3. *Termination statement by filing office.* Subject to subsection 11, if an affidavit is delivered to the filing office under subsection 2, the filing office shall promptly file a termination statement with respect to the financing statement identified in the affidavit. The termination statement must identify by its file number the initial financing statement to which it relates and must indicate that it was filed pursuant to this section. A termination statement filed under this subsection is not effective until ninety days after it is filed.

4. *No fee charged or refunded.* The filing office shall not charge a fee for the filing of an affidavit under subsection 2 or a termination statement under subsection 3. The filing office shall not return any fee paid for filing the financing statement identified in the affidavit, whether or not the financing statement is reinstated under subsection 7.

5. *Notice of termination statement.* On the same day that a filing office files a termination statement under subsection 3, the filing office shall send to the secured party of record for the financing statement to which the termination statement relates a notice stating that the termination statement has been filed and will become effective ninety days after filing. The notice shall be sent by certified mail, return receipt requested, to the address provided for the secured party of record in the financing statement with a copy sent by electronic mail to the electronic mail address provided by the secured party of record, if any.

6. *Administrative review — action for reinstatement.* A secured party that believes in good faith that the filed record identified in an affidavit delivered to the filing office under subsection 2 was authorized to be filed and was not caused to be communicated to the filing office with the intent to harass or defraud the affiant may:

a. Before the termination statement takes effect, request that the filing office conduct an expedited review of the filed record and any documentation provided by the secured party. The filing office may as a result of this review remove from the record the termination statement filed by it under subsection 3 before the termination statement takes effect and conduct an administrative review under subsection 11.

b. File an action against the filing office seeking reinstatement of the financing statement to which the filed record relates at any time before the expiration of six months after the date on which the termination statement filed under subsection 3 becomes effective. If the affiant is not named as a defendant in the action, the secured party shall send a copy of the petition to the affiant at the address indicated in the affidavit. The exclusive venue for the action shall

be in the district court for the county where the filing office in which the financing statement was filed is located. The action shall be considered by the court on an expedited basis.

7. *Filing office to file notice of action for reinstatement.* Within ten days after being served with process in an action under subsection 6, the filing office shall file a notice indicating that the action has been commenced. The notice must indicate the file number of the initial financing statement to which the notice relates.

8. *Action for reinstatement successful.* If, in an action under subsection 6, the court determines that the financing statement was authorized to be filed and was not caused to be communicated to the filing office with the intent to harass or defraud the affiant, the court shall order that the financing statement be reinstated. If an order of reinstatement is issued by the court, the filing office shall promptly file a record that identifies by its file number the initial financing statement to which the record relates and indicates that the financing statement has been reinstated.

9. *Effect of reinstatement.* Upon the filing of a record reinstating a financing statement under subsection 8, the effectiveness of the financing statement is reinstated and the financing statement shall be considered never to have been terminated under this section except as against a purchaser of the collateral that gives value in reasonable reliance upon the termination. A continuation statement filed as provided in section 554.9515, subsection 4, after the effective date of a termination statement filed under subsection 3 or 11 becomes effective if the financing statement is reinstated.

10. *Liability for wrongful filing.* If, in an action under subsection 6, the court determines that the filed record identified in an affidavit delivered to the filing office under subsection 2 was caused to be communicated to the filing office with the intent to harass or defraud the affiant, the filing office and the affiant may recover from the secured party that filed the action the costs and expenses, including reasonable attorney fees and the reasonable allocated costs of internal counsel, that the filing office and the affiant incurred in the action. This recovery is in addition to any recovery to which the affiant is entitled under section 554.9625.

11. *Procedure for record filed by trusted filer.* If an affidavit delivered to a filing office under subsection 2 relates to a filed record communicated to the filing office by a trusted filer, the filing office shall promptly send to the secured party of record a notice stating that the affidavit has been delivered to the filing office and that the filing office is conducting an administrative review to determine whether the record was caused to be communicated with the intent to harass or defraud the affiant. The notice shall be sent by certified mail, return receipt requested, to the address provided for the secured party in the financing statement with a copy sent by electronic mail to the electronic mail address provided by the secured party of record, if any, and a copy shall be sent in the same manner to the affiant. The administrative review shall be conducted on an expedited basis and the filing office may require the affiant and the secured party of record to provide any additional information that the filing office deems appropriate. If the filing office concludes that the record was caused to be communicated with the intent to harass or defraud the affiant, the filing office shall promptly file a termination statement under subsection 2 that will be effective immediately and send to the secured party of record the notice required by subsection 5. The secured party may thereafter file an action for reinstatement under subsection 6 and the provisions of subsections 7 through 10 are applicable.

Sec. 11. NEW SECTION. 714.29 Records filed with intent to harass or defraud.

1. A person shall not cause to be communicated to the filing office as defined in section 554.9102 for filing a record if all of the following are true:

- a. The person is not authorized to file the record under section 554.9509.
- b. The record is not related to an existing or anticipated transaction that is or will be governed by chapter 554, article 9.
- c. The record is filed with the intent to harass or defraud the person identified as debtor in the record.

2. A person that violates subsection 1 is guilty of a simple misdemeanor for a first offense and a serious misdemeanor for a second or subsequent offense.

DIVISION III
QUALIFIED IMMUNITY

Sec. 12. NEW SECTION. 669.14A Qualified immunity.

1. Notwithstanding any other provision of law, an employee of the state subject to a claim brought under this chapter shall not be liable for monetary damages if any of the following apply:

a. The right, privilege, or immunity secured by law was not clearly established at the time of the alleged deprivation, or at the time of the alleged deprivation the state of the law was not sufficiently clear that every reasonable employee would have understood that the conduct alleged constituted a violation of law.

b. A court of competent jurisdiction has issued a final decision on the merits holding, without reversal, vacatur, or preemption, that the specific conduct alleged to be unlawful was consistent with the law.

2. The state or a state agency shall not be liable for any claim brought under this chapter where the employee was determined to be protected by qualified immunity under subsection 1.

3. A plaintiff who brings a claim under this chapter alleging a violation of the law must state with particularity the circumstances constituting the violation and that the law was clearly established at the time of the alleged violation. Failure to plead a plausible violation or failure to plead that the law was clearly established at the time of the alleged violation shall result in dismissal with prejudice.

4. Any decision by the district court denying qualified immunity shall be immediately appealable.

5. This section shall apply in addition to any other statutory or common law immunity.

Sec. 13. NEW SECTION. 669.26 Money damages — nonwaiver of rights.

This chapter shall not be construed to be a waiver of sovereign immunity for a claim for money damages under the Constitution of the State of Iowa.

Sec. 14. NEW SECTION. 670.4A Qualified immunity.

1. Notwithstanding any other provision of law, an employee or officer subject to a claim brought under this chapter shall not be liable for monetary damages if any of the following apply:

a. The right, privilege, or immunity secured by law was not clearly established at the time of the alleged deprivation, or at the time of the alleged deprivation the state of the law was not sufficiently clear that every reasonable employee would have understood that the conduct alleged constituted a violation of law.

b. A court of competent jurisdiction has issued a final decision on the merits holding, without reversal, vacatur, or preemption, that the specific conduct alleged to be unlawful was consistent with the law.

2. A municipality shall not be liable for any claim brought under this chapter where the employee or officer was determined to be protected by qualified immunity under subsection 1.

3. A plaintiff who brings a claim under this chapter alleging a violation of the law must state with particularity the circumstances constituting the violation and that the law was clearly established at the time of the alleged violation. Failure to plead a plausible violation or failure to plead that the law was clearly established at the time of the alleged violation shall result in dismissal with prejudice.

4. Any decision by the district court denying qualified immunity shall be immediately appealable.

5. This section shall apply in addition to any other statutory or common law immunity.

Sec. 15. NEW SECTION. 670.14 Money damages — nonwaiver of rights.

This chapter shall not be construed to be a waiver of sovereign immunity for a claim for money damages under the Constitution of the State of Iowa.

Sec. 16. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV

PEACE OFFICER, PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF RIGHTS

Sec. 17. Section 80F.1, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. “*Complaint*” means a formal written allegation signed by the complainant or a signed written statement by an officer receiving an oral complaint stating the complainant’s allegation.

Sec. 18. Section 80F.1, subsections 3, 5, 8, 9, 13, and 18, Code 2021, are amended to read as follows:

3. A formal administrative investigation of an officer shall be commenced and completed in a reasonable period of time ~~and an~~. An officer shall be immediately notified in writing of the results of the investigation when the investigation is completed.

5. An officer who is the subject of a complaint, shall at a minimum, be provided a written summary of the complaint prior to an interview. If a collective bargaining agreement applies, the complaint or written summary shall be provided pursuant to the procedures established under the collective bargaining agreement. If the complaint alleges domestic abuse, sexual abuse, workplace harassment, or sexual harassment, an officer shall not receive more than a written summary of the complaint.

8. a. The officer shall have the right to have the assistance of legal counsel ~~present~~, at the officer’s expense, during the interview of the officer and during hearings or other disciplinary or administrative proceedings relating to the complaint. In addition, the officer shall have the right, at the officer’s expense, to have a union representative present during the interview or, if not a member of a union, the officer shall have the right to have a designee present.

b. ~~The officer’s legal counsel, union representative, or employee representative shall not be compelled to disclose in any judicial proceeding, nor be subject to any investigation or punitive action for refusing to disclose, any information received from an officer under investigation or from an agent of the officer, so long as the officer or agent of the officer is an uninvolved party and not considered a witness to any incident. The officer’s legal counsel may coordinate and communicate in confidence with the officer’s designated union representative or employee representative, and such communications are not subject to discovery in any proceeding.~~

9. If a formal administrative investigation results in the removal, discharge, or suspension, or other disciplinary action against an officer, copies of any witness statements and the complete investigative agency’s report shall be timely provided to the officer upon the request of the officer or the officer’s legal counsel upon request at the completion of the investigation.

13. ~~An officer shall have the right to pursue civil remedies under the law bring a cause of action against a citizen any person, group of persons, organization, or corporation for damages arising from the filing of a false complaint against the officer or any other violation of this chapter including but not limited to actual damages, court costs, and reasonable attorney fees.~~

18. A municipality, county, or state agency employing an officer shall not publicly release the officer’s official photograph without the written permission of the officer or without a request to release pursuant to chapter 22. An officer’s personal information including but not limited to the officer’s home address, personal telephone number, personal electronic mail address, date of birth, social security number, and driver’s license number shall be confidential and shall be redacted from any record prior to the record’s release to the public by the employing agency. Nothing in this subsection prohibits the release of an officer’s photograph or unredacted personal information to the officer’s legal counsel, union representative, or designated employee representative upon the officer’s request.

Sec. 19. Section 80F.1, Code 2021, is amended by adding the following new subsections:
NEW SUBSECTION. 20. The employing agency shall keep an officer’s statement, recordings, or transcripts of any interviews or disciplinary proceedings, and any complaints

made against an officer confidential unless otherwise provided by law or with the officer's written consent. Nothing in this section prohibits the release of an officer's statement, recordings, or transcripts of any interviews or disciplinary proceedings, and any complaints made against an officer to the officer or the officer's legal counsel upon the officer's request.

NEW SUBSECTION. 21. An agency employing full-time or part-time officers shall provide training to any officer or supervisor who performs or supervises an investigation under this section, and shall maintain documentation of any training related to this section. The Iowa law enforcement academy shall adopt minimum training standards not inconsistent with this subsection, including training standards concerning interviewing an officer subject to a complaint.

NEW SUBSECTION. 22. Upon written request, the employing agency shall provide to the requesting officer or the officer's legal counsel a copy of the officer's personnel file and training records regardless of whether the officer is subject to a formal administrative investigation at the time of the request.

DIVISION V OFFICER DISCIPLINARY ACTIONS

Sec. 20. Section 80F.1, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 23. a. An officer shall not be discharged, disciplined, or threatened with discharge or discipline by a state, county, or municipal law enforcement agency solely due to a prosecuting attorney making a determination or disclosure that exculpatory evidence exists concerning the officer.

b. This subsection does not prohibit a law enforcement agency from dismissing, suspending, demoting, or taking other disciplinary actions against an officer based on the underlying actions that resulted in the exculpatory evidence being withheld. If a collective bargaining agreement applies, the actions taken by the law enforcement agency shall conform to the rules and procedures adopted by the collective bargaining agreement.

c. This subsection is repealed July 1, 2022.

Sec. 21. BRADY-GIGLIO LIST INTERIM COMMITTEE.

1. The legislative council is requested to establish a Brady-Giglio list interim committee for the 2021 interim. The purpose of the committee shall be to do all of the following:

a. Study the disclosure of information contained in officer personnel files as such information relates to a Brady-Giglio list.

b. Study the efficiency of implementing a statewide system for a Brady-Giglio list, identifying impartial entities to conduct investigations pertaining to an officer's acts or omissions to act, and recommending the appropriate procedures, due process protections, appeal rights, and criteria for the placement and removal of an officer's name on and from a Brady-Giglio list.

c. Study any other issues that the committee determines relevant to its objective. The committee may solicit the advice or testimony of any organization or individual with information or expertise relevant to the purpose of the committee.

2. The committee shall consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the speaker of the house of representatives, and two members of the house of representatives appointed by the minority leader of the house of representatives. Additional committee members shall include the commissioner of the department of public safety or the commissioner's designee, a district court judge appointed by the supreme court, two representatives from the Iowa sheriffs and deputies association, and one representative from each of the following: the Iowa county attorneys association, the Iowa police chiefs association, the Iowa state police association, the Iowa peace officers association, the Iowa fraternal order of police, the Iowa professional fire fighters, the Iowa state troopers association, and the Iowa state patrol supervisors association. The Iowa sheriffs and deputies association members shall include an officer in a supervisory position and an officer who does not hold rank.

3. The committee shall elect a chairperson from the members appointed.

4. The committee shall issue a report, including findings and recommendations, to the governor and the general assembly no later than December 16, 2021.

5. For the purposes of this section, “Brady-Giglio list” means a list of officers maintained by the county attorney’s office, including officers who may not have disclosed all impeachment information and officers who may have violated the pretrial discovery rule requiring officers to turn over all evidence that might be used to exonerate a defendant.

DIVISION VI
PEACE OFFICERS — HEALTH PLAN

Sec. 22. NEW SECTION. 80.6A Peace officers — health insurance.

1. *a.* Notwithstanding any provision to the contrary, peace officers employed within the department that are not covered under a collective bargaining agreement who were at any time eligible to be enrolled in the group health insurance plan that is negotiated under chapter 20 between the state and the state police officers council labor union and who elect to participate in a group health insurance plan provided by the state, shall only be permitted to participate in the group health insurance plan that is negotiated under chapter 20 between the state and the state police officers council labor union for peace officers subject to the requirements of this subsection. In addition, a peace officer who was covered under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose group health insurance benefits as provided by the agreement.

b. Notwithstanding any provision to the contrary, beginning January 1, 2021, a peace officer or surviving spouse who is participating in a group health insurance plan shall have the option, upon retirement or approval for death benefits for an eligible surviving spouse, to participate in the group health insurance plan that is negotiated under chapter 20 between the state and the state police officers council labor union pursuant to section 509A.13 subject to the requirements of this section.

2. The department shall be authorized to retain any savings to the department for peace officers participating in the group health insurance plan pursuant to subsection 1 from moneys appropriated to the department.

Sec. 23. NEW SECTION. 456A.13A Full-time officers — health insurance.

1. *a.* Notwithstanding any provision to the contrary, full-time officers as defined in section 456A.13 that are not covered under a collective bargaining agreement who were at any time eligible to be enrolled in the group health insurance plan that is negotiated under chapter 20 between the state and the state police officers council labor union and who elect to participate in a group health insurance plan provided by the state, shall only be permitted to participate in the group health insurance plan that is negotiated under chapter 20 between the state and the state police officers council labor union for full-time officers subject to the requirements of this subsection. In addition, a full-time officer who was covered under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose group health insurance benefits as provided by the agreement.

b. Notwithstanding any provision to the contrary, a full-time officer participating in the group health insurance plan pursuant to paragraph “a” shall have the option, upon retirement, to continue participation in the group health insurance plan pursuant to section 509A.13 subject to the requirements of this section. However, a full-time officer who was not covered under a collective bargaining agreement and not participating in the group health insurance plan as provided by this section at the time of retirement shall not be allowed to participate in the group health insurance plan negotiated under chapter 20 between the state and the state police officers council upon retirement.

2. The department shall calculate the savings to the department for full-time officers employed in the law enforcement bureau of the department who are participating in the group health insurance plan pursuant to subsection 1. The department shall transfer to the state fish and game protection fund created in section 456A.17 from moneys appropriated to the department an amount equal to the savings calculated by the department. In addition, the department shall be authorized to retain any savings to the department for full-time officers

who are not employed in the law enforcement bureau of the department participating in the group health insurance plan pursuant to subsection 1 from moneys appropriated to the department.

Sec. 24. GROUP HEALTH INSURANCE PLAN REPORTING — STATE POLICE OFFICERS COUNCIL. Prior to July 1 of each calendar year, if group health insurance is offered to employees who are not covered by a collective bargaining agreement, the provider of the group health insurance plan negotiated under chapter 20 between the state and the state police officers council labor union shall submit a report to the state police officers council and the departments of public safety and natural resources necessary for purposes of complying with the requirements of sections 80.6A and 456A.13A. The report shall include usage statistics that separately account for employees in the group health insurance plan covered by a collective bargaining agreement negotiated by the state police officers council and those employees that are not covered by a collective bargaining agreement and shall include any information that led to any premium rate increase or decrease for the following calendar year.

Sec. 25. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 26. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2021:

The portion of the section of this division of this Act enacting section 80.6A, subsection 1, paragraph “b”.

DIVISION VII WORKERS’ COMPENSATION DISABILITY MEDICAL BENEFITS

Sec. 27. Section 97A.6, subsection 11, Code 2021, is amended to read as follows:

11. *Pensions offset by compensation benefits.*

a. Any amounts which may be paid or payable by the state under the provisions of any workers’ compensation or similar law to a member or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of the retirement fund provided by the state under the provisions of this chapter on account of the same disability or death. In case the present value of the total commuted benefits under said workers’ compensation or similar law is less than the present value of the benefits otherwise payable from the retirement fund provided by the state under this chapter, then the present value of the commuted payments shall be deducted from the pension payable and such benefits as may be provided by the system so reduced shall be payable under the provisions of this chapter.

b. Notwithstanding paragraph “a”, any workers’ compensation benefits received by a member for past medical expenses or future medical expenses shall not be offset against and not considered payable in lieu of any retirement allowance payable pursuant to this section on account of the same disability.

c. Notwithstanding paragraph “a”, any workers’ compensation benefits received by a member for reimbursement of vacation time used, sick time used, or for any unpaid time off from work shall not be offset against and not considered payable in lieu of any retirement allowance payable pursuant to this section on account of the same disability.

Sec. 28. Section 97B.50A, subsection 5, Code 2021, is amended to read as follows:

5. *Offset to allowance.*

a. Notwithstanding any provisions to the contrary in state law, or any applicable contract or policy, any amounts which may be paid or payable by the employer under any workers’ compensation, unemployment compensation, employer-paid disability plan, program, or policy, or other law to a member, and any disability payments the member receives pursuant to the federal Social Security Act, 42 U.S.C. §423 et seq., shall be offset against and payable in lieu of any retirement allowance payable pursuant to this section on account of the same disability.

b. Notwithstanding paragraph “a”, any workers’ compensation benefits received by a member for past medical expenses or future medical expenses shall not be offset against and not considered payable in lieu of any retirement allowance payable pursuant to this section on account of the same disability.

c. Notwithstanding paragraph “a”, any workers’ compensation benefits received by a member for reimbursement of vacation time used, sick time used, or for any unpaid time off from work shall not be offset against and not considered payable in lieu of any retirement allowance payable pursuant to this section on account of the same disability.

Sec. 29. Section 97B.50A, Code 2021, is amended by adding the following new subsection:
NEW SUBSECTION. 8A. Medical benefits. An employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies for a member who is injured in the performance of the member’s duties and is receiving an in-service disability retirement allowance under subsection 2 or has waived an in-service disability retirement allowance under subsection 4, regardless of when the injury occurred or when the member’s in-service disability allowance commenced.

DIVISION VIII
ENFORCEMENT OF LAWS — PEACE OFFICERS CARRYING FIREARMS

Sec. 30. NEW SECTION. 27B.1 Definitions.

1. “Local entity” means the governing body of a city or county. “Local entity” includes an officer or employee of a local entity or a division, department, or other body that is part of a local entity, including but not limited to a sheriff, police department, city attorney, or county attorney.

2. “Policy” includes a rule, procedure, regulation, order, ordinance, motion, resolution, or amendment, whether formal and written or informal and unwritten.

Sec. 31. NEW SECTION. 27B.2 Restriction on enforcement of state, local, and municipal law prohibited.

A local entity or law enforcement department shall not adopt or enforce a policy or take any other action under which the local entity or law enforcement department prohibits or discourages the enforcement of state, local, or municipal laws.

Sec. 32. NEW SECTION. 27B.3 Discrimination prohibited.

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not consider race, skin color, language spoken, or national origin while enforcing state, local, and municipal laws except to the extent permitted by the Constitution of the United States or the Constitution of the State of Iowa.

Sec. 33. NEW SECTION. 27B.4 Complaints — notification — civil action.

1. Any person may file a complaint with the attorney general alleging that a local entity has violated or is violating this chapter if the person offers evidence to support such an allegation. The person shall include with the complaint any evidence the person has in support of the complaint.

2. A local entity for which the attorney general has received a complaint pursuant to this section shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the complaint.

3. A complaint filed pursuant to subsection 1 shall not be valid unless the attorney general determines that a violation of this chapter by a local entity was intentional.

4. If the attorney general determines that a complaint filed pursuant to this section against a local entity is valid, the attorney general, not later than ten days after the date of such a determination, shall provide written notification to the local entity by certified mail, with return receipt requested, stating all of the following:

- a. A complaint pursuant to this section has been filed and the grounds for the complaint.
- b. The attorney general has determined that the complaint is valid.

c. The attorney general is authorized to file a civil action in district court pursuant to subsection 6 to enjoin a violation of this chapter no later than forty days after the date on which the notification is received if the local entity does not come into compliance with the requirements of this chapter.

d. The local entity and any entity that is under the jurisdiction of the local entity will be denied state funds pursuant to section 27B.5 for the state fiscal year following the year in which a final judicial determination in a civil action brought under this section is made.

5. No later than thirty days after the date on which a local entity receives written notification under subsection 4, the local entity shall provide the attorney general with all of the following:

a. Copies of all of the local entity's written policies relating to the complaint.

b. A description of all actions the local entity has taken or will take to correct any violations of this chapter.

c. If applicable, any evidence that would refute the allegations made in the complaint.

6. No later than forty days after the date on which the notification pursuant to subsection 4 is received, the attorney general shall file a civil action in district court to enjoin any ongoing violation of this chapter by a local entity.

Sec. 34. NEW SECTION. 27B.5 Denial of state funds.

1. Notwithstanding any other provision of law to the contrary, a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity intentionally violates this chapter.

2. State funds shall be denied to a local entity pursuant to subsection 1 by all state agencies for each state fiscal year that begins after the date on which a final judicial determination that the local entity has intentionally violated this chapter is made in a civil action brought pursuant to section 27B.4, subsection 6. State funds shall continue to be denied until eligibility to receive state funds is reinstated under section 27B.6. However, any state funds for the provision of wearable body protective gear used for law enforcement purposes shall not be denied under this section.

3. The department of management shall adopt rules pursuant to chapter 17A to implement this section and section 27B.6 uniformly across state agencies from which state funds are distributed to local entities.

Sec. 35. NEW SECTION. 27B.6 Reinstatement of eligibility to receive state funds.

1. Except as provided by subsection 5, no earlier than ninety days after the date of a final judicial determination that a local entity has intentionally violated the provisions of this chapter, the local entity may petition the district court that heard the civil action brought pursuant to section 27B.4, subsection 6, to seek a declaratory judgment that the local entity is in full compliance with this chapter.

2. A local entity that petitions the court as described by subsection 1 shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the action.

3. If the court issues a declaratory judgment declaring that the local entity is in full compliance with this chapter, the local entity's eligibility to receive state funds is reinstated beginning on the first day of the month following the date on which the declaratory judgment is issued.

4. A local entity shall not petition the court as described in subsection 1 more than twice in one twelve-month period.

5. A local entity may petition the court as described in subsection 1 before the date provided in subsection 1 if the person who was the director or other chief officer of the local entity at the time of the violation of this chapter is subsequently removed from or otherwise leaves office.

6. A party shall not be entitled to recover any attorney fees in a civil action described by subsection 1.

Sec. 36. NEW SECTION. 27B.7 Attorney general database.

The attorney general shall develop and maintain a searchable database listing each local entity for which a final judicial determination described in section 27B.5, subsection 2, has

been made. The attorney general shall post the database on the attorney general's internet site.

Sec. 37. **NEW SECTION. 724.4D Authority to carry firearm — peace officers.**

A peace officer shall not be prohibited from carrying a firearm while engaged in the performance of official duties.

Sec. 38. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX
ASSAULTS INVOLVING LASERS — ASSAULT — HARASSMENT

Sec. 39. Section 708.1, subsection 2, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. (1) Intentionally points a laser emitting a visible light beam at another person with the intent to cause pain or injury to another. For purposes of this paragraph, "laser" means a device that emits a visible light beam amplified by the stimulated emission of radiation and any light which simulates the appearance of a laser.

(2) This paragraph does not apply to any of the following:

(a) A law enforcement officer who uses a laser in discharging or attempting to discharge the officer's official duties.

(b) A health care professional who uses a laser in providing services within the scope of practice of that professional or any other person who is licensed or authorized by law to use a laser or who uses a laser in the performance of the person's official duties.

(c) A person who uses a laser to play laser tag, paintball, and other similar games using light-emitting diode technology.

Sec. 40. Section 708.3A, subsections 1, 2, 3, and 4, Code 2021, are amended to read as follows:

1. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter and with the intent to inflict a serious injury upon the peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, is guilty of a class "D" felony.

2. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter and who uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.

3. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault

is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, and who causes bodily injury or mental illness, is guilty of an aggravated misdemeanor.

4. Any other assault, as defined in section 708.1, committed against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of human services, employee of the department of revenue, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, is a serious misdemeanor.

Sec. 41. Section 708.7, subsection 2, paragraph a, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Harassment that occurs against another person who is lawfully in a place of public accommodation as defined in section 216.2.

Sec. 42. Section 716.4, subsection 1, Code 2021, is amended to read as follows:

1. Criminal mischief is criminal mischief in the second degree if ~~the~~ any of the following apply:

a. The cost of replacing, repairing, or restoring the property that is damaged, defaced, altered, or destroyed exceeds one thousand five hundred dollars but does not exceed ten thousand dollars.

b. The acts damaged, defaced, altered, or destroyed any publicly owned property, including a monument or statue. In addition to any sentence imposed for a violation of this paragraph, the court shall include an order of restitution for any property damage or loss incurred as a result of the offense.

Sec. 43. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X PUBLIC DISORDER

Sec. 44. Section 723.1, Code 2021, is amended to read as follows:

723.1 Riot.

A riot is three or more persons assembled together in a violent ~~and disturbing~~ manner, ~~to the disturbance of others~~, and with any use of unlawful force or violence by them or any of them against another person, or causing property damage. A person who willingly joins in or remains a part of a riot, knowing or having reasonable grounds to believe that it is such, commits ~~an aggravated misdemeanor~~ a class "D" felony.

Sec. 45. Section 723.2, Code 2021, is amended to read as follows:

723.2 Unlawful assembly.

An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. A person who willingly joins in or remains a part of an unlawful assembly, or who joined a lawful assembly but willingly remains after the assembly becomes unlawful, knowing or having reasonable grounds to believe that it is such, commits ~~a simple~~ an aggravated misdemeanor.

Sec. 46. Section 723.4, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

723.4 Disorderly conduct.

1. A person commits a simple misdemeanor when the person does any of the following:

a. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

b. Makes loud and raucous noise in the vicinity of any residence or public building which intentionally or recklessly causes unreasonable distress to the occupants thereof.

c. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

d. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

e. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

f. (1) Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault.

(2) As used in this paragraph:

(a) “Deface” means to intentionally mar the external appearance.

(b) “Defile” means to intentionally make physically unclean.

(c) “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.

(d) “Mutilate” means to intentionally cut up or alter so as to make imperfect.

(e) “Show disrespect” means to deface, defile, mutilate, or trample.

(f) “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

(3) This paragraph does not apply to a flag retirement ceremony conducted pursuant to federal law.

2. A person commits a serious misdemeanor when the person, without lawful authority or color of authority, obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

3. A person commits an aggravated misdemeanor when the person commits disorderly conduct as described in subsection 2 and does any of the following:

a. Obstructs or attempts to obstruct a fully controlled-access facility on a highway, street, or road in which the speed restriction is controlled by section 321.285, subsection 3, or section 321.285, subsection 5.

b. Commits property damage.

c. Is present during an unlawful assembly as defined in section 723.2.

4. A person commits a class “D” felony when the person commits disorderly conduct as described in subsection 2 and does any of the following:

a. Is present during a riot as defined in section 723.1.

b. Causes bodily injury.

5. A person commits a class “C” felony when the person commits disorderly conduct as described in subsection 2 and the person causes serious bodily injury or death.

Sec. 47. NEW SECTION. 723.6 Interference with public disorder control.

Any person who possesses a tool, instrument, or device with the intent to suppress or disrupt law enforcement from legally deploying a device to control public disorder under this chapter commits an aggravated misdemeanor.

Sec. 48. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XI

ELUDING LAW ENFORCEMENT — ACTS ON CERTAIN HIGHWAYS — CIVIL LIABILITY

Sec. 49. Section 321.279, Code 2021, 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 or unmarked official law enforcement vehicle driven by a ~~uniformed~~ peace officer after being

given a visual 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 or unmarked 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 subsection and who has previously committed a violation under this subsection or subsection 3 is, upon conviction, guilty of a class “D” felony.

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 or unmarked 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:

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

(2) The driver is in violation of section 321J.2.

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

(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. 50. Section 321.366, subsection 1, Code 2021, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Operate a bicycle, skateboard, or other pedestrian conveyance or be a pedestrian anywhere on a fully controlled-access facility. For purposes of this paragraph, “*pedestrian conveyance*” means any human-powered device by which a pedestrian may move other than by walking or by which a walking person may move another pedestrian, including but not limited to strollers and wheelchairs.

Sec. 51. NEW SECTION. **321.366A Immunity from civil liability for certain vehicle operators.**

1. The driver of a vehicle who is exercising due care and who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic in a public street or highway shall be immune from civil liability for the injury caused by the driver of the vehicle.

2. The driver of a vehicle who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic in a public street or highway shall not be immune from civil liability if the actions leading to the injury caused by the driver of a vehicle constitute reckless or willful misconduct.

3. Subsection 1 shall not apply if the injured person participating in a protest or demonstration was doing so with a valid permit allowing persons to protest or demonstrate on the public street or highway where the injury occurred.

Sec. 52. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII
WINDOW TINTING

Sec. 53. Section 321.438, subsection 2, Code 2021, is amended to read as follows:

2. A person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver, or a ~~side-wing~~ sidewing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or sidewing.

a. The department shall adopt rules establishing a minimum measurable standard of transparency which shall apply to violations of this subsection.

b. This subsection does not apply to a person who operates a motor vehicle owned or leased by a federal, state, or local law enforcement agency if the operation is part of the person's official duties.

DIVISION XIII
SHERIFF SALARIES

Sec. 54. Section 331.907, subsection 1, Code 2021, is amended to read as follows:

1. The annual compensation of the auditor, treasurer, recorder, sheriff, county attorney, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. In setting the salary of the county sheriff, the county compensation board shall ~~consider setting~~ set the sheriff's salary so that it is comparable to salaries paid to professional law enforcement administrators and command officers of the state patrol, the division of criminal investigation of the department of public safety, and city police ~~agencies in this state~~ chiefs employed by cities of similar population to the population of the county. The county compensation board shall prepare a compensation schedule for the elective county officers for the succeeding fiscal year. A recommended compensation schedule requires a majority vote of the membership of the county compensation board.

DIVISION XIV
CIVIL SERVICE COMMISSION EXAMINATIONS

Sec. 55. Section 400.8, subsection 2, Code 2021, is amended to read as follows:

2. The commission shall establish the guidelines for conducting the examinations under subsection 1 of this section. ~~It may prepare and administer the examinations or may~~ The commission shall hire persons with expertise to do so if the commission approves the examinations ~~prepare and administer the examinations approved by the commission.~~ It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular field of examination.

Sec. 56. Section 400.9, subsection 2, Code 2021, is amended to read as follows:

2. The commission shall establish guidelines for conducting the examinations under subsection 1. ~~It may prepare and administer the examinations or may~~ The commission shall hire persons with expertise to do so if the commission approves the examinations and if the examinations apply to prepare and administer the examinations approved by the commission ~~for the position in the city for which the applicant is taking the examination.~~ It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular

field of examination. The names of persons approved to administer any examination under this section shall be posted in the city hall at least twenty-four hours prior to the examination.

Approved June 17, 2021

CHAPTER 184

PUBLIC SAFETY EQUIPMENT FUND

H.F. 708

AN ACT creating a public safety equipment fund.

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

Section 1. **NEW SECTION. 80.48 Public safety equipment fund.**

1. A public safety equipment fund is created in the state treasury under the control of the department. The fund shall consist of moneys appropriated to or deposited in the fund. Moneys in the fund are appropriated to the department for the purchase, maintenance, and replacement of equipment used by the department. The department is authorized to designate moneys in the fund for the future purchase, maintenance, and replacement of equipment used by the department.

2. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. The department shall submit a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative services agency on or before December 31 of each year which shall contain all of the following:

- a. A list of all expenditures from the fund made in the previous fiscal year.
- b. The amount of moneys in the fund carried over from the previous fiscal year to the current fiscal year and how the department plans to use those moneys, including any expenditures in the current fiscal year.
- c. The amount of moneys in the fund the department intends to carry over from the current fiscal year to the next fiscal year and how the department plans to use those moneys.
- d. A list of all the sources of moneys deposited in the fund in the previous fiscal year.

Approved June 17, 2021

CHAPTER 185

PROPOSED CONSTITUTIONAL AMENDMENT — RIGHT TO KEEP AND BEAR ARMS

S.J.R. 7

Second Time Passed

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the right of the people to keep and bear arms.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

Right to keep and bear arms. Sec. 1A. The right of the people to keep and bear arms shall not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right shall be subject to strict scrutiny.

Sec. 2. SUBMISSION TO ELECTORATE. The foregoing proposed amendment, having been adopted and agreed to by the 88th General Assembly, 2019 Session, thereafter duly published, and now adopted and agreed to by the 89th General Assembly in this joint resolution, shall be submitted to the people of the state of Iowa at the general election in November of the year 2022 in the manner required by the Constitution of the State of Iowa and the laws of the state of Iowa.

CHAPTER 186

SALES OF MERCHANDISE AT CHILDREN'S BENEFIT ON CAPITOL GROUNDS

H.J.R. 10

A JOINT RESOLUTION authorizing the temporary sale of merchandise at a toy benefit for Iowa children on the state capitol complex grounds.

WHEREAS, A Brotherhood Aimed Towards Education (ABATE) of Iowa District 4 holds a motorcycle rally toy run each year to collect toys for Iowa children; and

WHEREAS, all donations from this toy run benefit Iowa children; and

WHEREAS, ABATE of Iowa wishes to sell commemorative t-shirts, sweatshirts, lapel pins, and patches for the further benefit of Iowa children and to defray the costs of a police escort; and

WHEREAS, ABATE of Iowa District 4 plans to hold toy runs on dates to be determined prior to the ninetieth general assembly; and

WHEREAS, because 11 IAC 100.4(4) and 11 IAC 100.5(2) prohibit sales to state employees or to the public on the state capitol complex grounds without prior approval, ABATE of Iowa District 4 may not be permitted to sell commemorative t-shirts, sweatshirts, lapel pins, and patches for the benefit of Iowa children during its toy runs; NOW THEREFORE,

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

Section 1. Notwithstanding the prior approval requirements of 11 IAC 100.4(4) and 11 IAC 100.5(2), the department of administrative services shall permit ABATE of Iowa District 4 to sell commemorative t-shirts, sweatshirts, lapel pins, and patches on the state capitol complex grounds during the toy runs held prior to the ninetieth general assembly, provided that ABATE of Iowa District 4 shall first provide the department of administrative services with a copy of an Iowa sales tax permit for the location of the sales, or proof of application for such a permit.

Approved April 30, 2021

CHAPTER 187**PROPOSED CONSTITUTIONAL AMENDMENT — ABORTION RIGHTS AND PUBLIC FUNDING***H.J.R. 5**First Time Passed*

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa that the Constitution of the State of Iowa does not recognize, grant, or secure a right to abortion or require the public funding of abortion.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

Sec. 26. **Life.** To defend the dignity of all human life and protect unborn children from efforts to expand abortion even to the point of birth, we the people of the State of Iowa declare that this Constitution does not recognize, grant, or secure a right to abortion or require the public funding of abortion.

Sec. 2. **REFERRAL AND PUBLICATION.** The foregoing amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly, and shall be published as provided by law for three consecutive months previous to the date of that election.

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly

2021 Code Chapters and Sections Amended or Repealed and New Code Sections Added, 2021 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-ninth General Assembly, 2021 Regular Session

Iowa Codes Referred to in Acts of the Eighty-ninth General Assembly, 2021 Regular Session

Iowa Administrative Code Referred to in Acts of the Eighty-ninth General Assembly, 2021 Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Iowa Court Rules Referred To

Proposed Amendments to the Constitution of the State of Iowa

Constitution of the State of Iowa Referred To

Vetoed Bill

**CONVERSION TABLES OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS TO
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

2021 REGULAR SESSION

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130	4	285	9	466	54
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172	36	296	103	517	105
173	5	307	26	524	146
185	48	314	10	532	87
230	30	315	51	541	116
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234	144	343	11	554	55
235	23	353	27	562	102
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228	90	283	17	315	59
231	14	284	58	317	60
232	15	285	118	361	61
233	56	302	178	365	153
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389	33	605	74	793	134
390	63	621	34	802	163
391	93	644	158	805	84
418	20	654	97	813	112
424	64	655	46	821	101
426	107	675	109	828	135
428	65	682	159	835	136
429	94	685	127	837	164
433	66	693	75	838	181
435	122	699	76	839	137
452	123	707	77	844	165
453	124	708	184	846	138
491	67	709	128	847	139
493	125	710	78	848	47
495	42	711	160	855	113
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514	68	722	129	860	143
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523	95	743	161	862	167
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527	126	746	81	865	169
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**2021 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED
AND NEW CODE SECTIONS ADDED,
2021 REGULAR SESSION**

“NEW” denotes new code section numbers that are subject to change when codified.

“C2020” denotes 2020 code chapters and sections amended or repealed.

“C2017” denotes 2017 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 (I) is “8C.7A(3)(c)(3)(a)(iv)(A)(I)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
2.48(3)(f)(6)	177, §109	10.10(1)(c)(2)	80, §4
7A.3(1)(h)	51, §1	12.20	76, §3
7C.12(2)(u1)	80, §1	12B.14	80, §5
7E.5B ^{NEW}	92, §1	12I.1(2)(b, g)	136, §1
8.44(1)(a)	76, §1	12I.2(7)	136, §2
8.57(5)(f)(1)(c)(i)	143, §§33	12I.3(u1)	136, §3
8.57(5)(f)(1)(c)(ii)(B)	143, §34	12I.3(1)(b)	136, §4
8.57C(3)(a)	167, §10	12I.3(1)(g)	136, §5
8.57G ^{NEW}	172, §24, 29	12I.4(3)	136, §6
8.57H ^{NEW}	172, §25, 29	13.31(8)	107, §1; 108, §1
8.58	172, §26, 28, 29	13B.9(1)(b)	161, §1
8A.111(2, 11)	51, §2	15.108(1)(b)	80, §6
8A.123(5)	51, §3	15.119(2)(a)(2, 3)	177, §25, 27
8A.321(16)	92, §2	15.119(2)(g)	177, §35
8A.322(3)	35, §6	15.119(2)(h)	177, §26, 27
8A.460(1)	76, §2	15.119(3)	177, §40
8A.512A(2)(a)	10, §1	15.261(2)	167, §11
8B.1(5, 13, 14)	47, §1, 5, 6	15.293A(8)	177, §41, 44
8B.4(2)	174, §48	15.293B(5A)	177, §42
8B.10(1)	47, §2, 5, 6	15.293B(7)	177, §43, 44
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8D.11(5)	84, §1	15.329(3A)	177, §19
9.4	142, §30	15.331A(1)	86, §46
9.11 ^{NEW}	165, §249	15.331A(2)(a, b)	86, §47
9.12 ^{NEW}	165, §250	15.331A(2)(c)	86, §83, 84, 85
9.13 ^{NEW}	165, §251	15.331C	86, §1, 6, 7, 48
9.14 ^{NEW}	165, §252	15.335(4)(a)	80, §7
9.15 ^{NEW}	165, §253	15.335(8)	80, §8
9C.1(1)	86, §39	15.335A(2)(d)	86, §2, 6, 7
9C.2	86, §40	15.342A(1, 3)	171, §23
9C.3(u1)	86, §41	15.354(2)(d)	80, §9
9C.3(2, 5, 6, 7)	86, §42	15.354(3)(d)	177, §36
9C.4(1)	86, §43	15.354(3)(e)(1)	177, §37
9C.6	86, §44; 142, §32	15.354(3)(e)(2)(b)	76, §5
9C.7	86, §45	15.354(6)(b, c)	177, §38
9E.1	183, §1	15.355(2)	177, §39
9E.2(6)(a)	183, §2	15.371 ^{NEW}	177, §29
9E.3(1)(b)(1)(a)	183, §3	15.371(7)(b)(3) ^{NEW}	174, §9
9E.3(1)(e)	183, §4	15.431 ^{NEW}	177, §45
9E.6(2)(b)	12, §1, 73	15B.2(06)	45, §1, 5
9E.7(4A)	183, §5	15B.4(1)(a)	45, §2, 5
9F.3	142, §31	15B.4(2)(u1)	45, §3, 5
9G.6(1)	80, §2	15B.4(2)(b, c, d)	45, §4, 5
10.1(17)(b)	80, §3	15E.167 ^{NEW}	171, §22

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
15E.364 ^{NEW}	176, §1	29B.116B	65, §3
15E.370 ^{NEW}	175, §1	29C.24(3)(a)(3)	151, §8, 15
15F.401(1)(a)	167, §14	34A.2(8, 14)	75, §5; 80, §16
15F.401(1)(b)(3)	167, §15	35C.4	80, §17
15F.401(1)(b)(4)	167, §16	37.26	80, §18
15F.401(2)(a, b, c)	167, §17	37.27	80, §19
15F.401(4, 5, 6)	167, §18	39.2(4)(a)	147, §1, 54
15F.403(2)(c)	167, §19	39.2(4)(c) ^{C2017}	147, §53, 54
15J.2(7)(c)	76, §6	39.4	147, §2, 54
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16.57C ^{NEW}	177, §48, 51	39.13 ^{NEW}	12, §2, 73
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16.77(2)	177, §59, 67	39A.3(1)(b)(9)	12, §4, 73
16.79A(1)	177, §60, 67	39A.4(1)(b)(1)	12, §5, 73
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2021 Second Extraordinary Session
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Eighty-Ninth General Assembly
of the
State of Iowa

CHAPTER 1

EMPLOYMENT REQUIREMENTS AND UNEMPLOYMENT INSURANCE — COVID-19
VACCINATION REFUSAL

H.F. 902

AN ACT relating to COVID-19 vaccination requirements by employers and unemployment insurance and including effective date provisions.

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

Section 1. NEW SECTION. **94.1 Definitions.**

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

1. “COVID-19” means the same as defined in section 686D.2.
2. “Employee” means an individual who is employed in this state for wages by an employer. “Employer” includes an applicant for employment.
3. “Employer” means a person, as defined in chapter 4, who employs an individual in this state for wages.

Sec. 2. NEW SECTION. **94.2 COVID-19 vaccination requirements by employers — waiver.**

An employer that requires an employee to receive a COVID-19 vaccine shall waive the requirement if the employee, or, if the employee is a minor, the employee’s parent or legal guardian, requests a waiver and submits either of the following to the employer:

1. A statement that receiving the vaccine would be injurious to the health and well-being of the employee or an individual residing with the employee.
2. A statement that receiving the vaccine would conflict with the tenets and practices of a religion of which the employee is an adherent or member.

Sec. 3. NEW SECTION. **96.5A Refusal of COVID-19 vaccination — no disqualification.**

Notwithstanding any other provision of this chapter to the contrary, an individual who is discharged from employment for refusing to receive a vaccination against COVID-19, as defined in section 686D.2, shall not be disqualified for benefits on account of such discharge.

Sec. 4. Section 96.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 12. *Discharge for refusal of COVID-19 vaccination — effect on experience and rating — limitation on actions.* If an employee is discharged from employment for refusing to receive a vaccination against COVID-19, as defined in section 686D.2, the contribution rate and unemployment experience of any employer employing the employee, or an employer that previously employed the employee other than the employer that so discharged the employee, shall be unaffected by such discharge. The department

shall not impose any penalty on, or take any other action otherwise permitted under this chapter against, any employer employing the employee, or an employer that previously employed the employee other than the employer that so discharged the employee, as a result of such discharge.

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

Approved October 29, 2021

CHAPTER 2
CONGRESSIONAL AND LEGISLATIVE REDISTRICTING
S.F. 621

AN ACT providing for congressional and legislative districts and including effective date provisions.

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

Section 1. Section 40.1, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

40.1 Congressional districts.

The state of Iowa is hereby organized and divided into four congressional districts, which shall be composed, respectively, of the following counties:

1. The first district shall consist of the counties of Cedar, Clinton, Des Moines, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Louisa, Mahaska, Marion, Muscatine, Scott, Van Buren, Warren, and Washington.

2. The second district shall consist of the counties of Allamakee, Benton, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Grundy, Hardin, Howard, Linn, Mitchell, Poweshiek, Tama, Winneshiek, and Worth.

3. The third district shall consist of the counties of Adair, Adams, Appanoose, Cass, Clarke, Dallas, Davis, Decatur, Greene, Guthrie, Lucas, Madison, Monroe, Montgomery, Page, Polk, Ringold, Taylor, Union, Wapello, and Wayne.

4. The fourth district shall consist of the counties of Audubon, Boone, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Franklin, Fremont, Hamilton, Hancock, Harrison, Humboldt, Ida, Kossuth, Lyon, Marshall, Mills, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Sac, Shelby, Sioux, Story, Webster, Winnebago, Woodbury, and Wright.

Sec. 2. Section 41.1, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

41.1 Representative districts.

The state of Iowa is hereby divided into one hundred representative districts as follows:

1. The first representative district in Woodbury county shall consist of that portion of Sioux City bounded by a line commencing at the point the boundary of the state of Iowa intersects the north boundary of Woodbury county, and proceeding east along the boundary of Woodbury county to Talbot road, and proceeding southerly along Talbot road to Plum Creek road, and proceeding easterly along Plum Creek road to Broken Kettle road, and proceeding southerly along Broken Kettle road to West Clifton avenue, and proceeding easterly along West Clifton avenue to Stone Park boulevard, and proceeding easterly along Stone Park boulevard to Hamilton boulevard, and proceeding northerly along Hamilton boulevard to Perry creek, and proceeding southerly along Perry creek to Thirty-fourth street and its extension, and proceeding easterly along Thirty-fourth street and its extension to Jones

street, and proceeding southerly along Jones street to Twenty-ninth street, and proceeding easterly along Twenty-ninth street to Court street, and proceeding southerly along Court street to Twenty-eighth street, and proceeding easterly along Twenty-eighth street to Court street, and proceeding southerly along Court street to Twenty-fourth street, and proceeding easterly along Twenty-fourth street to Floyd boulevard, and proceeding southerly along Floyd boulevard to Nineteenth street, and proceeding easterly along Nineteenth street to Union Pacific Railroad, and proceeding southerly along Union Pacific Railroad to the extension of Thirteenth street, and proceeding westerly along the extension of Thirteenth street to Floyd boulevard, and proceeding northerly along Floyd boulevard to Fourteenth street, and proceeding westerly along Fourteenth street to Court street, and proceeding southerly along Court street to Twelfth street, and proceeding westerly along Twelfth street to Jackson street, and proceeding northerly along Jackson street to Thirteenth street, and proceeding westerly along Thirteenth street to Nebraska street, and proceeding southerly along Nebraska street to Twelfth street, and proceeding westerly along Twelfth street to Grandview boulevard, and proceeding southerly along Grandview boulevard to Eleventh street, and proceeding westerly along Eleventh street to Summit street, and proceeding southerly along Summit street to Bluff street, and proceeding southerly along Bluff street to Wesley parkway, and proceeding southerly along Wesley parkway to the boundary of the state of Iowa, and proceeding first westerly, then in a clockwise manner along the boundary of the state of Iowa to the point of origin.

2. The second representative district in Woodbury county shall consist of:

a. The city of Lawton.

b. Banner and Concord townships.

c. That portion of the city of Sioux City bounded by a line commencing at the point the northern boundary of Woodbury county intersects Talbot road, and proceeding easterly along the boundary of Woodbury county until it intersects the eastern boundary of the corporate limits of the city of Sioux City, and proceeding southerly along the corporate limits of the city of Sioux City to Stone avenue, and proceeding westerly along Stone avenue to Morningside avenue, and proceeding southerly along Morningside avenue to Peters avenue, and proceeding westerly along Peters avenue to South Paxton street, and proceeding northerly along South Paxton street to Stone avenue, and proceeding westerly along Stone avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Jay avenue, and proceeding easterly along Jay avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Leech avenue, and proceeding westerly along Leech avenue to Alice street South, and proceeding northerly along Alice street South to Correctionville road, and proceeding westerly along Correctionville road to South Westcott street, and proceeding southerly along South Westcott street to East Gordon drive, and proceeding westerly along East Gordon drive to Gordon drive, and proceeding westerly along Gordon drive to South Court street, and proceeding southerly along South Court street to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to Wesley parkway, and proceeding northerly along Wesley parkway to Bluff street, and proceeding northerly along Bluff street to Summit street, and proceeding northerly along Summit street to Eleventh street, and proceeding easterly along Eleventh street to Grandview boulevard, and proceeding northerly along Grandview boulevard to Twelfth street, and proceeding easterly along Twelfth street to Nebraska street, and proceeding northerly along Nebraska street to Thirteenth street, and proceeding easterly along Thirteenth street to Jackson street, and proceeding southerly along Jackson street to Twelfth street, and proceeding easterly along Twelfth street to Court street, and proceeding northerly along Court street to Fourteenth street, and proceeding easterly along Fourteenth street to Floyd boulevard, and proceeding southerly along Floyd boulevard to the extension of Thirteenth street, and proceeding easterly along the extension of Thirteenth street to Union Pacific Railroad, and proceeding northerly along Union Pacific Railroad to Nineteenth street, and proceeding westerly along Nineteenth street to Floyd boulevard, and proceeding northerly along Floyd boulevard to Twenty-fourth street, and proceeding westerly along Twenty-fourth street to Court street, and proceeding northerly along Court street to Twenty-eighth street, and proceeding westerly along Twenty-eighth street to Court street, and proceeding northerly along Court street to Twenty-ninth street,

and proceeding westerly along Twenty-ninth street to Jones street, and proceeding northerly along Jones street to Thirty-fourth street, and proceeding westerly along Thirty-fourth street and its extension to Perry creek, and proceeding westerly along Perry creek to Hamilton boulevard, and proceeding southerly along Hamilton boulevard to Stone Park boulevard, and proceeding westerly along Stone Park boulevard to West Clifton avenue, and proceeding westerly along West Clifton avenue to Broken Kettle road, and proceeding northerly along Broken Kettle road to Plum Creek road, and proceeding westerly along Plum Creek road to Talbot road, and proceeding northerly along Talbot road to the point of origin.

3. The third representative district shall consist of:

a. In Plymouth county, America, Elgin, Fredonia, Grant, Johnson, Portland, Preston, Sioux, Washington, and Westfield townships, and that portion of Meadow township lying outside the corporate limits of the city of Remsen.

b. In Sioux county, Buncombe, Center, Eagle, East Orange, Floyd, Garfield, Holland, Logan, Nassau, Reading, Sherman, and Washington townships, and that portion of West Branch township lying outside the corporate limits of the city of Sioux Center.

4. The fourth representative district shall consist of:

a. Lyon county.

b. In Sioux county:

(1) The city of Sioux Center.

(2) Capel, Grant, Lincoln, Lynn, Plato, Rock, Settlers, Sheridan, Sioux, and Welcome townships.

5. The fifth representative district shall consist of:

a. O'Brien county.

b. Osceola county.

c. In Buena Vista county, Elk, Maple Valley, Nokomis, and Scott townships.

d. In Cherokee county, Afton, Cedar, Cherokee, Diamond, Liberty, Pilot, Pitcher, Silver, and Spring townships.

6. The sixth representative district shall consist of:

a. In Buena Vista county:

(1) The cities of Sioux Rapids and Storm Lake.

(2) Barnes, Brooke, Coon, Fairfield, Grant, Hayes, Lee, Lincoln, Newell, Poland, Providence, and Washington townships.

b. In Clay county:

(1) The city of Spencer.

(2) Clay, Douglas, Garfield, Gillett Grove, Herdland, Lincoln, Logan, Peterson, and Riverton townships, and that portion of Lone Tree township lying outside the corporate limits of the city of Everly.

7. The seventh representative district shall consist of:

a. Calhoun county.

b. Pocahontas county.

c. Sac county.

d. In Webster county, Clay, Dayton, Deer Creek, Fulton, Gowrie, Jackson, Johnson, Lost Grove, and Roland townships.

8. The eighth representative district in Webster county shall consist of:

a. The city of Fort Dodge.

b. Badger, Burnside, Colfax, Cooper, Douglas, Elkhorn, Hardin, Newark, Otho, Pleasant Valley, Sumner, Washington, Webster, and Yell townships.

9. The ninth representative district shall consist of:

a. Emmet county.

b. Winnebago county.

c. In Kossuth county:

(1) The cities of Algona and Lone Rock.

(2) Buffalo, Burt, Eagle, German, Grant, Greenwood, Harrison, Hebron, Irvington, Ledyard, Lincoln, Lu Verne, Plum Creek, Portland, Prairie, Ramsey, Seneca, Sherman, Springfield, Swea, and Wesley townships.

10. The tenth representative district shall consist of:

a. Dickinson county.

- b. Palo Alto county.
- c. In Clay county:
 - (1) The city of Everly.
 - (2) Freeman, Lake, Meadow, Sioux, Summit, and Waterford townships.
- d. In Kossuth county, Cresco, Garfield, Lotts Creek, Riverdale, Union, and Whittemore townships, and that portion of Fenton township lying outside the corporate limits of the city of Lone Rock.
 - 11. The eleventh representative district shall consist of:
 - a. Audubon county.
 - b. Carroll county.
 - c. In Pottawattamie county, Knox and Pleasant townships.
 - d. In Shelby county, Center, Clay, Douglas, Fairview, Jackson, Monroe, Polk, and Shelby townships.
 - 12. The twelfth representative district shall consist of:
 - a. Crawford county.
 - b. Ida county.
 - c. In Shelby county:
 - (1) The city of Harlan.
 - (2) Cass, Greeley, Grove, Jefferson, Lincoln, Union, Washington, and Westphalia townships.
 - 13. The thirteenth representative district shall consist of:
 - a. Monona county.
 - b. In Cherokee county, Amherst, Grand Meadow, Marcus, Rock, Sheridan, Tilden, and Willow townships.
 - c. In Plymouth county:
 - (1) The cities of Remsen and Sioux City.
 - (2) Elkhorn, Garfield, Hancock, Henry, Hungerford, Liberty, Lincoln, Marion, Perry, Plymouth, Remsen, Stanton, and Union townships.
 - d. In Woodbury county, Arlington, Grange, Grant, Kedron, Lakeport, Liston, Little Sioux, Miller, Morgan, Merville, Oto, Rock, Rutland, Sloan, Union, West Fork, Willow, and Wolf Creek townships, and that portion of Floyd township lying outside the corporate limits of the city of Lawton.
 - 14. The fourteenth representative district in Woodbury county shall consist of:
 - a. Liberty township and that portion of Woodbury township lying outside the corporate limits of the city of Sioux City.
 - b. That portion of the city of Sioux City bounded by a line commencing at the point the southern corporate limits of the city of Sioux City intersects with the boundary of the state of Iowa, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Sioux City to Stone avenue, and proceeding westerly along Stone avenue to Morningside avenue, and proceeding southerly along Morningside avenue to Peters avenue, and proceeding westerly along Peters avenue to South Paxton street, and proceeding northerly along South Paxton street to Stone avenue, and proceeding westerly along Stone avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Jay avenue, and proceeding easterly along Jay avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Leech avenue, and proceeding westerly along Leech avenue to Alice street South, and proceeding northerly along Alice street South to Correctionville road, and proceeding westerly along Correctionville road to South Westcott street, and proceeding southerly along South Westcott street to East Gordon drive, and proceeding westerly along East Gordon drive to Gordon drive, and proceeding westerly along Gordon drive to South Court street, and proceeding southerly along South Court street and its extension to the intersection of the boundary of the state of Iowa and the corporate limits of the city of Sioux City, and proceeding southerly along the corporate limits of the city of Sioux City to the point of origin.
 - 15. The fifteenth representative district shall consist of:
 - a. Harrison county.
 - b. In Pottawattamie county:
 - (1) The city of McClelland.

(2) Boomer, Crescent, Hazel Dell, Norwalk, and Rockford townships, that portion of Neola township lying outside the corporate limits of the city of Neola, and those portions of Garner, Lake, and Lewis townships lying outside the corporate limits of the city of Council Bluffs.

(3) That portion of the city of Council Bluffs not contained in the nineteenth and twentieth representative districts.

16. The sixteenth representative district shall consist of:

- a. Fremont county.
- b. Mills county.
- c. In Pottawattamie county:

(1) The city of Neola.

(2) Belknap, Carson, Center, Grove, James, Keg Creek, Layton, Lincoln, Macedonia, Minden, Silver Creek, Valley, Washington, Waveland, Wright, and York townships, and that portion of Hardin township lying outside the corporate limits of the city of McClelland.

17. The seventeenth representative district shall consist of:

- a. Adams county.
- b. Ringgold county.
- c. Taylor county.
- d. In Page county:

(1) The city of Clarinda.

(2) Amity, Buchanan, East River, Harlan, and Nebraska townships, and that portion of Colfax township lying outside the corporate limits of the city of Coin.

e. In Union county:

(1) The city of Creston.

(2) Douglas, Grant, Highland, Platte, Sand Creek, Spaulding, and Union townships.

18. The eighteenth representative district shall consist of:

- a. Cass county.
- b. Montgomery county.
- c. In Page county:

(1) The city of Coin.

(2) Douglas, Fremont, Grant, Lincoln, Morton, Pierce, Tarkio, Valley, and Washington townships, and that portion of Nodaway township lying outside the corporate limits of the city of Clarinda.

19. The nineteenth representative district in Pottawattamie county shall consist of that portion of the city of Council Bluffs bounded by a line commencing at the point the corporate limits of the city of Council Bluffs and the boundary of the state of Iowa intersects Interstate 480, and proceeding easterly along Interstate 480 to U.S. highway 6, and proceeding easterly along U.S. highway 6 to West Broadway, and proceeding easterly along West Broadway to South Twenty-fourth street, and proceeding southerly along South Twenty-fourth street to Ninth avenue, and proceeding easterly along Ninth avenue to South Seventeenth street, and proceeding southerly along South Seventeenth street to Sixteenth avenue, and proceeding easterly along Sixteenth avenue to Indian creek, and proceeding southerly along Indian creek to Twenty-third avenue, and proceeding easterly along Twenty-third avenue to South Thirteenth street, and proceeding northerly along South Thirteenth street to Twenty-first avenue, and proceeding easterly along Twenty-first avenue to South Eleventh street, and proceeding northerly along South Eleventh street to Twentieth avenue, and proceeding easterly along Twentieth avenue to South Seventh street, and proceeding northerly along South Seventh street to Sixteenth avenue, and proceeding easterly along Sixteenth avenue to Harry Langdon boulevard, and proceeding southerly along Harry Langdon boulevard to Tostevin street, and proceeding northerly along Tostevin street to West Graham avenue, and proceeding easterly along West Graham avenue to Fairmount avenue, and proceeding northerly along Fairmount avenue to Fifteenth avenue, and proceeding westerly along Fifteenth avenue to High street, and proceeding northerly along High street to Ninth avenue, and proceeding westerly along Ninth avenue to South Third street, and proceeding northerly along South Third street to Fifth avenue, and proceeding easterly along Fifth avenue to Glen avenue, and proceeding northerly along Glen avenue to Pomona street, and proceeding easterly along Pomona street to Park avenue, and proceeding northerly along Park avenue to West Pierce street, and proceeding easterly along West Pierce street

to South First street, and proceeding northerly along South First street to East Broadway, and proceeding easterly along East Broadway to Union street, and proceeding southerly along Union street to East Pierce street, and proceeding northerly along East Pierce street to Frank street, and proceeding westerly along Frank street to East Broadway, and proceeding northerly along East Broadway to Ridge street, and proceeding northerly along Ridge street to North Broadway, and proceeding northerly along North Broadway to West Oak street, and proceeding westerly along West Oak street to East Washington avenue, and proceeding northerly along East Washington avenue to Norton avenue, and proceeding easterly along Norton avenue to Creek Frontage street, and proceeding southerly along Creek Frontage street to Hunter avenue, and proceeding easterly along Hunter avenue to North Broadway, and proceeding northerly along North Broadway to the corporate limits of the city of Council Bluffs, and proceeding first east, then in a clockwise manner along the corporate limits of the city of Council Bluffs to nonvisible boundary (TLID:652017148), and proceeding westerly along nonvisible boundary (TLID:652017148) to Iowa Interstate Railroad, and proceeding southerly along Iowa Interstate Railroad to the corporate limits of the city of Council Bluffs, and proceeding easterly along the corporate limits of the city of Council Bluffs to Greenview road, and proceeding easterly along Greenview road to the corporate limits of the city of Council Bluffs, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Council Bluffs to the point of beginning.

20. The twentieth representative district in Pottawattamie county shall consist of:

a. The city of Carter Lake.

b. That portion of the city of Council Bluffs bounded by a line commencing at the point the corporate limits of the city of Council Bluffs and the boundary of the state of Iowa intersects Interstate 480, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Council Bluffs until it intersects North Broadway, and proceeding southerly along North Broadway to Hunter avenue, and proceeding westerly along Hunter avenue to Creek Frontage street, and proceeding northerly along Creek Frontage street to Norton avenue, and proceeding westerly along Norton avenue to East Washington avenue, and proceeding southerly along East Washington avenue to West Oak street, and proceeding easterly along West Oak street to North Broadway, and proceeding southerly along North Broadway to Ridge street, and proceeding southerly along Ridge street to East Broadway, and proceeding southerly along East Broadway to Frank street, and proceeding easterly along Frank street to East Pierce street, and proceeding southerly along East Pierce street to Union street, and proceeding northerly along Union street to East Broadway, and proceeding westerly along East Broadway to South First street, and proceeding southerly along South First street to West Pierce street, and proceeding westerly along West Pierce street to Park avenue, and proceeding southerly along Park avenue to Pomona street, and proceeding westerly along Pomona street to Glen avenue, and proceeding southerly along Glen avenue to Fifth avenue, and proceeding westerly along Fifth avenue to South Third street, and proceeding southerly along South Third street to Ninth avenue, and proceeding easterly along Ninth avenue to High street, and proceeding southerly along High street to Fifteenth avenue, and proceeding easterly along Fifteenth avenue to Fairmount avenue, and proceeding southerly along Fairmount avenue to West Graham avenue, and proceeding westerly along West Graham avenue to Tostevin street, and proceeding southerly along Tostevin street to Harry Langdon boulevard, and proceeding northerly along Harry Langdon boulevard to Sixteenth avenue, and proceeding westerly along Sixteenth avenue to South Seventh street, and proceeding southerly along South Seventh street to Twentieth avenue, and proceeding westerly along Twentieth avenue to South Eleventh street, and proceeding southerly along South Eleventh street to Twenty-first avenue, and proceeding westerly along Twenty-first avenue to South Thirteenth street, and proceeding southerly along South Thirteenth street to Twenty-third avenue, and proceeding westerly along Twenty-third avenue to Indian creek, and proceeding northerly along Indian creek to Sixteenth avenue, and proceeding westerly along Sixteenth avenue to South Seventeenth street, and proceeding northerly along South Seventeenth street to Ninth avenue, and proceeding westerly along Ninth avenue to South Twenty-fourth street, and proceeding northerly along South Twenty-fourth street to West Broadway, and proceeding westerly along West Broadway to U.S. highway 6, and proceeding

westerly along U.S. highway 6 to Interstate 480, and proceeding westerly along Interstate 480 to the point of origin.

21. The twenty-first representative district shall consist of:

a. In Marion county, Franklin, Knoxville, and Union townships.

b. In Warren county:

(1) The city of Indianola.

(2) Belmont, Liberty, Otter, Union, White Breast, and White Oak townships.

22. The twenty-second representative district in Warren county shall consist of Allen, Greenfield, Jackson, Jefferson, Lincoln, Linn, Palmyra, Richland, Squaw, and Virginia townships.

23. The twenty-third representative district shall consist of:

a. Adair county.

b. Madison county.

c. In Clarke county, Doyle, Madison, and Troy townships.

d. In Dallas county:

(1) The city of De Soto.

(2) Union township, and those portions of Adams and Colfax townships lying outside the corporate limits of the city of Adel.

e. In Union county, Dodge, Jones, Lincoln, New Hope, and Pleasant townships.

24. The twenty-fourth representative district shall consist of:

a. Decatur county.

b. Lucas county.

c. Wayne county.

d. In Appanoose county, Independence and Johns townships, and that portion of Lincoln township lying outside the corporate limits of the city of Numa.

e. In Clarke county:

(1) The city of Osceola.

(2) Franklin, Fremont, Green Bay, Jackson, Knox, Liberty, Osceola, Ward, and Washington townships.

25. The twenty-fifth representative district in Wapello county shall consist of:

a. The city of Ottumwa.

b. Agency, Center, Competine, Dahlonga, Green, Keokuk, Pleasant, and Washington townships.

26. The twenty-sixth district shall consist of:

a. Davis county.

b. Monroe county.

c. In Appanoose county:

(1) The cities of Centerville and Numa.

(2) Bellair, Caldwell, Chariton, Douglas, Franklin, Pleasant, Sharon, Taylor, Udell, Union, Vermillion, Walnut, Washington, and Wells townships.

d. In Wapello county, Adams, Cass, Columbia, Highland, and Polk townships, and that portion of Richland township lying outside the corporate limits of the city of Ottumwa.

27. The twenty-seventh representative district in Dallas county shall consist of:

a. The cities of Clive and Waukee.

b. Those portions of Boone, Van Meter, and Walnut townships not contained in the twenty-eighth and forty-sixth representative districts.

28. The twenty-eighth representative district in Dallas county shall consist of:

a. The city of Adel.

b. That portion of Adel township lying outside the corporate limits of the cities of Dallas Center and Waukee.

c. That portion of Van Meter township lying outside the corporate limits of the cities of De Soto and Waukee.

d. That portion of Boone township bounded by a line commencing at the point the western boundary of Boone township intersects Madison county, and proceeding north along the boundary of Boone township to the corporate limits of the city of Waukee, and proceeding east, then northerly, along the corporate limits of the city of West Des Moines to the point Interstate 80 intersects with the corporate limits of the city of Waukee, and proceeding

easterly, then in a counterclockwise manner along the corporate limits of the city of Waukee to the northern boundary of Boone township, and proceeding east along the boundary of Boone township to Jordan Creek parkway, and proceeding southerly along Jordan Creek parkway to Ashworth road, and proceeding easterly along Ashworth road to the east boundary of Boone township, and proceeding south, then in a clockwise manner along the boundary of Boone township to the point of origin.

29. The twenty-ninth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of the Des Moines river and Court avenue, and proceeding easterly along East Court avenue to East Seventh street, and proceeding southerly along East Seventh street to Union Pacific Railroad, and proceeding easterly along Union Pacific Railroad to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to East Twenty-sixth street and its extension, and proceeding northerly along East Twenty-sixth street and its extension to Logan avenue, and proceeding westerly along Logan avenue to East Twenty-fifth street, and proceeding northerly along East Twenty-fifth street to East University avenue, and proceeding easterly along East University avenue to the corporate limits of the city of Des Moines, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Des Moines to the boundary of Warren county, and proceeding west along the boundary of Warren county to U.S. highway 69, and proceeding westerly along U.S. highway 69 to Southeast Fourteenth street, and proceeding northerly along Southeast Fourteenth street to East Army Post road, and proceeding westerly along East Army Post road to Southeast Fifth street, and proceeding northerly along Southeast Fifth street to East Bell avenue, and proceeding easterly along East Bell avenue to Southeast Fourteenth street, and proceeding northerly along Southeast Fourteenth street to the Des Moines river, and proceeding westerly along the Des Moines river to the point of origin.

30. The thirtieth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the west boundary of the corporate limits of the city of West Des Moines intersect the boundary of Warren county, and proceeding northerly along the corporate limits of the city of West Des Moines to Park avenue, and proceeding easterly along Park avenue to Fleur drive, and proceeding southerly along Fleur drive to Watrous avenue, and proceeding east along Watrous avenue to Southwest Ninth street, and proceeding northerly along Southwest Ninth street to Olinda avenue, and proceeding easterly along Olinda avenue to South Union street, and proceeding northerly along South Union street to Hartford avenue, and proceeding easterly along Hartford avenue to Southeast Fifth street, and proceeding north along Southeast Fifth street to East Livingston avenue, and proceeding east along East Livingston avenue to Southeast Sixth street, and proceeding north along Southeast Sixth street to the Des Moines river, and proceeding easterly along the Des Moines river to Southeast Fourteenth street, and proceeding southerly along Southeast Fourteenth street to East Bell avenue, and proceeding westerly along East Bell avenue to Southeast Fifth street, and proceeding southerly along Southeast Fifth street to East Army Post road, and proceeding easterly along East Army Post road to Southeast Fourteenth street, and proceeding southerly along Southeast Fourteenth street to U.S. highway 69, and proceeding southerly along U.S. highway 69 to the boundary of Warren county, and proceeding westerly along the boundary of Warren county to the point of origin.

31. The thirty-first representative district shall consist of:

a. In Dallas county, that portion of West Des Moines not contained in the twenty-eighth representative district.

b. In Polk county, that portion of Polk county bounded by a line commencing at a point of intersection of the boundary of Madison county and Polk county, and proceeding northerly along the boundary of Polk county to the corporate limits of the city of Clive, and proceeding east along the corporate limits of the city of Clive to Valley West drive, and proceeding southerly along Valley West drive to Interstate 235, and proceeding westerly along Interstate 235 to Fiftieth street, and proceeding southerly along Fiftieth street to Ashworth road, and proceeding easterly along Ashworth road to Thirty-ninth street, and proceeding southerly along Thirty-ninth street to E P True parkway, and proceeding easterly along E P True parkway to Valley West drive, and proceeding northerly along Valley West drive to Giles street, and proceeding easterly along Giles street to Twenty-eighth street,

and proceeding northerly along Twenty-eighth street to Meadow lane, and proceeding easterly along Meadow lane to Twenty-seventh street, and proceeding northerly along Twenty-seventh street to Vine street, and proceeding easterly along Vine street to Grand avenue, and proceeding easterly along Grand avenue to Eighth street, and proceeding southerly along Eighth street to Railroad avenue, and proceeding easterly along Railroad avenue to the corporate limits of the city of West Des Moines, and proceeding southerly along the corporate limits of the city of West Des Moines to the boundary of Polk county, and proceeding westerly along the boundary of Polk county to the point of origin.

32. The thirty-second representative district in Polk county shall consist of the cities of Clive and Windsor Heights and that portion of the city of West Des Moines not contained in the thirty-first representative district.

33. The thirty-third representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of Fifth avenue and the corporate limits of the city of Des Moines, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Des Moines to East Fourteenth street, and proceeding southerly along East Fourteenth street to Guthrie avenue, and proceeding easterly along Guthrie avenue to Dixon street, and proceeding northerly along Dixon street to East Hull avenue, and proceeding easterly along East Hull avenue to East Twenty-ninth street, and proceeding southerly along East Twenty-ninth street to Easton boulevard, and proceeding easterly along Easton boulevard to East Thirty-third street, and proceeding southerly along East Thirty-third street to East University avenue, and proceeding westerly along East University avenue to East Twenty-fifth street, and proceeding southerly along East Twenty-fifth street to Logan avenue, and proceeding easterly along Logan avenue to East Twenty-sixth street and its extension, and proceeding southerly along East Twenty-sixth street and its extension to Iowa Interstate Railroad, and proceeding westerly along Iowa Interstate Railroad to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to East Seventh street, and proceeding northerly along East Seventh street to East Court avenue, and proceeding westerly along East Court avenue to Court avenue, and proceeding westerly along Court avenue to the Des Moines river, and proceeding northerly along the Des Moines river to Second avenue, and proceeding northerly along Second avenue to Euclid avenue, and proceeding westerly along Euclid avenue to Fifth avenue, and proceeding northerly along Fifth avenue to the point of origin.

34. The thirty-fourth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of Hickman road and Beaver avenue, and proceeding easterly along Hickman road to Thirtieth street, and proceeding northerly along Thirtieth street to Euclid avenue, proceeding easterly along Euclid avenue to Post street, and proceeding easterly along Post street to Martin Luther King parkway, and proceeding northerly along Martin Luther King parkway to Euclid avenue, and proceeding easterly along Euclid avenue to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Des Moines, and proceeding easterly along the corporate limits of the city of Des Moines to Fifth avenue, and proceeding southerly along Fifth avenue to Euclid avenue, and proceeding easterly along Euclid avenue to Second avenue, and proceeding southerly along Second avenue to the Des Moines river, and proceeding southerly along the Des Moines river to Interstate 235, and proceeding westerly along Interstate 235 to Forty-second street, and proceeding northerly along Forty-second street to University avenue, and proceeding easterly along University avenue to Forty-first street, and proceeding northerly along Forty-first street to Beaver avenue, and proceeding northerly along Beaver avenue to the point of origin.

35. The thirty-fifth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of the north corporate limits of the city of Windsor Heights and the west corporate limits of the city of Des Moines, and proceeding east, then south, along the corporate limits of the city of Des Moines to Interstate 235, and proceeding easterly along Interstate 235 to Forty-second street, and proceeding northerly along Forty-second street to University avenue, and proceeding easterly along University avenue to Forty-first street, and proceeding northerly along Forty-first street to Beaver avenue, and proceeding northerly along Beaver avenue to Hickman road, and proceeding easterly along Hickman road to Thirtieth street, and

proceeding northerly along Thirtieth street to Euclid avenue, and proceeding easterly along Euclid avenue to Post street, and proceeding easterly along Post street to Martin Luther King parkway, and proceeding northerly along Martin Luther King parkway to Euclid avenue, and proceeding easterly along Martin Luther King parkway to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Des Moines, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the point of origin.

36. The thirty-sixth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of the west boundary of the corporate limits of the city of Des Moines and Interstate 235, and proceeding easterly along Interstate 235 to the Des Moines river, and proceeding southerly along the Des Moines river to Southeast Sixth street, and proceeding southerly along Southeast Sixth street to East Livingston avenue, and proceeding westerly along East Livingston avenue to Southeast Fifth street, and proceeding south along Southeast Fifth street to Hartford avenue, and proceeding westerly along Hartford avenue to South Union street, and proceeding southerly along South Union street to Olinda avenue, and proceeding westerly along Olinda avenue to Southwest Ninth street, and proceeding southerly along Southwest Ninth street to Watrous avenue, and proceeding westerly along Watrous avenue to Fleur drive, and proceeding northerly along Fleur drive to Park avenue, and proceeding westerly along Park avenue to the corporate limits of the city of Des Moines, and proceeding northerly along the corporate limits of the city of Des Moines to the point of origin.

37. The thirty-seventh representative district shall consist of:

a. In Jasper county:

(1) The city of Prairie City.

(2) Des Moines, Elk Creek, and Fairview townships, and that portion of Buena Vista township lying outside the corporate limits of the city of Newton.

b. In Mahaska county, Black Oak, Garfield, Jefferson, Richland, Scott, and West Des Moines townships, and that portion of East Des Moines township lying outside the corporate limits of the city of Eddyville.

c. In Marion county, Clay, Dallas, Indiana, Lake Prairie, Liberty, Pleasant Grove, Red Rock, Summit, and Washington townships.

38. The thirty-eighth representative district in Jasper county shall consist of Clear Creek, Hickory Grove, Independence, Kellogg, Lynn Grove, Malaka, Mariposa, Newton, Palo Alto, Poweshiek, Richland, Rock Creek, Sherman, and Washington townships, and that portion of Mound Prairie township lying outside the corporate limits of the city of Prairie City.

39. The thirty-ninth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point of intersection of East Fourteenth street and Guthrie avenue, and proceeding northerly along East Fourteenth street to the corporate limits of the city of Des Moines, and proceeding easterly along the corporate limits of the city of Des Moines to the point of intersection of East Thirty-eighth street and the boundary of Lee township, and proceeding south, then in a clockwise manner along the boundary of Lee township to the corporate limits of the city of Des Moines, and proceeding south, then in a clockwise manner along the corporate limits of the city of Des Moines to the boundary of Clay township, and proceeding north to the corporate limits of the city of Altoona, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Altoona to the corporate limits of the city of Pleasant Hill, and proceeding east, then in a clockwise manner along the corporate limits of the city of Pleasant Hill to East University avenue, and proceeding westerly along East University avenue to East Thirty-third street, and proceeding northerly along East Thirty-third street to Easton boulevard, and proceeding westerly along Easton boulevard to East Twenty-ninth street, and proceeding northerly along East Twenty-ninth street to East Hull avenue, and proceeding westerly along East Hull avenue to Dixon street, and proceeding southerly along Dixon street to Guthrie avenue, and proceeding westerly along Guthrie avenue to the point of origin.

40. The fortieth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the corporate limits of the city of Des Moines intersect Northeast Eighth street, and proceeding northerly along Northeast Eighth street to Northeast Forty-fourth avenue, and proceeding westerly along Northeast

Forty-fourth avenue to Northeast Seventh street, and proceeding northerly along Northeast Seventh street to Northeast Forty-seventh place, and proceeding westerly along Northeast Forty-seventh place to Northeast Third street, and proceeding northerly along Northeast Third street to Northeast Forty-eighth place, and proceeding westerly along Northeast Forty-eighth place and its extension to Northwest Second street, and proceeding northerly along Northwest Second street to the boundary of Crocker township, and proceeding east along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding north, then in a clockwise manner along the corporate limits of the city of Ankeny to Southwest Ankeny road, and proceeding northerly along Southwest Ankeny road to Southwest Twin Gates drive, and proceeding northerly along Southwest Twin Gates drive to Southwest Ankeny road, and proceeding easterly along Southwest Ankeny road to Southwest Snyder boulevard, and proceeding northerly along Southwest Snyder boulevard to Southwest Oralabor road, and proceeding easterly along Southwest Oralabor road to Southeast Oralabor road, and proceeding easterly along Southeast Oralabor road to Northeast Seventy-eighth avenue, and proceeding easterly along Northeast Seventy-eighth avenue to Northeast Nineteenth lane, and proceeding southerly along Northeast Nineteenth lane to the corporate limits of the city of Ankeny, and proceeding south, then in a counterclockwise manner along the corporate limits of the city of Ankeny to the boundary of Saylor township, and proceeding east along the boundary of Saylor township to the corporate limits of the city of Ankeny, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Ankeny to the boundary of Douglas township, and proceeding east along the boundary of Douglas township to the intersection of Northeast Sixty-fourth street and the corporate limits of the city of Bondurant, and proceeding south, and in a counterclockwise manner along the corporate limits of the city of Bondurant to the north boundary of Clay township, and proceeding east, then in a clockwise manner along the boundary of Clay township to the corporate limits of the city of Pleasant Hill, and proceeding north, then in a counterclockwise manner along the corporate limits of the city of Pleasant Hill to the corporate limits of the city of Altoona, and proceeding west, then in a clockwise manner along the corporate limits of the city of Altoona to the boundary of Delaware township, and proceeding south along the boundary of Delaware township to the corporate limits of the city of Des Moines, and proceeding westerly, then in a counterclockwise manner along the corporate limits of the city of Des Moines to west boundary of Lee township, and proceeding north, then in a counterclockwise manner along the boundary of Lee township to the corporate limits of the city of Des Moines, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the point of origin.

41. The forty-first representative district in Polk county shall consist of that portion of the city of Ankeny and Crocker township bounded by a line commencing at the point the northern boundary of the corporate limits of the city of Ankeny intersect the southern boundary of Lincoln township, and proceeding east along the boundary of Lincoln township until it intersects the corporate limits of the city of Ankeny, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Ankeny to East First street, and proceeding westerly along East First street to Northeast Twenty-second street, and proceeding southerly along Northeast Twenty-second street to Southeast Peterson drive, and proceeding westerly along Southeast Peterson drive to Southeast Trilein drive, and proceeding southerly along Southeast Trilein drive to Southeast Magazine road, and proceeding westerly along Southeast Magazine road to South Ankeny boulevard, and proceeding northerly along South Ankeny boulevard to Southwest Ordnance road, and proceeding northerly along Southwest Ordnance road to Southwest Railroad avenue, and proceeding northerly along Southwest Railroad avenue to Southwest Walnut street, and proceeding northerly along Southwest Walnut street to High Trestle trail, and proceeding northerly along High Trestle trail to Southwest Cherry street, and proceeding northerly along Southwest Cherry street to Northwest Ash drive, and proceeding northerly along Northwest Ash drive to Northeast Sixth street, and proceeding northerly along Northeast Sixth street to Northwest Ninth street, and proceeding easterly along Northwest Ninth street to Northwest Logan street, and proceeding northerly along Northwest Logan street to Northwest Briargate drive, and proceeding northerly along Northwest Briargate drive to

Northwest Eighteenth street, and proceeding westerly along Northwest Eighteenth street to Northwest Greenwood street, and proceeding southerly along Northwest Greenwood street to Northwest Fifth street, and proceeding westerly along Northwest Fifth street to Northwest Sixteenth street, and proceeding northerly along Northwest Sixteenth street to Northwest Eighteenth street, and proceeding westerly along Northwest Eighteenth street to Northwest Twenty-sixth street, and proceeding southerly along Northwest Twenty-sixth street to Northwest Fifth street, and proceeding westerly along Northwest Fifth street to Northwest Jackson drive, and proceeding northerly along Northwest Jackson drive to Northwest Eighth street, and proceeding westerly along Northwest Eighth street to Northwest Ninety-eighth avenue, and proceeding westerly along Northwest Ninety-eighth avenue to the corporate limits of the city of Ankeny, and proceeding northerly along the corporate limits of the city of Ankeny to the point of origin.

42. The forty-second representative district in Polk county shall consist of that portion of the city of Ankeny and Crocker township bounded by a line commencing at the point the corporate limits of the city of Ankeny intersects Northwest Ninety-eighth avenue, and proceeding easterly along Northwest Ninety-eighth avenue to Northwest Eighth street, and proceeding easterly along Northwest Eighth street to Northwest Jackson drive, and proceeding southerly along Northwest Jackson drive to Northwest Fifth street, and proceeding easterly along Northwest Fifth street to Northwest Twenty-sixth street, and proceeding northerly along Northwest Twenty-sixth street to Northwest Eighteenth street, and proceeding easterly along Northwest Eighteenth street to Northwest Sixteenth street, and proceeding southerly along Northwest Sixteenth street to Northwest Fifth street, and proceeding easterly along Northwest Fifth street to Northwest Greenwood street, and proceeding northerly along Northwest Greenwood street to Northwest Eighteenth street, and proceeding easterly along Northwest Eighteenth street to Northwest Briargate drive, and proceeding southerly along Northwest Briargate drive to Northwest Logan street, and proceeding southerly along Northwest Logan street to Northwest Ninth street, and proceeding westerly along Northwest Ninth street to Northeast Sixth street, and proceeding southerly along Northeast Sixth street to Northwest Ash drive, and proceeding southerly along Northwest Ash drive to Southwest Cherry street, and proceeding southerly along Southwest Cherry street to High Trestle trail, and proceeding southerly along High Trestle trail to Southwest Walnut street, and proceeding southerly along Southwest Walnut street to Southwest Railroad avenue, and proceeding southerly along Southwest Railroad avenue to Southwest Ordnance road, and proceeding southerly along Southwest Ordnance road to South Ankeny boulevard, and proceeding southerly along South Ankeny boulevard to Southeast Magazine road, and proceeding easterly along Southeast Magazine road to Southeast Trilein drive, and proceeding northerly along Southeast Trilein drive to Southeast Peterson drive, and proceeding easterly along Southeast Peterson drive to Northeast Twenty-second street, and proceeding northerly along Northeast Twenty-second street to East First street, and proceeding easterly along East First street to the corporate limits of the city of Ankeny, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Ankeny to the southern boundary of Crocker township, and proceeding west along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding northerly along the corporate limits of the city of Ankeny to Northeast Nineteenth lane, and proceeding northerly along Northeast Nineteenth lane to Northeast Seventy-eighth avenue, and proceeding westerly along Northeast Seventy-eighth avenue to Southeast Oralabor road, and proceeding westerly along Southeast Oralabor road to Southwest Oralabor road, and proceeding westerly along Southwest Oralabor road to Southwest Snyder boulevard, and proceeding southerly along Southwest Snyder boulevard to Southwest Ankeny road, and proceeding westerly along Southwest Ankeny road to Southwest Twin Gates drive, and proceeding westerly along Southwest Twin Gates drive to Southwest Ankeny road, and proceeding southerly along Southwest Ankeny road to the corporate limits of the city of Ankeny, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Ankeny to the point of origin.

43. The forty-third representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the west boundary of the corporate limits of the city of Johnston intersects the north boundary of the corporate limits of the city

of Urbandale, and proceeding easterly along the corporate limits of the city of Urbandale to Northwest Eighty-sixth street, and proceeding southerly along Northwest Eighty-sixth street to Meredith drive, and proceeding easterly along Meredith drive to Seventy-fifth street, and proceeding southerly along Seventy-fifth street to Aurora avenue, and proceeding easterly along Aurora avenue to Seventy-second street and its extension, and proceeding northerly along Seventy-second street and its extension to Northwest Seventy-second street, and proceeding northerly along Northwest Seventy-second street to the corporate limits of the city of Johnston, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Johnston to the middle channel of the Des Moines river, and proceeding southerly along the middle channel of the Des Moines river to the corporate limits of the city of Des Moines, and proceeding easterly along the corporate limits of the city of Des Moines to Northeast Eighth street, and proceeding northerly along Northeast Eighth street to Northeast Forty-fourth avenue, and proceeding westerly along Northeast Forty-fourth avenue to Northeast Seventh street, and proceeding northerly along Northeast Seventh street to Northeast Forty-seventh place, and proceeding westerly along Northeast Forty-seventh place to Northeast Third street, and proceeding northerly along Northeast Third street to Northeast Forty-eighth place, and proceeding westerly along Northeast Forty-eighth place to Northwest Forty-eighth place, and proceeding westerly along Northwest Forty-eighth place and its extension to Northwest Second street, and proceeding northerly along Northwest Second street to the boundary of Crocker township, and proceeding east along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding north, then in a clockwise manner along the corporate limits of the city of Ankeny to Rock creek, and proceeding northerly along Rock creek to Northwest Eighty-fourth avenue, and proceeding westerly along Northwest Eighty-fourth avenue to Northwest Horseshoe road, and proceeding west, then south, along Northwest Horseshoe road to Northwest Thirty-seventh street, and proceeding southerly along Northwest Thirty-seventh street to Northwest Fisher lane, and proceeding south along Northwest Fisher lane to the boundary of Saylor township, and proceeding west along the boundary of Saylor township to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Johnston, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Johnston to the corporate limits of the city of Grimes, and proceeding southerly along the corporate limits of the city of Grimes to the point of origin.

44. The forty-fourth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the north boundary of the corporate limits of the city of Urbandale intersects the boundary of Polk county, and proceeding easterly along the corporate limits of the city of Urbandale to Northwest Eighty-sixth street, and proceeding southerly along Northwest Eighty-sixth street to Meredith drive, and proceeding easterly along Meredith drive to Seventy-fifth street, and proceeding southerly along Seventy-fifth street to Aurora avenue, and proceeding easterly along Aurora avenue to Seventy-second street and its extension, and proceeding northerly along Seventy-second street and its extension to Northwest Seventy-second street, and proceeding northerly along Northwest Seventy-second street to the corporate limits of the city of Johnston, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Johnston to the middle channel of the Des Moines river, and proceeding southerly along the middle channel of the Des Moines river to the corporate limits of the city of Des Moines, and proceeding westerly, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the corporate limits of the city of Urbandale, and proceeding south, then in a clockwise manner along the corporate limits of the city of Urbandale to the point of origin.

45. The forty-fifth representative district shall consist of that portion of Polk county bounded by a line commencing at the point the north boundary of the corporate limits of the city of Grimes intersects the west boundary of Polk county, and proceeding north, then in a clockwise manner along the boundary of Polk county to the corporate limits of the city of Des Moines, and proceeding north along the corporate limits of the city of Des Moines to the corporate limits of the city of Pleasant Hill, and proceeding easterly, then in a counterclockwise manner along the corporate limits of the city of Pleasant Hill to the boundary of Clay township, and proceeding east, then in a counterclockwise manner along the boundary of Clay township to the corporate limits of the city of Bondurant,

and proceeding west, then in a clockwise manner along the corporate limits of the city of Bondurant to the boundary of Douglas township, and proceeding west along the boundary of Douglas township to the corporate limits of the city of Ankeny, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Ankeny to the north boundary of Crocker township, and proceeding west along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Ankeny to Northwest Eighty-fourth avenue, and proceeding south along the corporate limits of the city of Ankeny to Rock creek and proceeding northerly along Rock creek to Northwest Eighty-fourth avenue, and proceeding westerly along Northwest Eighty-fourth avenue to Northwest Horseshoe road, and proceeding west, then south, along Northwest Horseshoe road to Northwest Thirty-seventh street, and proceeding southerly along Northwest Thirty-seventh street to Northwest Fisher lane, and proceeding south along Northwest Fisher lane to the boundary of Saylor township, and proceeding west along the boundary of Saylor township to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Johnston, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Johnston to the corporate limits of the city of Grimes, and proceeding westerly along the corporate limits of the city of Grimes to the point of origin.

46. The forty-sixth representative district shall consist of:

a. In Dallas county:

(1) The cities of Grimes and Urbandale.

(2) Beaver, Des Moines, and Grant townships.

(3) Those portions of Walnut township bounded by a line commencing at the point the north boundary of Walnut township intersects the west boundary of the corporate limits of the city of Grimes, and proceeding south, then in a counterclockwise manner along the corporate limits of the city of Grimes until it intersects the east boundary of Dallas county, and proceeding south along the boundary of Dallas county to the corporate limits of the city of Urbandale, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Urbandale to the corporate limits of the city of Waukee, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Waukee to the west boundary of Walnut township, and proceeding north, then in a clockwise manner along the boundary of Walnut township to the point of origin.

b. In Polk county, the city of Grimes and those portions of Jefferson and Webster townships bounded by a line commencing at the point the west boundary of Polk county intersects the north boundary of the corporate limits of the city of Grimes, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Grimes to the west boundary of Polk county, and proceeding north along the boundary of Polk county to the point of origin.

47. The forty-seventh representative district shall consist of:

a. Greene county.

b. Guthrie county.

c. In Dallas county:

(1) The city of Dallas Center.

(2) Dallas, Lincoln, Linn, Spring Valley, Sugar Grove, and Washington townships.

48. The forty-eighth representative district shall consist of:

a. Boone county.

b. In Story county:

(1) The cities of Sheldahl and Slater.

(2) That portion of Washington township lying outside the corporate limits of the city of Kelley and not contained in the forty-ninth and fiftieth representative districts.

(3) That portion of the city of Ames not contained in the forty-ninth and fiftieth representative districts.

49. The forty-ninth representative district in Story county shall consist of:

a. Those portions of Washington township and the city of Ames bounded by a line commencing at the point of intersection of South Dakota avenue and the corporate limits of the city of Ames, proceeding northerly along South Dakota avenue to Mortensen road, and proceeding easterly along Mortensen road to Coconino road, and proceeding southerly along Coconino road to Maricopa drive, and proceeding easterly along Maricopa drive

to Walton drive, and proceeding northerly, then westerly, along Walton drive to Seagrave boulevard, and proceeding northerly along Seagrave boulevard to Mortensen road, and proceeding easterly along Mortensen road to State avenue, and proceeding northerly along State avenue to Lincoln way, and proceeding easterly along Lincoln way to Sheldon avenue, and proceeding northerly along Sheldon avenue to Union drive, and proceeding easterly along Union drive to Bissell road, and proceeding northerly along Bissell road to Pammel drive, and proceeding easterly along Pammel drive to Stange road, and proceeding northerly along Stange road to Thirteenth street, and proceeding easterly along Thirteenth street to Grand avenue, and proceeding northerly along Grand avenue to Twenty-fourth street, and proceeding easterly along Twenty-fourth street to Jensen avenue, and proceeding northerly along Jensen avenue to Luther drive, and proceeding northerly along Luther drive to Twenty-eighth street, and proceeding westerly along Twenty-eighth street to Grand avenue, and proceeding northerly along Grand avenue to the corporate limits of the city of Ames, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Ames to U.S. highway 30, and proceeding westerly along U.S. highway 30 to Creekside drive and its extension, and proceeding northerly along Creekside drive and its extension to South Sixteenth street, and proceeding westerly along South Sixteenth street to University boulevard, and proceeding southwesterly along University boulevard to Five Hundred Thirtieth avenue, and proceeding southerly along Five Hundred Thirtieth avenue to the corporate limits of the city of Ames, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Ames to the point of origin.

b. That portion of Grant township not contained in the twentieth representative district.

50. The fiftieth representative district in Story county shall consist of those portions of Franklin and Washington townships and the city of Ames bounded by a line commencing at the point of intersection of South Dakota avenue and the corporate limits of the city of Ames, and proceeding westerly along the corporate limits of the city of Ames to the boundary of Story county, and proceeding north along the boundary of Story county to the boundary of Franklin township, and proceeding east along the boundary of Franklin township to the corporate limits of the city of Ames, and proceeding north, then in a clockwise manner along the corporate limits of the city of Ames to Grand avenue, and proceeding southerly along Grand avenue to Twenty-eighth street, and proceeding easterly along Twenty-eighth street to Luther drive, and proceeding southerly along Luther drive to Jensen avenue, and proceeding southerly along Jensen avenue to Twenty-fourth street, and proceeding westerly along Twenty-fourth street to Grand avenue, and proceeding southerly along Grand avenue to Thirteenth street, and proceeding westerly along Thirteenth street to Stange road, and proceeding southerly along Stange road to Pammel drive, and proceeding westerly along Pammel drive to Bissell road, and proceeding southerly along Bissell road to Union drive, and proceeding westerly along Union drive to Sheldon avenue, and proceeding southerly along Sheldon avenue to Lincoln way, and proceeding westerly along Lincoln way to State avenue, and proceeding southerly along State avenue to Mortensen road, and proceeding westerly along Mortensen road to Seagrave boulevard, and proceeding southerly along Seagrave boulevard to Walton drive, and proceeding easterly, then southerly, along Walton drive to Maricopa drive, and proceeding westerly along Maricopa drive to Coconino road, and proceeding northerly along Coconino road to Mortensen road, and proceeding westerly along Mortensen road to South Dakota avenue, and proceeding southerly along South Dakota avenue to the point of origin.

51. The fifty-first representative district shall consist of:

a. In Marshall county, Bangor, Eden, Liberty, Liscomb, Logan, Marietta, Minerva, State Center, Vienna, and Washington townships, and those portions of Marion and Taylor townships lying outside the corporate limits of the city of Marshalltown.

b. In Story county:

(1) The cities of Kelley and Nevada.

(2) Collins, Indian Creek, Lincoln, Nevada, New Albany, Richland, Sherman, Union, and Warren townships, that portion of Milford township lying outside the corporate limits of the city of Ames, and that portion of Palestine township lying outside the corporate limits of the cities of Sheldahl and Slater.

(3) That portion of Franklin township lying outside the corporate limits of the city of Ames and not contained in the fiftieth representative district.

(4) That portion of Grant township and the city of Nevada bounded by a line commencing at the point of intersection of the west boundary of Richland township and the corporate limits of the city of Nevada, and proceeding east, then in a clockwise manner along the corporate limits of the city of Nevada to the north boundary of Grant township, and proceeding east along the boundary of Grant township to the point of origin.

52. The fifty-second representative district shall consist of:

a. The city of Marshalltown.

b. Greencastle and Jefferson townships, and those portions of Le Grand and Timber Creek townships lying outside the corporate limits of the city of Marshalltown.

53. The fifty-third representative district shall consist of:

a. Poweshiek county.

b. In Tama county, Carlton, Carroll, Columbia, Crystal, Grant, Highland, Howard, Indian Village, Lincoln, Oneida, Otter Creek, Richland, Salt Creek, Spring Creek, Tama, Toledo, and York townships.

54. The fifty-fourth representative district shall consist of:

a. Grundy county.

b. Hardin county.

c. In Black Hawk county, Cedar Falls, Lincoln, Union, and Washington townships, and that portion of Black Hawk township lying outside the corporate limits of the city of Hudson.

55. The fifty-fifth representative district shall consist of:

a. Franklin county.

b. Hamilton county.

c. In Story county, Howard and Lafayette townships.

d. In Wright county, Blaine, Vernon, Wall Lake, and Woolstock townships, and that portion of Lincoln township lying outside the corporate limits of the city of Clarion.

56. The fifty-sixth representative district shall consist of:

a. Hancock county.

b. Humboldt county.

c. In Wright county:

(1) The city of Clarion.

(2) Belmond, Boone, Dayton, Eagle Grove, Grant, Iowa, Lake, Liberty, Norway, Pleasant, and Troy townships.

57. The fifty-seventh representative district shall consist of:

a. Butler county.

b. In Bremer county:

(1) The city of Waverly.

(2) Jackson, Jefferson, Lafayette, Polk, and Washington townships.

58. The fifty-eighth representative district shall consist of:

a. Chickasaw county.

b. In Bremer county:

(1) The city of Sumner.

(2) Dayton, Douglas, Franklin, Frederika, Fremont, Le Roy, Maxfield, Sumner No. 2, and Warren townships.

c. In Floyd county:

(1) The city of Charles City.

(2) Cedar, Floyd, Niles, Pleasant Grove, Riverton, Rudd, Scott, St. Charles, Ulster, and Union townships.

59. The fifty-ninth representative district in Cerro Gordo county shall consist of:

a. The city of Mason City.

b. Bath, Dougherty, Falls, Geneseo, Lime Creek, Mason, Mount Vernon, Owen, and Portland townships, and that portion of Pleasant Valley township lying outside the corporate limits of the city of Thornton.

60. The sixtieth representative district shall consist of:

a. Mitchell county.

b. Worth county.

c. In Cerro Gordo county:

(1) The cities of Clear Lake and Thornton.

(2) Clear Lake, Grant, Grimes, Lake, Lincoln, and Union townships.

d. In Floyd county, Rock Grove and Rockford townships.

61. The sixty-first representative district in Black Hawk county shall consist of that portion of the city of Waterloo bounded by a line commencing at the point of intersection of the corporate limits of the city of Waterloo and Huntington road, and proceeding easterly along Huntington road to Wren road, and proceeding northerly along Wren road to Downing avenue, and proceeding easterly along Downing avenue to Doreen avenue, and proceeding northerly along Doreen avenue to Sager avenue, and proceeding westerly along Sager avenue to Linbud lane, and proceeding northerly along Linbud lane to Alabar avenue, and proceeding easterly along Alabar avenue to the extension of Falls avenue, and proceeding northerly along the extension of Falls avenue to University avenue, and proceeding easterly along University avenue to Ansborough avenue, and proceeding southerly along Ansborough avenue to Black Hawk creek, and proceeding easterly along Black Hawk creek to Fletcher avenue, and proceeding southerly along Fletcher avenue to Campbell avenue, and proceeding easterly along Campbell avenue to West Fourth street, and proceeding northeasterly along West Fourth street to Allen street, and proceeding southeasterly along Allen street to West Seventh street, and proceeding easterly along West Seventh street to Leavitt street, and proceeding southeasterly along Leavitt street to West Ninth street, and proceeding southerly along West Ninth street to East Mitchell avenue, and proceeding easterly along East Mitchell avenue to Ohio street, and proceeding northerly along Ohio street to Byron avenue, and proceeding westerly along Byron avenue to Ohio street, and proceeding northerly along Ohio street to Washington street, and proceeding westerly along Washington street to Williston avenue, and proceeding easterly along Williston avenue to West Eighteenth street, and proceeding northeasterly along West Eighteenth street to Vinton street, and proceeding northerly along Vinton street to Franklin street, and proceeding easterly along Franklin street to Nevada street, and proceeding northerly along Nevada street to Independence avenue, and proceeding westerly along Independence avenue to Steely street, and proceeding northerly along Steely street to Alta Vista avenue, and proceeding easterly along Alta Vista avenue to Idaho street, and proceeding southerly along Idaho street to Independence avenue, and proceeding easterly along Independence avenue to the corporate limits of the city of Waterloo, and proceeding south, then in a clockwise manner along the corporate limits of the city of Waterloo to Ansborough avenue, and proceeding northerly along Ansborough avenue to Ridgemont road, and proceeding westerly along Ridgemont road to Inverness road, and proceeding northwesterly along Inverness road to Doral drive, and proceeding northerly along Doral drive to West Fourth street, and proceeding northeasterly along West Fourth street to West Ridgeway avenue, and proceeding westerly along West Ridgeway avenue to Black Hawk creek, and proceeding northerly along Black Hawk creek to the corporate limits of the city of Waterloo, and proceeding east, then in a clockwise manner along the corporate limits of the city of Waterloo to the point of origin.

62. The sixty-second representative district in Black Hawk county shall consist of that portion of the city of Waterloo bounded by a line commencing at the point of intersection of the corporate limits of the city of Waterloo and Huntington road, and proceeding easterly along Huntington road to Wren road, and proceeding northerly along Wren road to Downing avenue, and proceeding easterly along Downing avenue to Doreen avenue, and proceeding northerly along Doreen avenue to Sager avenue, and proceeding westerly along Sager avenue to Linbud lane, and proceeding northerly along Linbud lane to Alabar avenue, and proceeding easterly along Alabar avenue to the extension of Falls avenue, and proceeding northerly along the extension of Falls avenue to University avenue, and proceeding easterly along University avenue to Ansborough avenue, and proceeding southerly along Ansborough avenue to Black Hawk creek, and proceeding easterly along Black Hawk creek to Fletcher avenue, and proceeding southerly along Fletcher avenue to Campbell avenue, and proceeding easterly along Campbell avenue to West Fourth street, and proceeding northeasterly along West Fourth street to Allen street, and proceeding southeasterly along Allen street to West Seventh street, and proceeding easterly along West Seventh street to Leavitt street, and proceeding southeasterly along Leavitt street to West Ninth street, and

proceeding southerly along West Ninth street to East Mitchell avenue, and proceeding easterly along East Mitchell avenue to Ohio street, and proceeding northerly along Ohio street to Byron avenue, and proceeding westerly along Byron avenue to Ohio street, and proceeding northerly along Ohio street to Washington street, and proceeding westerly along Washington street to Williston avenue, and proceeding easterly along Williston avenue to West Eighteenth street, and proceeding northeasterly along West Eighteenth street to Vinton street, and proceeding northerly along Vinton street to Franklin street, and proceeding easterly along Franklin street to Nevada street, and proceeding northerly along Nevada street to Independence avenue, and proceeding westerly along Independence avenue to Steely street, and proceeding northerly along Steely street to Alta Vista avenue, and proceeding easterly along Alta Vista avenue to Idaho street, and proceeding southerly along Idaho street to Independence avenue, and proceeding easterly along Independence avenue to the corporate limits of the city of Waterloo, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Waterloo to the point of origin.

63. The sixty-third representative district shall consist of:

- a. Howard county.
- b. Winneshiek county.
- c. In Fayette county, Auburn, Clermont, Dover, and Eden townships.

64. The sixty-fourth representative district shall consist of:

- a. Allamakee county.
- b. Clayton county.
- c. In Dubuque county, that portion of Concord township lying outside the corporate limits of the city of Rickardsville.

65. The sixty-fifth representative district in Dubuque county shall consist of:

- a. The cities of Asbury, Rickardsville, and Sherrill.
- b. Center, Dodge, Iowa, Jefferson, Liberty, Mosalem, New Wine, Prairie Creek, Taylor, Vernon, and Washington townships, and that portion of Whitewater township lying outside the corporate limits of the city of Cascade.
- c. That portion of Dubuque township not contained in the seventy-second representative district and that portion of Table Mound township not contained in the seventy-first and seventy-second representative districts.

66. The sixty-sixth representative district shall consist of:

- a. Jones county.
- b. In Jackson county, Bellevue, Brandon, Butler, Fairfield, Farmers Creek, Iowa, Jackson, Otter Creek, Perry, Prairie Springs, Richland, Tete Des Morts, Union, Van Buren, and Washington townships.

67. The sixty-seventh representative district shall consist of:

- a. Delaware county.
- b. In Buchanan county:
 - (1) The cities of Independence and Winthrop.
 - (2) Cono, Fremont, Homer, Jefferson, Liberty, Middlefield, Newton, and Sumner townships, and that portion of Westburg township lying outside the corporate limits of the city of Jesup.
 - (3) Those portions of Byron and Washington townships not contained in the sixty-eighth representative district.

c. In Dubuque county, the city of Cascade and Cascade township.

68. The sixty-eighth representative district shall consist of:

- a. In Black Hawk county:
 - (1) Barclay, Bennington, Fox, Lester, and Mount Vernon townships, and that portion of East Waterloo township lying outside the corporate limits of the city of Elk Run Heights.
 - (2) That portion of Poyner township bounded by a line commencing at the point of intersection of the north corporate limits of the city of Elk Run Heights and the west boundary of Poyner township, and proceeding north, then in a clockwise manner along the boundary of Poyner township to Indian Creek road, and proceeding westerly along Indian Creek road to Gilbertville road, and proceeding northwesterly along Gilbertville road to the corporate limits of the city of Elk Run Heights, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Elk Run Heights to the point of origin.

b. In Buchanan county:

(1) Buffalo, Fairbank, Hazleton, Madison, and Perry townships.

(2) That portion of Byron township bounded by a line commencing at the point of intersection of the west corporate limits of the city of Winthrop and the boundary of Byron township, and proceeding west, then in a clockwise manner along the boundary of Byron township to the north corporate limits of the city of Winthrop, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Winthrop to the point of origin.

(3) That portion of Washington township bounded by a line commencing at the point of intersection of the east boundary of Westburg township and the boundary of Washington township, and proceeding east along the boundary of Washington township to the corporate limits of the city of Independence, and proceeding north, then in a clockwise manner along the corporate limits of the city of Independence to the boundary of Washington township, and proceeding east, then in a counterclockwise manner along the boundary of Washington township to the point of origin.

c. That portion of Fayette county not contained in the sixty-third representative district.

69. The sixty-ninth representative district in Clinton county shall consist of:

a. The city of Clinton.

b. Camanche, Center, Deep Creek, Elk River, and Hampshire townships.

70. The seventieth representative district shall consist of:

a. In Clinton county, Bloomfield, Brookfield, De Witt, Eden, Grant, Liberty, Olive, Orange, Sharon, Spring Rock, Washington, Waterford, and Welton townships.

b. In Jackson county, Maquoketa, Monmouth, and South Fork townships.

c. In Scott county, Butler, Princeton, and Winfield townships, that portion of Allens Grove township lying outside the corporate limits of the city of Dixon, and that portion of Le Claire township lying outside the corporate limits of the city of Le Claire.

71. The seventy-first representative district in Dubuque county shall consist of that portion of Table Mound township and the city of Dubuque bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the south boundary of the corporate limits of the city of Dubuque, and proceeding westerly along the corporate limits of the city of Dubuque to the east boundary of Table Mound township, and proceeding south along the boundary of Table Mound township to the point of intersection of U.S. Highway 52 and the corporate limits of the city of Dubuque, and proceeding east, then in a clockwise manner along the corporate limits of the city of Dubuque to the north boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the point of intersection of Miners lane and the boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the corporate limits of the city of Dubuque, and proceeding north, then in a clockwise manner along the corporate limits of the city of Dubuque to nonvisible boundary (TLID:16921417), and proceeding north along nonvisible boundary (TLID:16921417) to Dodge street, and proceeding easterly along Dodge street to John F. Kennedy road, and proceeding northerly along John F. Kennedy road to University avenue, and proceeding easterly along University avenue to Catfish Creek North branch, and proceeding northerly along Catfish Creek North branch to Van Buren avenue, and proceeding easterly along Van Buren avenue to Drexel avenue, and proceeding northerly along Drexel avenue to Pennsylvania avenue, and proceeding westerly along Pennsylvania avenue to Bristol drive, and proceeding northerly along Bristol drive to St. Anne drive, and proceeding easterly along St. Anne drive to Flora Park road, and proceeding northerly along Flora Park road to Wilbricht lane, and proceeding easterly along Wilbricht lane to Asbury road, and proceeding easterly along Asbury road to Rosedale avenue, and proceeding easterly along Rosedale avenue to North Grandview avenue, and proceeding northerly along North Grandview avenue to West Thirty-second street, and proceeding easterly along West Thirty-second street to East Thirty-second street, and proceeding easterly along East Thirty-second street to Heritage trail, and proceeding northerly along Heritage trail to Louella lane and its extension, and proceeding easterly along Louella lane and its extension to Peru road, and proceeding northeasterly along Peru road to Sheridan road, and proceeding easterly along Sheridan road to Davis street, and proceeding easterly along Davis street to Windsor avenue, and proceeding southerly along Windsor avenue to

Lawther street, and proceeding westerly along Lawther street to Balke street, and proceeding southerly along Balke street to Strauss street, and proceeding westerly along Strauss street to Brunswick street, and proceeding southerly along Brunswick street to Queen street, and proceeding easterly, then southerly, along Queen street to Clinton street, and proceeding westerly along Clinton street to nonvisible boundary (TLID:16910879), and proceeding southerly along nonvisible boundary (TLID:16910879) to Marquette place, and proceeding southerly along Marquette place to Queen street, and proceeding southerly along Queen street to East Twenty-fourth street, and proceeding westerly along East Twenty-fourth street to Central avenue, and proceeding southerly along Central avenue to East Eighteenth street, and proceeding easterly along East Eighteenth street to an abandoned railroad, and proceeding southerly along an abandoned railroad to East Sixteenth street, and proceeding easterly along East Sixteenth street to U.S. highway 61, and proceeding easterly along U.S. highway 61 to the corporate limits of the city of Dubuque, and proceeding southerly along the corporate limits of the city of Dubuque to the point of origin.

72. The seventy-second representative district in Dubuque county shall consist of:

a. That portion of Peru township lying outside the corporate limits of the city of Sherrill.

b. That portion of Dubuque county commencing at the point of intersection of Miners lane and the north boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the corporate limits of the city of Dubuque, and proceeding north, then in a clockwise manner along the corporate limits of the city of Dubuque to nonvisible boundary (TLID:16921417), and proceeding north along nonvisible boundary (TLID:16921417) to Dodge street, and proceeding easterly along Dodge street to John F. Kennedy road, and proceeding northerly along John F. Kennedy road to University avenue, and proceeding easterly along University avenue to Catfish Creek North branch, and proceeding northerly along Catfish Creek North branch to Van Buren avenue, and proceeding easterly along Van Buren avenue to Drexel avenue, and proceeding northerly along Drexel avenue to Pennsylvania avenue, and proceeding westerly along Pennsylvania avenue to Bristol drive, and proceeding northerly along Bristol drive to St. Anne drive, and proceeding easterly along St. Anne drive to Flora Park road, and proceeding northerly along Flora Park road to Wilbricht lane, and proceeding easterly along Wilbricht lane to Asbury road, and proceeding easterly along Asbury road to Rosedale avenue, and proceeding easterly along Rosedale avenue to North Grandview avenue, and proceeding northerly along North Grandview avenue to West Thirty-second street, and proceeding easterly along West Thirty-second street to East Thirty-second street, and proceeding easterly along East Thirty-second street to Heritage trail, and proceeding northerly along Heritage trail to Louella lane and its extension, and proceeding easterly along Louella lane and its extension to Peru road, and proceeding northeasterly along Peru road to Sheridan road, and proceeding easterly along Sheridan road to Davis street, and proceeding easterly along Davis street to Windsor avenue, and proceeding southerly along Windsor avenue to Lawther street, and proceeding westerly along Lawther street to Balke street, and proceeding southerly along Balke street to Strauss street, and proceeding westerly along Strauss street to Brunswick street, and proceeding southerly along Brunswick street to Queen street, and proceeding easterly, then southerly, along Queen street to Clinton street, and proceeding westerly along Clinton street to nonvisible boundary (TLID:16910879), and proceeding southerly along nonvisible boundary (TLID:16910879) to Marquette place, and proceeding southerly along Marquette place to Queen street, and proceeding southerly along Queen street to East Twenty-fourth street, and proceeding westerly along East Twenty-fourth street to Central avenue, and proceeding southerly along Central avenue to East Eighteenth street, and proceeding easterly along East Eighteenth street to an abandoned railroad, and proceeding southerly along an abandoned railroad to East Sixteenth street, and proceeding easterly along East Sixteenth street to U.S. highway 61, and proceeding easterly along U.S. highway 61 to the boundary of the state of Iowa, and proceeding northerly along the boundary of the state of Iowa to the south boundary of Peru township, and proceeding west along the boundary of Peru township to the west boundary of Dubuque township, and proceeding south along the boundary of Dubuque township to the corporate limits of the city of Asbury, and proceeding east, then in a clockwise manner along the corporate limits of the city of Asbury to the corporate limits of the city of Dubuque, and proceeding westerly, then in a

counterclockwise manner along the corporate limits of the city of Dubuque to the point of intersection of Humke road and the boundary of Dubuque township, and proceeding south along the boundary of Dubuque township to the corporate limits of the city of Dubuque, and proceeding south, then in a counterclockwise manner along the corporate limits of the city of Dubuque to the north boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the point of origin.

73. The seventy-third representative district in Linn county shall consist of that portion of the city of Marion and Marion township bounded by a line commencing at the point of intersection of Grant Wood trail and the west boundary of the corporate limits of the city of Marion, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Marion to U.S. highway 151, and proceeding southerly along U.S. highway 151 to the boundary of Marion township, and proceeding westerly along the boundary of Marion township to the corporate limits of the city of Cedar Rapids, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Cedar Rapids to the corporate limits of the city of Marion, and proceeding easterly along the corporate limits of the city of Marion to First avenue, and proceeding westerly along First avenue to Twenty-seventh street, and proceeding northerly along Twenty-seventh street to Third avenue, and proceeding westerly along Third avenue to Twenty-sixth street, and proceeding northerly along Twenty-sixth street to Fifth avenue, and proceeding easterly along Fifth avenue to Thirty-first street, and proceeding northerly along Thirty-first street to Seventh avenue, and proceeding westerly along Seventh avenue to Eighteenth street, and proceeding northerly along Eighteenth street to Eleventh avenue, and proceeding easterly along Eleventh avenue to Washington drive, and proceeding northerly along Washington drive to Park avenue, and proceeding westerly along Park avenue to Lincoln drive, and proceeding southerly along Lincoln drive to Thirteenth avenue, and proceeding westerly along Thirteenth avenue to Seventh street, and proceeding southerly along Seventh street to Central avenue, and proceeding westerly along Central avenue to Alburnett road, and proceeding westerly along Alburnett road to Indian Creek, and proceeding westerly along Indian Creek to West Eighth avenue, and proceeding westerly along West Eighth avenue to Lindale drive, and proceeding southerly along Lindale drive to Grant Wood trail, and proceeding westerly along Grant Wood trail to the point of origin.

74. The seventy-fourth representative district in Linn county shall consist of that portion of Linn county bounded by a line commencing at the point of intersection of Oakland road Northeast and Elmhurst drive Northeast, and proceeding northerly along Oakland road Northeast to Old Marion road Northeast, and proceeding easterly along Old Marion road Northeast to Forty-second street Northeast, and proceeding westerly along Forty-second street Northeast to Council street Northeast, and proceeding northerly along Council street Northeast to the point of intersection of the corporate limits of the city of Robins and the corporate limits of the city of Cedar Rapids, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to Grant Wood trail, and proceeding easterly along Grant Wood trail to Lindale drive, and proceeding northerly along Lindale drive to West Eighth avenue, and proceeding easterly along West Eighth avenue to Indian Creek, and proceeding northerly along Indian Creek to Alburnett road, and proceeding easterly along Alburnett road to Central avenue, and proceeding easterly along Central avenue to Seventh street, and proceeding northerly along Seventh street to Thirteenth avenue, and proceeding easterly along Thirteenth avenue to Lincoln drive, and proceeding northerly along Lincoln drive to Park avenue, and proceeding easterly along Park avenue to Washington drive, and proceeding southerly along Washington drive to Eleventh avenue, and proceeding westerly along Eleventh avenue to Eighteenth street, and proceeding southerly along Eighteenth street to Seventh avenue, and proceeding easterly along Seventh avenue to Thirty-first street, and proceeding southerly along Thirty-first street to Fifth avenue, and proceeding westerly along Fifth avenue to Twenty-sixth street, and proceeding southerly along Twenty-sixth street to Third avenue, and proceeding easterly along Third avenue to Twenty-seventh street, and proceeding southerly along Twenty-seventh street to First avenue, and proceeding easterly along First avenue to the corporate limits of the city of Marion, and proceeding south and in a clockwise manner along the corporate limits of the city of Marion to the corporate limits of the city of Cedar Rapids, and proceeding southerly

along the corporate limits of the city of Cedar Rapids to Cottage Grove avenue Southeast, and proceeding westerly along Cottage Grove avenue Southeast to Forest drive Southeast, and proceeding northerly along Forest drive Southeast to Thompson drive Southeast, and proceeding westerly along Thompson drive Southeast to First avenue Northeast, and proceeding northerly along First avenue Northeast to Twenty-ninth street Northeast, and proceeding westerly along Twenty-ninth street Northeast to Eastern avenue Northeast, and proceeding southerly along Eastern avenue Northeast to Prairie drive Northeast, and proceeding westerly along Prairie drive Northeast to Robinwood lane Northeast, and proceeding westerly along Robinwood lane Northeast to Elmhurst drive Northeast, and proceeding westerly along Elmhurst drive Northeast to the point of origin.

75. The seventy-fifth representative district in Black Hawk county shall consist of that portion of the city of Cedar Falls bounded by a line commencing at the point of intersection of the corporate limits of the city of Cedar Falls and University avenue, and proceeding west, then in a clockwise manner along the corporate limits of the city of Cedar Falls to East Greenhill road, and proceeding westerly along East Greenhill road to South Main street, and proceeding northerly along South Main street to Oregon road, and proceeding easterly along Oregon road to Dallas drive, and proceeding northerly along Dallas drive to Utah road, and proceeding easterly along Utah road to Tucson drive, and proceeding northerly along Tucson drive to Idaho road, and proceeding easterly along Idaho road to Boulder drive, and proceeding northerly along Boulder drive to University avenue, and proceeding westerly along University avenue to Grove street, and proceeding northerly along Grove street to East Seerley boulevard, and proceeding westerly along East Seerley boulevard to West Seerley boulevard, and proceeding westerly along West Seerley boulevard to College street, and proceeding southerly along College street to University avenue, and proceeding westerly along University avenue to the point of origin.

76. The seventy-sixth representative district shall consist of:

a. In Benton county, Bruce, Cedar, and Monroe townships.

b. In Black Hawk county:

(1) The cities of Evansdale, Elk Run Heights, and Hudson.

(2) That portion of the city of Cedar Falls not contained in the seventy-fifth representative district and that portion of the city of Waterloo not contained in the sixty-first and sixty-second representative districts.

(3) Big Creek, Cedar, Eagle, Orange, and Spring Creek townships, and that portion of Poyner township not contained in the sixty-eighth representative district.

c. In Tama county, Buckingham, Clark, Geneseo, and Perry townships.

77. The seventy-seventh representative district in Linn county shall consist of that portion of:

a. Those portions of College township lying outside the corporate limits of the city of Ely.

b. That portion of the city of Cedar Rapids bounded by a line commencing at the point of intersection of the north boundary of Fairfax township, the south boundary of Clinton township, and the corporate limits of the city of Cedar Rapids, and proceeding east, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to Sixteenth avenue Southwest, and proceeding easterly along Sixteenth avenue Southwest to Eighteenth street Southwest, and proceeding northerly along Eighteenth street Southwest to First avenue Northwest, and proceeding easterly along First avenue Northwest to Twelfth street Southwest, and proceeding southerly along Twelfth street Southwest to Third avenue Southwest, and proceeding easterly along Third avenue Southwest to Union Pacific Railroad, and proceeding northerly along Union Pacific Railroad to First avenue Northwest, and proceeding easterly along First avenue Northwest to Sixth street Southwest, and proceeding southerly along Sixth street Southwest to Wilson avenue Southwest, and proceeding easterly along Wilson avenue Southwest to Second street Southwest, and proceeding northerly along Second street Southwest to Nineteenth avenue Southwest, and proceeding easterly along Nineteenth avenue Southwest to Bowling street Southwest, and proceeding southerly along Bowling street Southwest to Wilson avenue drive Southwest, and proceeding easterly along Wilson avenue drive Southwest to C street Southwest, and proceeding southerly along C street Southwest to Union Pacific Railroad, and proceeding easterly along Union Pacific Railroad to the Cedar river, and proceeding southerly, then easterly along the Cedar

river to the corporate limits of the city of Cedar Rapids, and proceeding northerly along the corporate limits of the city of Cedar Rapids to the boundary of Putnam township, and proceeding southerly along the boundary of Putnam township to the corporate limits of the city of Cedar Rapids, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the point of origin.

78. The seventy-eighth representative district in Linn county shall consist of those portions of Bertram township and the city of Cedar Rapids bounded by a line commencing at the point of intersection of Union Pacific Railroad and First avenue Northwest, and proceeding northerly along Union Pacific Railroad to Chicago Central and Pacific Railroad, and proceeding easterly along Chicago Central and Pacific Railroad to Union Pacific Railroad, and proceeding southerly along Union Pacific Railroad to Interstate 380, and proceeding northerly along Interstate 380 to F avenue Northeast and its extension, and proceeding easterly along F avenue Northeast and its extension to Oakland road Northeast, and proceeding northerly along Oakland road Northeast to Elmhurst drive Northeast, and proceeding easterly along Elmhurst drive Northeast to Robinwood lane Northeast, and proceeding easterly along Robinwood lane Northeast to Prairie drive Northeast, and proceeding southerly along Prairie drive Northeast to Eastern avenue Northeast, and proceeding northerly along Eastern avenue Northeast to Twenty-ninth street Northeast, and proceeding easterly along Twenty-ninth street Northeast to First avenue Northeast, and proceeding southerly along First avenue Northeast to Thompson drive Southeast, and proceeding easterly along Thompson drive Southeast to Forest drive Southeast, and proceeding southerly along Forest drive Southeast to Cottage Grove avenue Southeast, and proceeding easterly along Cottage Grove avenue Southeast to the corporate limits of the city of Cedar Rapids, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the Cedar river, and proceeding westerly along the Cedar river to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to C street Southwest, and proceeding northerly along C street Southwest to Wilson avenue drive Southwest, and proceeding westerly along Wilson avenue drive Southwest to Bowling street Southwest, and proceeding northerly along Bowling street Southwest to Nineteenth avenue Southwest, and proceeding westerly along Nineteenth avenue Southwest to Second street Southwest, and proceeding southerly along Second street Southwest to Wilson avenue Southwest, and proceeding westerly along Wilson avenue Southwest to Sixth street Southwest, and proceeding northerly along Sixth street Southwest to First avenue Northwest, and proceeding westerly along First avenue Northwest to the point of origin.

79. The seventy-ninth representative district in Linn county shall consist of that portion of the city of Cedar Rapids bounded by a line commencing at the point of intersection of Stoney Point road Southwest and Sixteenth avenue Southwest, and proceeding west along Sixteenth avenue Southwest to the corporate limits of the city of Cedar Rapids, and proceeding west, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the Cedar river, and proceeding easterly along the Cedar river to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to Third avenue Southwest, and proceeding westerly along Third avenue Southwest to Twelfth street Southwest, and proceeding northerly along Twelfth street Southwest to First avenue Northwest, and proceeding westerly along First avenue Northwest to Eighteenth street Southwest, and proceeding southerly along Eighteenth street Southwest to Sixteenth avenue Southwest, and proceeding westerly along Sixteenth avenue Southwest to the point of origin.

80. The eightieth representative district in Linn county shall consist of that portion of Linn county bounded by a line commencing at the point of intersection of the Cedar river, Clinton township, and the corporate limits of the city of Cedar Rapids, and proceeding northerly and in a clockwise manner along the corporate limits of the city of Cedar Rapids to the corporate limits of the city of Hiawatha, and proceeding northerly along the corporate limits of the city of Hiawatha to the corporate limits of the city of Robins, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Robins to the corporate limits of the city of Cedar Rapids, and proceeding southerly along the corporate limits of the city of Cedar Rapids to Council street Northeast, and proceeding southerly along Council street Northeast to Forty-second street Northeast, and proceeding easterly along Forty-second street Northeast to Old Marion road Northeast, and proceeding westerly along Old Marion

road Northeast to Oakland road Northeast, and proceeding southerly along Oakland road Northeast to F avenue Northeast, and proceeding westerly along F avenue Northeast and its extension to Interstate 380, and proceeding southerly along Interstate 380 to Union Pacific Railroad, and proceeding northerly along Union Pacific Railroad to Chicago Central and Pacific Railroad, and proceeding westerly along Chicago Central and Pacific Railroad to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to the Cedar river, and proceeding northerly and easterly along the Cedar river to the point of origin.

81. The eighty-first representative district in Scott county shall consist of that portion of the city of Davenport and Blue Grass township bounded by a line commencing at the point of intersection of Interstate 80 and the west boundary of the corporate limits of the city of Davenport, and proceeding north, then in a clockwise manner along the corporate limits of the city of Davenport to Jersey Ridge road, and proceeding southerly along Jersey Ridge road to East Forty-sixth street, and proceeding westerly along East Forty-sixth street to Eastern avenue, and proceeding northerly along Eastern avenue to East Fifty-third street, and proceeding westerly along East Fifty-third street to West Fifty-third street, and proceeding westerly along West Fifty-third street to Appomattox road, and proceeding northerly along Appomattox road to West Fifty-eighth street, and proceeding westerly along West Fifty-eighth street to Vine street, and proceeding southerly along Vine street to West Fifty-seventh street, and proceeding westerly along West Fifty-seventh street to North Marquette street, and proceeding southerly along North Marquette street to West Fifty-third street, and proceeding westerly along West Fifty-third street to Northwest boulevard, and proceeding southerly along Northwest boulevard to West Kimberly road, and proceeding westerly along West Kimberly road to North Marquette street, and proceeding southerly along North Marquette street to West Thirty-eighth street, and proceeding westerly along West Thirty-eighth street to North Division street, and proceeding southerly along North Division street to West Central Park avenue, and proceeding westerly along West Central Park avenue to North Michigan avenue, and proceeding southerly along North Michigan avenue to West Lombard street, and proceeding easterly along West Lombard street to North Clark street, and proceeding southerly along North Clark street to Waverly road, and proceeding westerly along Waverly road to West Locust street, and proceeding westerly along West Locust street to One Hundred Sixtieth street, and proceeding westerly along One Hundred Sixtieth street to the corporate limits of the city of Davenport, and proceeding west, then in a clockwise manner along the corporate limits of the city of Davenport to the point of origin.

82. The eighty-second representative district shall consist of:

a. Cedar county.

b. In Muscatine county, Fulton, Montpelier, and Wapsinoc townships, and that portion of Moscow township lying outside the corporate limits of the city of Wilton.

c. In Scott county:

(1) The cities of Blue Grass and Dixon.

(2) Cleona, Hickory Grove, and Liberty townships, and that portion of Blue Grass township not contained in the eighty-first and ninety-eighth representative districts.

83. The eighty-third representative district in Linn county shall consist of:

a. The city of Ely.

b. Boulder, Brown, Buffalo, Fayette, Franklin, Jackson, Linn, Maine, Otter Creek, Putnam, and Washington townships.

c. That portion of Bertram township not contained in the seventy-eighth representative district.

d. That portion of Marion township lying outside the corporate limits of the city of Marion, not contained in the seventy-third representative district, or not contained in the seventy-fourth representative district.

e. That portion of Monroe township not contained in the eightieth representative district.

84. The eighty-fourth representative district shall consist of:

a. That portion of Benton county not contained in the seventy-sixth representative district.

b. In Linn county, Clinton, Fairfax, Grant, and Spring Grove townships.

85. The eighty-fifth representative district in Johnson county shall consist of:

a. Cedar, Newport, and Graham townships, that portion of Penn township lying outside the corporate limits of the cities of Coralville and North Liberty, and that portion of East Lucas township not contained in the eighty-ninth representative district.

b. Those portions of Clear Creek and Madison townships and the city of North Liberty bounded by a line commencing at the point of intersection of the north boundary of the corporate limits of the city of North Liberty and the west boundary of Penn township, and proceeding east, then in a clockwise manner along the corporate limits of the city of North Liberty to the point of origin.

c. That portion of the city of Solon and Big Grove township bounded by a line commencing at the point of intersection of the east boundary of Big Grove township and the south corporate limits of the city of Solon, and proceeding northwesterly, then in a clockwise manner along the corporate limits of the city of Solon to the point of origin.

d. That portion of the city of Iowa City bounded by a line commencing at the point of intersection of the corporate limits of the city of Iowa City and Prairie du Chien road Northeast, and proceeding southerly along Prairie du Chien road Northeast to Prairie du Chien road, and proceeding southerly along Prairie du Chien road to North Dodge street, and proceeding westerly along North Dodge street to North Governor street, and proceeding northerly along North Governor street to Kimball road, and proceeding westerly along Kimball road to North Dubuque street, and proceeding northerly along North Dubuque street to Foster road, and proceeding westerly along Foster road to Walker circle, and proceeding westerly along Walker circle to nonvisible boundary (TLID:637336821), and proceeding northerly along nonvisible boundary (TLID:637336821) to nonvisible boundary (TLID:615683239), and proceeding westerly along nonvisible boundary (TLID:615683239) to the corporate limits of the city of Iowa City, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Iowa City to the point of origin.

86. The eighty-sixth representative district in Johnson county shall consist of those portions of the city of Coralville and Iowa City bounded by a line commencing at the point of intersection of the corporate limits of the cities of North Liberty, Tiffin, and Coralville, and proceeding east, then in a clockwise manner along the corporate limits of the city of Coralville to nonvisible boundary (TLID:615683239), and proceeding easterly along nonvisible boundary (TLID:615683239) to nonvisible boundary (TLID:637336821), and proceeding southerly along nonvisible boundary (TLID:637336821) to Walker circle, and proceeding easterly along Walker circle to Foster road, and proceeding easterly along Foster road to North Dubuque street, and proceeding southerly along North Dubuque street to East Park road, and proceeding westerly along East Park road to the Iowa river, and proceeding southerly along the Iowa river to Newton road, and proceeding westerly along Newton road to South Riverside drive, and proceeding northerly along South Riverside drive to Second street, and proceeding northerly along Second street to First avenue, and proceeding southerly along First avenue to Mormon Trek boulevard, and proceeding westerly along Mormon Trek boulevard to Hawkeye Park road, and proceeding westerly, then southerly, along Hawkeye Park road to Melrose avenue, and proceeding easterly along Melrose avenue to Westwinds drive, and proceeding southerly along Westwinds drive to Roberts road, and proceeding easterly along Roberts road to Bartelt road, and proceeding easterly along Bartelt road to Mormon Trek boulevard, and proceeding southerly along Mormon Trek boulevard to nonvisible boundary (TLID:646425840), and proceeding southerly along nonvisible boundary (TLID:646425840) to the corporate limits of the city of Iowa City, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Iowa City to the corporate limits of the city of Coralville, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Coralville to the point of origin.

87. The eighty-seventh representative district shall consist of:

a. Van Buren county.

b. In Henry county:

(1) The city of Mount Pleasant.

(2) Center, Salem, and Tippecanoe townships.

c. In Jefferson county:

(1) The city of Fairfield.

(2) Cedar, Center, Des Moines, Liberty, and Round Prairie townships.

88. The eighty-eighth representative district shall consist of:

a. Keokuk county.

b. In Jefferson county, Black Hawk, Buchanan, Lockridge, Locust Grove, Penn, Polk, and Walnut townships.

c. In Mahaska county:

(1) The city of Oskaloosa.

(2) Adams, Cedar, Harrison, Lincoln, Madison, Monroe, Pleasant Grove, Prairie, Spring Creek, Union, and White Oak townships.

89. The eighty-ninth representative district in Johnson county shall consist of that portion of Johnson county bounded by a line commencing at the point of intersection of the boundaries of Scott township, Pleasant Valley township, and East Lucas township, and proceeding west along the boundary of East Lucas township to the boundary of West Lucas township, and proceeding northerly along the boundary of West Lucas township to the corporate limits of the city of Iowa City, and proceeding west, then in a clockwise manner along the corporate limits of the city of Iowa City to nonvisible boundary (TLID:646425840), and proceeding northerly along nonvisible boundary (TLID:646425840) to Mormon Trek boulevard, and proceeding northerly along Mormon Trek boulevard to Bartelt road, and proceeding westerly along Bartelt road to Roberts road, and proceeding westerly along Roberts road to Westwinds drive, and proceeding northerly along Westwinds drive to Melrose avenue, and proceeding westerly along Melrose avenue to Hawkeye Park road, and proceeding northerly, then easterly, along Hawkeye Park road to Mormon Trek boulevard, and proceeding northerly along Mormon Trek boulevard to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to nonvisible boundary (TLID:646428155), and proceeding westerly along nonvisible boundary (TLID:646428155) to the corporate limits of the city of University Heights, and proceeding southeasterly along the corporate limits of the city of University Heights to nonvisible boundary (TLID:646428160), and proceeding easterly along nonvisible boundary (TLID:646428160) to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to the Iowa river, and proceeding northerly along the Iowa river to West Burlington street, and proceeding easterly along West Burlington street to East Burlington street, and proceeding easterly along East Burlington street to South Linn street, and proceeding northerly along South Linn street to East College street, and proceeding easterly along East College street to South Van Buren street, and proceeding southerly along South Van Buren street to East Burlington street, and proceeding easterly along East Burlington street to South Dodge street, and proceeding southerly along South Dodge street to Bowery street, and proceeding easterly along Bowery street to South Governor street, and proceeding northerly along South Governor street to East Burlington street, and proceeding easterly along East Burlington street to Muscatine avenue, and proceeding southeasterly along Muscatine avenue to Fourth avenue, and proceeding southerly along Fourth avenue to F street, and proceeding westerly along F street to Fifth avenue, and proceeding southerly along Fifth avenue to I street, and proceeding easterly along I street to Third avenue, and proceeding southerly along Third avenue to J street, and proceeding easterly along J street to Second avenue, and proceeding southerly along Second avenue and its extension to Iowa Interstate Railroad, and proceeding southeasterly along Iowa Interstate Railroad to South Scott boulevard, and proceeding northerly along South Scott boulevard to the corporate limits of the city of Iowa City, and proceeding southeasterly, then in a clockwise manner along the corporate limits of the city of Iowa City to the east boundary of East Lucas township, and proceeding south along the boundary of East Lucas township to the point of origin.

90. The ninetieth representative district in Johnson county shall consist of that portion of the city of Iowa City and Scott township bounded by a line commencing at the point of intersection of the corporate limits of the city of Iowa City and Iowa Interstate Railroad, and proceeding southeasterly along Iowa Interstate Railroad to nonvisible boundary (TLID:646428155), and proceeding westerly along nonvisible boundary (TLID:646428155) to the corporate limits of the city of University Heights, and proceeding southeasterly along the corporate limits of the city of University Heights to nonvisible boundary (TLID:646428160), and proceeding easterly along nonvisible boundary (TLID:646428160) to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to the Iowa river, and

proceeding northerly along the Iowa river to West Burlington street, and proceeding easterly along West Burlington street to East Burlington street, and proceeding easterly along East Burlington street to South Linn street, and proceeding northerly along South Linn street to East College street, and proceeding easterly along East College street to South Van Buren street, and proceeding southerly along South Van Buren street to East Burlington street, and proceeding easterly along East Burlington street to South Dodge street, and proceeding southerly along South Dodge street to Bowery street, and proceeding easterly along Bowery street to South Governor street, and proceeding northerly along South Governor street to East Burlington street, and proceeding easterly along East Burlington street to Muscatine avenue, and proceeding southeasterly along Muscatine avenue to Fourth avenue, and proceeding southerly along Fourth avenue to F street, and proceeding westerly along F street to Fifth avenue, and proceeding southerly along Fifth avenue to I street, and proceeding easterly along I street to Third avenue, and proceeding southerly along Third avenue to J street, and proceeding easterly along J street to Second avenue, and proceeding southerly along Second avenue and its extension to Iowa Interstate Railroad, and proceeding southeasterly along Iowa Interstate Railroad to South Scott boulevard, and proceeding northerly along South Scott boulevard to the corporate limits of the city of Iowa City, and proceeding north, then in a counterclockwise manner along the corporate limits of the city of Iowa City to Prairie du Chien road Northeast, and proceeding southerly along Prairie du Chien road Northeast to Prairie du Chien road, and proceeding southerly along Prairie du Chien road to North Dodge street, and proceeding westerly along North Dodge street to North Governor street, and proceeding northerly along North Governor street to Kimball road, and proceeding westerly along Kimball road to North Dubuque street, and proceeding southerly along North Dubuque street to East Park road, and proceeding westerly along East Park road to the Iowa river, and proceeding southerly along the Iowa river to Newton road, and proceeding westerly along Newton road to South Riverside drive, and proceeding northerly along South Riverside drive to Second street, and proceeding westerly along Second street to the corporate limits of the city of Iowa City, and proceeding westerly, then in a counterclockwise manner along the corporate limits of the city of Iowa City to the point of origin.

91. The ninety-first representative district shall consist of:

a. Iowa county.

b. In Johnson county:

(1) Hardin, Jefferson, Monroe, Oxford, and Washington townships.

(2) That portion of Big Grove township not contained in the eighty-fifth representative district.

(3) That portion of Clear Creek township lying outside the corporate limits of the city of Coralville and not contained in the eighty-fifth representative district.

(4) That portion of Madison township and the city of North Liberty not contained in the eighty-fifth representative district.

92. The ninety-second representative district shall consist of:

a. Washington county.

b. In Johnson county:

(1) Fremont, Liberty, Lincoln, Pleasant Valley, and Sharon townships, that portion of Union township lying outside the corporate limits of the city of Coralville, and that portion of West Lucas township lying outside the corporate limits of the cities of Coralville and University Heights.

(2) That portion of Scott township not contained in the ninetieth representative district.

93. The ninety-third representative district in Scott county shall consist of:

a. Pleasant Valley township.

b. That portion of the city of Le Claire and Le Claire township bounded by a line commencing at the point of intersection of the boundary of Pleasant Valley township and the north boundary of the corporate limits of the city of Le Claire, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Le Claire to the boundary of the state of Iowa, and proceeding southerly along the boundary of the state of Iowa to the boundary of Pleasant Valley township, and proceeding north along the boundary of Pleasant Valley township to the point of origin.

c. Those portions of the cities of Bettendorf, Riverdale, and Panorama Park, bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and Thirty-first street, and proceeding northerly along Thirty-first street to State street, and proceeding westerly along State street to Twenty-eighth street, and proceeding northerly along Twenty-eighth street to Ten Plus street, and proceeding northerly along Ten Plus street to Twenty-eighth and one-half street, and proceeding northerly along Twenty-eighth and one-half street to Central avenue, and proceeding westerly along Central avenue to Twenty-third street, and proceeding northerly along Twenty-third street to Middle road, and proceeding westerly along Middle road to Eighteenth street, and proceeding northerly along Eighteenth street to Brookside drive, and proceeding westerly along Brookside drive to Parkdale drive, and proceeding northerly along Parkdale drive to Brunswick drive, and proceeding northerly along Brunswick drive to Queens drive, and proceeding easterly along Queens drive to Stone Haven drive, and proceeding northerly along Stone Haven drive to Crow Creek road, and proceeding westerly along Crow Creek road to the intersection of the corporate limits of the city of Davenport and the corporate limits of the city of Bettendorf, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Bettendorf to the boundary of the state of Iowa, and proceeding southerly along the boundary of the state of Iowa to the point of origin.

94. The ninety-fourth representative district in Scott county shall consist of:

a. Lincoln and Sheridan townships.

b. That portion of the cities of Bettendorf and Davenport bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the west boundary of the corporate limits of the city of Bettendorf, and proceeding northerly along the corporate limits of the city of Bettendorf to Duck creek, and proceeding westerly along Duck creek to Spring street and its extension, and proceeding northerly along Spring street and its extension to East Kimberly road, and proceeding westerly along East Kimberly road to Eastern avenue, and proceeding northerly along Eastern avenue to East Forty-sixth street, and proceeding easterly along East Forty-sixth street to Jersey Ridge road, and proceeding northerly along Jersey Ridge road to the corporate limits of the city of Davenport, and proceeding east, and in clockwise manner along the corporate limits of the city of Davenport to Crow Creek road, and proceeding easterly along Crow Creek road to Stone Haven drive, and proceeding southerly along Stone Haven drive to Queens drive, and proceeding westerly along Queens drive to Brunswick drive, and proceeding southerly along Brunswick drive to Parkdale drive, and proceeding southerly along Parkdale drive to Brookside drive, and proceeding easterly along Brookside drive to Eighteenth street, and proceeding southerly along Eighteenth street to Middle road, and proceeding easterly along Middle road to Twenty-third street, and proceeding southerly along Twenty-third street to Central avenue, and proceeding easterly along Central avenue to Twenty-eighth and one-half street, and proceeding southerly along Twenty-eighth and one-half street to Ten Plus street, and proceeding southerly along Ten Plus street to Twenty-eighth street, and proceeding southerly along Twenty-eighth street to State street, and proceeding easterly along State street to Thirty-first street, and proceeding southerly along Thirty-first street to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to the point of origin.

95. The ninety-fifth representative district shall consist of:

a. Louisa county.

b. In Des Moines county:

(1) The cities of Middletown and Mediapolis.

(2) Benton, Flint River, Franklin, Huron, Jackson, Pleasant Grove, Tama, Washington, and Yellow Springs townships.

c. In Henry county, Baltimore, Canaan, Jackson, Jefferson, Marion, New London, Scott, Trenton, and Wayne townships.

d. In Muscatine county:

(1) Cedar, Goshen, Lake, Orono, and Pike townships, and that portion of Seventy-Six township lying outside the corporate limits of the city of Muscatine.

(2) That portion of Fruitland township bounded by a line commencing at the point of intersection of the south corporate limits of the city of Muscatine and the east boundary of Fruitland township, and proceeding southerly, then in a clockwise manner along the

boundary of Fruitland township to the corporate limits of the city of Muscatine, and proceeding easterly, then in a counterclockwise manner along the corporate limits of the city of Muscatine to the point of origin.

96. The ninety-sixth representative district in Muscatine county shall consist of:

a. The cities of Muscatine and Wilton.

b. Bloomington, Sweetland, and Wilton townships, and that portion of Fruitland township not contained in the ninety-fifth representative district.

97. The ninety-seventh district in Scott county contains that portion of the city of Davenport bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the Arsenal bridge, and proceeding northerly along Arsenal bridge to Leclaire street, and proceeding northerly along Leclaire street to Iowa street, and proceeding northerly along Iowa street to East Sixth street, and proceeding westerly along East Sixth street to West Sixth street, and proceeding westerly along West Sixth street to North Gaines street, and proceeding northerly along North Gaines street to West Eleventh street, and proceeding westerly along West Eleventh street to Warren street, and proceeding southerly along Warren street to West Tenth street, and proceeding westerly along West Tenth street to Vine street, and proceeding northerly along Vine street to West Twelfth street, and proceeding westerly along West Twelfth street to Washington street, and proceeding northerly along Washington street to West Fifteenth street, and proceeding easterly along West Fifteenth street to North Marquette street, and proceeding northerly along North Marquette street to West Fifteenth street, and proceeding easterly along West Fifteenth street to Warren street, and proceeding northerly along Warren street to West Rusholme street, and proceeding easterly along West Rusholme street to North Harrison street, and proceeding northerly along North Harrison street to West Central Park avenue, and proceeding westerly along West Central Park avenue to North Marquette street, and proceeding northerly along North Marquette street to West Garfield street, and proceeding westerly along West Garfield street to North Division street, and proceeding northerly along North Division street to West Thirty-eighth street, and proceeding easterly along West Thirty-eighth street to North Marquette street, and proceeding northerly along North Marquette street to West Kimberly road, and proceeding easterly along West Kimberly road to Northwest boulevard, and proceeding westerly along Northwest boulevard to West Fifty-third street, and proceeding easterly along West Fifty-third street to North Marquette street, and proceeding northerly along North Marquette street to West Fifty-seventh street, and proceeding easterly along West Fifty-seventh street to Vine street, and proceeding northerly along Vine street to West Fifty-eighth street, and proceeding easterly along West Fifty-eighth street to Appomattox road, and proceeding southerly along Appomattox road to West Fifty-third street, and proceeding easterly along West Fifty-third street to East Fifty-third street, and proceeding easterly along East Fifty-third street to Eastern avenue, and proceeding southerly along Eastern avenue to East Kimberly road, and proceeding easterly along East Kimberly road to Spring street, and proceeding southerly along Spring street and its extension to Duck creek, and proceeding easterly along Duck creek to the corporate limits of the city of Davenport, and proceeding southerly along the corporate limits of the city of Davenport to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to the point of origin.

98. The ninety-eighth representative district in Scott county shall consist of:

a. That portion of Buffalo township lying outside the corporate limits of the city of Blue Grass.

b. That portion of Blue Grass township and the city of Davenport bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the west corporate limits of the city of Davenport, and proceeding northerly along the corporate limits of the city of Davenport to One Hundred Sixtieth street, and proceeding easterly along One Hundred Sixtieth street to West Locust street, and proceeding easterly along West Locust street to Waverly road, and proceeding southerly along Waverly road to North Clark street, and proceeding northerly along North Clark street to West Lombard street, and proceeding westerly along West Lombard street to North Michigan avenue, and proceeding northerly along North Michigan avenue to West Central Park avenue, and proceeding easterly along West Central Park avenue to North Division street, and proceeding northerly

along North Division street to West Garfield street, and proceeding easterly along West Garfield street to North Marquette street, and proceeding southerly along North Marquette street to West Central Park avenue, and proceeding easterly along West Central Park avenue to North Harrison street, and proceeding southerly along North Harrison street to West Rusholme street, and proceeding westerly along West Rusholme street to Warren street, and proceeding southerly along Warren street to West Fifteenth street, and proceeding westerly along West Fifteenth street to North Marquette street, and proceeding southerly along North Marquette street to West Fifteenth street, and proceeding westerly along West Fifteenth street to Washington street, and proceeding southerly along Washington street to West Twelfth street, and proceeding easterly along West Twelfth street to Vine street, and proceeding southerly along Vine street to West Tenth street, and proceeding easterly along West Tenth street to Warren street, and proceeding northerly along Warren street to West Eleventh street, and proceeding easterly along West Eleventh street to North Gaines street, and proceeding southerly along North Gaines street to West Sixth street, and proceeding easterly along West Sixth street to East Sixth street, and proceeding easterly along East Sixth street to Iowa street, and proceeding southerly along Iowa street to Leclair street, and proceeding southerly along Leclair street to the Arsenal bridge, and proceeding southerly along the Arsenal bridge to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to the point of origin.

99. The ninety-ninth representative district shall consist of:

a. In Des Moines county:

(1) The cities of Burlington, Danville, and West Burlington.

(2) Concordia, Danville, and Union townships.

b. In Lee county, Denmark, Green Bay, and Pleasant Ridge townships.

100. The one-hundredth representative district in Lee county shall consist of that portion of Lee county not contained in the ninety-ninth representative district.

Sec. 3. MEMBERSHIP.

1. CONGRESSIONAL DISTRICTS. Each congressional district established by section 1 of this Act shall elect one representative for a term of two years in 2022 and every subsequent even-numbered year.

2. STATE SENATE AND HOUSE DISTRICTS. The membership of the senate and house of representatives in the Ninetieth General Assembly and subsequent general assemblies shall be determined as follows:

a. Each representative district established by section 2 of this Act shall elect one representative for a term of two years in 2022 and every subsequent even-numbered year.

b. Each odd-numbered senatorial district established by section 41.2 which the general assembly adopts by reference, and section 2 of this Act, shall elect a senator in 2022 for a four-year term commencing in January 2023. If an incumbent senator who was elected to a four-year term which commenced in January 2021, or was subsequently elected to fill a vacancy in such a term, is residing in an odd-numbered senatorial district on February 2, 2022, that senator's term of office shall be terminated on January 1, 2023.

c. Each even-numbered senatorial district established by section 41.2 which the general assembly adopts by reference, and section 2 of this Act, shall elect a senator in 2024 for a four-year term commencing in January 2025.

(1) If one and only one incumbent state senator is residing in an even-numbered senatorial district on February 2, 2022, and that senator meets all of the following requirements, the senator shall represent the district in the senate for the Ninetieth General Assembly:

(a) The senator was elected to a four-year term which commenced in January 2021 or was subsequently elected to fill a vacancy in such a term.

(b) The senatorial district in the plan which includes the place of residence of the state senator on the date of the senator's last election to the senate is the same as the even-numbered senatorial district in which the senator resides on February 2, 2022, or is contiguous to such even-numbered senatorial district and the senator's declared residence as of February 2, 2022, was within the district from which the senator was last elected. Areas which meet only at the points of adjoining corners are not contiguous.

(2) Each even-numbered senatorial district to which subparagraph (1) of this paragraph “c” is not applicable shall elect a senator in 2022 for a two-year term commencing in January 2023. However, if more than one incumbent state senator is residing in an even-numbered senatorial district on February 2, 2022, and, on or before February 16, 2022, all but one of the incumbent senators resigns from office effective no later than January 1, 2023, the remaining incumbent senator shall represent the district in the senate for the Ninetieth General Assembly if that senator meets the requirements of subparagraph (1), subparagraph divisions (a) and (b) of this paragraph “c”. A copy of the resignation must be filed in the office of the secretary of state no later than 5:00 p.m. on February 16, 2022.

d. To fulfill the purposes of this subsection, the secretary of state shall prescribe a form to be completed by all senators to declare their residences as of February 2, 2022. The form shall be filed with the secretary of state no later than 5:00 p.m. on February 2, 2022.

Sec. 4. VACANCIES.

1. MEMBER OF CONGRESS. If a special election to fill a vacancy for a representative in Congress occurs or exists after the effective date of this Act, at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 69.14, the vacancy shall be filled from the same district provided in chapter 40, Code 2021, which elected the representative whose seat is vacant. This subsection does not apply if a special election is not required under section 69.14.

2. MEMBER OF GENERAL ASSEMBLY. If a vacancy in the Eighty-ninth General Assembly occurs or exists after the effective date of this Act, at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 69.14, the vacancy shall be filled from the same district provided in chapter 41, Code 2021, which elected the senator or representative whose seat is vacant. This subsection does not apply if a special election is not required under section 69.14.

3. REPEAL. This section is repealed January 1, 2023.

Sec. 5. GEOGRAPHY. For purposes of this Act, each reference to a specific city, township, street, or other boundary means such city, township, street, or other boundary as they are delineated and described in the 2020 topologically integrated geographic encoding and referencing system (TIGER) data file created by the United States census bureau that corresponds to the population data provided to the state under Pub. L. No. 94-171 based upon the 2020 United States decennial census.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved November 4, 2021

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**2021 CODE SECTIONS AMENDED
AND NEW CODE SECTIONS ADDED,
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“NEW” denotes new code section numbers that are subject to change when codified.

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 (I) is “8C.7A(3)(c)(3)(a)(iv)(A)(I)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
40.1	2, §1, 6	94.2 ^{NEW}	1, §2, 5
41.1	2, §2, 6	96.5A ^{NEW}	1, §3, 5
94.1 ^{NEW}	1, §1, 5	96.7(12)	1, §4, 5

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Code Chapter or Section	Acts Chapter
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