

**State of Iowa**

2022

**ACTS AND JOINT RESOLUTIONS**  
**(Session Laws)**

Enacted at the

**2022 REGULAR 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-SIXTH YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE TENTH DAY OF JANUARY  
AND ADJOURNED ON THE TWENTY-FIFTH DAY OF MAY, A.D. 2022



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by the  
Legislative Services Agency  
GENERAL ASSEMBLY OF IOWA  
Des Moines



# PREFACE

## CERTIFICATION

We, Timothy C. McDermott, Director and Legal Services Division Director, Legislative Services Agency, Leslie E. W. Hickey, Iowa Code Editor, Teresa Vander Linden, Publications Editing Office Supervisor, and Christina Weaklend, Publications Editing Office Editor, 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 2022 Regular 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 2023 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2023 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 2022 Regular Session generally took effect on July 1, 2022, unless otherwise provided.

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

*Resolutions.* 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](http://www.legis.iowa.gov/law/information)

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# ELECTIVE OFFICERS

Name and Office

County of residence

## GOVERNOR

KIM REYNOLDS ..... Madison  
 Sara Craig, Chief of Staff  
 Tracy Lindgren, 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  
 Ernest Ruben, 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, 89(2nd)
Bolkcom, Joe Iowa City	Outreach Director—University of Iowa Center for Global and Regional Environmental Research and Iowa Flood Center	43rd— <i>Johnson</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Brown, Waylon Osage	Small Business Owner/Farmer	26th— <i>Cerro Gordo, Chickasaw, Floyd, Howard, Mitchell, Winneshiek, Worth</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Carlin, Jim Sioux City	Attorney	3rd— <i>Plymouth, Woodbury</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Celsi, Claire West Des Moines		21st— <i>Polk, Warren</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Chapman, Jake Adel	Businessman/EMT	10th— <i>Adair, Cass, Dallas, Guthrie, 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, 89(2nd)
Costello, Mark Imogene	Farmer	12th— <i>Fremont, Mills, Montgomery, Page, Ringgold, Taylor</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, 89(2nd)
Cournoyer, Chris LeClaire	Website Designer/ Substitute Teacher	49th— <i>Clinton, Scott</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Dickey, Adrian Packwood	President of Dickey Transport/Volunteer Fire Fighter	41st— <i>Davis, Jefferson, Van Buren, Wapello</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)



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, 89(2nd)
Driscoll, Dawn Williamsburg		38th—Benton, Iowa, Poweshiek	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Giddens, Eric Cedar Falls	Small Business Owner	30th— <i>Black Hawk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Goodwin, Tim Burlington		44th— <i>Des Moines</i> , Louisa, Muscatine	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Green, Jesse Boone	Farming	24th—Boone, Greene, Hamilton, Story, Webster	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Jochum, Pam Dubuque	Legislator	50th— <i>Dubuque</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)

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, 89(2nd)
Klimesh, Mike Spillville	Management/Small Business Owner	28th—Allamakee, Clayton, Fayette, <i>Winneshiek</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Lykam, Jim Davenport	Legislator	45th— <i>Scott</i>	73(1st), 73(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Mathis, Liz Hiawatha		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, 89(2nd)
Nunn, Zach Altoona	U.S. Air Force, Squadron Commander	15th— <i>Jasper</i> , <i>Polk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Petersen, Janet Des Moines	Marketing Communications	18th— <i>Polk</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Quirnbach, Herman C. Ames	Retired—Associate Professor of Economics—Iowa State University	23rd— <i>Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Ragan, Amanda Mason City	Retired Nonprofit Director	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, 89(2nd)
Reichman, Jeff Montrose		42nd—Henry, Jefferson, <i>Lee</i> , Washington	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Rowley, David D. Spirit Lake	Insurance Agent	1st—Clay, <i>Dickinson</i> , Lyon, Osceola, Palo Alto	89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Sinclair, Amy Allerton		14th—Clarke, Decatur, Jasper, Lucas, Marion, <i>Wayne</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Smith, Jackie Sioux City		7th— <i>Woodbury</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Smith, Roby Davenport	Small Business Owner	47th— <i>Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Sweeney, Annette Alden	Farmer	25th—Butler, Grundy, <i>Hardin</i> , Story	83(1st), 83(2nd), 84(1st), 84(2nd), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Taylor, Jeff Sioux Center		2nd—Cherokee, O'Brien, Plymouth, <i>Sioux</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Taylor, Todd E. Cedar Rapids	Retired 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, 89(2nd)
Trone Garriott, Sarah Windsor Heights	Minister	22nd—Dallas, <i>Polk</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Wahls, Zach Coralville	Small Business Owner/Credit Union Executive	37th—Cedar, <i>Johnson</i> , Muscatine	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Whitver, Jack Ankeny	Business Owner/Attorney	19th— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Williams, Craig Steven Manning		6th—Audubon, Buena Vista, <i>Carroll</i> , Crawford, Sac	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Zaun, Brad Urbandale	Director—Master Dowel	20th— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Zumbach, Dan Ryan	Farmer	48th—Buchanan, <i>Delaware</i> , Jones, Linn	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

## REPRESENTATIVES

Name and Residence	Occupation	Representative District	Legislative Service
Abdul-Samad, Ako Des Moines	CEO—Creative Visions	35th— <i>Polk</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Anderson, Marti Des Moines	Social Worker	36th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Andrews, Eddie Johnston		39th— <i>Polk</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Baxter, Terry C. Garner	World Missions GoServ Global	8th— <i>Hancock, Kossuth,</i> <i>Wright</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Best, Brian Glidden	President—Western Iowa Sleep	12th—Audubon, <i>Carroll,</i> <i>Crawford</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Bloomington, 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, 89(2nd)
Boden, Brooke Indianola		26th— <i>Warren</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Bohannon, Christina Iowa City	Professor	85th— <i>Johnson</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Bossmann, Jacob Sioux City		6th— <i>Woodbury</i>	87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Bousselot, Mike Ankeny	Attorney	37th— <i>Polk</i>	89(1st)X, 89(1st)XX, 89(2nd)
Bradley, Steven P. Cascade	Dentist/Flight Instructor	58th—Dubuque, <i>Jackson, Jones</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Bush, Dennis Cherokee	Farmer	3rd— <i>Cherokee, O'Brien,</i> <i>Plymouth, Sioux</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Cahill, Sue Marshalltown	Teacher	71st— <i>Marshall</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Cisneros, Mark Muscatine		91st— <i>Muscatine</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Cphoon, 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, 89(2nd)
Deyoe, Dave Nevada	Farmer	49th— <i>Hardin, 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, 89(2nd)
Dolecheck, Cecil Mount Ayr	Retired Farmer	24th— <i>Montgomery, Page, Ringgold, Taylor</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Donahue, Molly Cedar Rapids	Educator	68th— <i>Linn</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Dunwell, Jon Newton	Financial Services	29th— <i>Jasper</i>	89(1st)XX, 89(2nd)
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, 89(2nd)
Fisher, Dean Montour	Engineering/Farming	72nd— <i>Black Hawk, Marshall, 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, 89(2nd)
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Fry, Joel Osceola	Therapist	27th— <i>Clarke, Decatur, Lucas, Wayne</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, 89(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
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, 89(2nd)
Gerhold, Thomas D. Atkins	Research Associate	75th— <i>Benton, Iowa</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Gjerde, Eric Cedar Rapids	Teacher	67th— <i>Linn</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Gobble, Garrett Ankeny	Teacher	38th— <i>Polk</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Graber, Martin L. Fort Madison	Financial Advisor	83rd— <i>Lee</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Grassley, Pat New Hartford	Farmer	50th— <i>Butler, Grundy, Hardin</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Gustafson, Stan Norwalk	Retired—United States Marine Corps/Retired Attorney	25th— <i>Madison, Warren</i>	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Hall, Chris Sioux City	Grants Consultant—Western Iowa Tech Community College	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, 89(2nd)
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, 89(2nd)
Hein, Lee Monticello	Farmer	96th— <i>Delaware, Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Hite, Dustin D. New Sharon	Attorney	79th— <i>Mahaska, Marion</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Holt, Steven Denison	Retired—United States Marine Corps	18th— <i>Crawford, Harrison, Shelby</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Hunter, Bruce Des Moines	Retired	34th— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Ingels, Chad Randalia	Farmer	64th—Buchanan, <i>Fayette</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Jacobsen, Jon Council Bluffs	Senior Trust Officer/Vice President/Attorney	22nd— <i>Pottawattamie</i>	87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
James, Lindsay Dubuque	Presbyterian Pastor	99th— <i>Dubuque</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Judge, Kenan Waukee	Retired—Hy-Vee	44th— <i>Dallas</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Konfrst, Jennifer Windsor Heights	Professor—Drake University	43rd— <i>Polk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Kressig, Bob Cedar Falls	Retired—John Deere	59th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Kurth, Monica Davenport	Retired Teacher—Eastern Iowa Community College	89th— <i>Scott</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Latham, Shannon Sheffield	Co-owner—Latham Hi-Tech Seeds	54th— <i>Butler, Cerro</i> <i>Gordo, Franklin</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Lohse, Brian K. Bondurant	Attorney	30th— <i>Polk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)



Name and Residence	Occupation	Representative District	Legislative Service
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
McClintock, Charlie Alburnett	911 Manager	95th—Buchanan, <i>Linn</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Meyer, Ann Fort Dodge	Registered Nurse	9th— <i>Webster</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Mitchell, Joe Mount Pleasant		84th— <i>Henry, Jefferson, Lee, Washington</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Nielsen, Amy North Liberty		77th— <i>Johnson</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Nordman, Carter F. Adel	Business Owner	19th— <i>Dallas, Polk</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)

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, 89(2nd)
Osmundson, Anne Volga	Small Business Owner	56th— <i>Allamakee, Clayton</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Shiple, Jeff Birmingham	Artist	82nd— <i>Davis, Jefferson, Van Buren</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
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, 89(2nd)
Staed, Art Cedar Rapids	Retired Educator	66th— <i>Linn</i>	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

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, 89(2nd)
Stone, Henry Forest City		7th— <i>Emmet, Kossuth, Winnebago</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Sunde, Kristin West Des Moines		42nd— <i>Polk, Warren</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Thompson, Phil Boone	Contractor	47th— <i>Boone, Greene</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Thorup, Jon Knoxville	Iowa State Trooper	28th— <i>Jasper, Lucas, Marion</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Westrich, Cherielynn Ottumwa	Car Builder/Business Owner	81st— <i>Wapello</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Wheeler, Skylar Orange City		4th— <i>Sioux</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Wilburn, Ross Ames	Iowa Democratic Party	46th— <i>Story</i>	88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Williams, Dave Cedar Falls	Small Business Consultant	60th— <i>Black Hawk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
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, 89(2nd)
Winckler, Cindy Davenport	Retired Educator	90th— <i>Scott</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)
Windschitl, Matt W. Missouri Valley	Doll Distributing	17th— <i>Harrison, Ida, Monona, Woodbury</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

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<b>Name and Residence</b>	<b>Occupation</b>	<b>Representative District</b>	<b>Legislative Service</b>
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, 89(2nd)
Worthan, Gary Storm Lake	Farmer	11th— <i>Buena Vista, Sac</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd)

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# JUDICIAL BRANCH

## JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	City of Office	Term Ending
Brent R. Appel .....	Des Moines .....	December 31, 2024
Thomas D. Waterman .....	Davenport .....	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 .....	Cedar Rapids .....	December 31, 2022
Matthew C. McDermott .....	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
Thomas N. Bower, C.J. ....	Waterloo .....	December 31, 2026
David N. May .....	Des Moines .....	December 31, 2026
Sharon Soorholz Greer .....	Marshalltown .....	December 31, 2026
Julie A. Schumacher .....	Denison .....	December 31, 2026
Paul B. Ahlers .....	Fort Dodge .....	December 31, 2022
Gina C. Badding .....	Carroll .....	December 31, 2022
Mary E. Chicchelly .....	Cedar Rapids .....	December 31, 2024

# CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

## UNITED STATES SENATORS

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733 Federal Building  
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### Senator Charles E. Grassley (R)

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120 Federal Building  
320 Sixth Street  
Sioux City, Iowa 51101  
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210 Waterloo Building  
531 Commercial Street  
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First District: **Representative Ashley Hinson (R)**

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Fourth District: **Representative Randy Feenstra (R)**

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# CONDITION OF STATE TREASURY

June 30, 2021

	Balance July 1, 2020	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2021
General Fund .....	\$ 683,507,314	\$18,335,167,657	\$19,018,674,971	\$16,934,223,397	\$ 2,084,451,574
Special Revenue Fund .....	1,869,783,894	7,995,976,294	9,865,760,188	8,539,114,977	1,326,645,211
Capital Projects Fund .....	19,582,877	31,414,220	50,997,097	28,200,075	22,797,022
Debt Service Fund .....	0	0	0	0	0
Enterprise Fund .....	73,352,825	976,786,279	1,050,139,104	968,434,310	81,704,794
Internal Service Fund .....	281,150,802	695,588,151	976,738,953	637,191,709	339,547,244
Expendable Trust Fund .....	175,166,396	753,306,257	928,472,653	759,670,206	168,802,447
Nonexpendable Trust Fund .....	41,445,103	2,658,605	44,103,708	660,240	43,443,468
Pension Fund .....	30,267,150,938	3,763,524,930	34,030,675,868	2,494,234,091	31,536,441,777
Trust and Agency Fund .....	365,309,128	6,418,955,162	6,784,264,290	6,389,028,675	395,235,615
Totals .....	<u>\$33,776,449,277</u>	<u>\$38,973,377,555</u>	<u>\$72,749,826,832</u>	<u>\$36,750,757,680</u>	<u>\$35,999,069,152</u>

Balance July 1, 2020 .....	\$33,776,449,277
Receipts and Transfers .....	38,973,377,555
Total Available .....	72,749,826,832
Disbursements and Transfers .....	36,750,757,680
Balance June 30, 2021 .....	\$35,999,069,152

DEPARTMENT OF ADMINISTRATIVE SERVICES  
STATE ACCOUNTING ENTERPRISE

June 2, 2022

# ANALYSIS BY CHAPTERS

## 2022 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2022 Acts, Regular Session, see page 642

CH.	FILE	TITLE
1001	HF 2316	School finance — state percents of growth — regular program state cost per pupil — property tax replacement payments — school transportation funding
1002	HF 2317	State taxation and revenue — tax rates, credits, and exemptions
1003	HF 2416	Collegiate and interscholastic athletics — student eligibility requirements — educational institution liability
1004	HF 2466	County supervisor candidate nominations — signature requirements
1005	SF 2119	Cosmetology — practice of threading
1006	SF 2266	Compensation and benefit limits — retirees under the Iowa public employees' retirement system and school board members
1007	SF 2325	Economic development authority entities and programs — Iowa energy center and high quality jobs and workforce housing tax incentive programs
1008	HF 2220	Antisemitism — definition, rules of construction, discriminatory acts, and state personnel training
1009	HF 2373	Restrictions on companies boycotting Israel — parent companies, subsidiaries, or affiliates
1010	SF 384	County assessors and staff — joint county agreements for sharing services
1011	SF 2128	Education — English language learners and community college faculty standards
1012	SF 2130	Schools required to register with the college student aid commission
1013	SF 2176	Natural resources and waste management
1014	SF 2197	Special education support for students at nonpublic schools — task force
1015	SF 2232	Water treatment systems — sale, lease, or rental — certification requirements for contaminant removal claims
1016	SF 2245	Meat or poultry inspection — establishment licensing — personal use exemption
1017	SF 2267	Emergency response districts
1018	SF 2279	Public improvement contracts — electronic submission of bids
1019	SF 2285	County and city zoning — sale of consumer fireworks — effect of extension of city zoning jurisdiction beyond city limits
1020	SF 2288	Foreign investments by life insurance companies or associations
1021	SF 2295	Substantive Code corrections
1022	SF 2296	Garbage placed in public areas for waste collection — local regulation and privacy expectations — search and seizure
1023	SF 2345	Congenital and inherited disorders — screening of newborns
1024	HF 728	County rules requiring periodic septic tank pumping — penalties prohibited
1025	HF 2124	Airport registration and site approval
1026	HF 2167	Health care insurance coverage — autism spectrum disorder
1027	HF 2341	Foreign vehicles — transfer of ownership — insurance carriers
1028	HF 2343	Conveyance of real property — groundwater hazard statement requirements
1029	HF 2367	Iowa drug policy coordinator and advisory council
1030	HF 2380	Acreage limitations for hemp production
1031	HF 2436	County joint 911 service boards public safety answering point cost and expense data
1032	HF 2463	Nonsubstantive Code corrections

CH.	FILE	TITLE
1033	HF 2481	Judges — residency requirements, nomination and appointment process, and resignations
1034	HF 2501	Veterans trust fund — investment and use of funds
1035	HF 2540	Sale of travel insurance
1036	SF 2080	Student physical examinations and health screenings — school districts, charter schools, and innovation zone schools
1037	SF 2233	Land surveying — terms used to describe distances and locations
1038	SF 2310	Organization of multiple housing cooperatives
1039	SF 2322	Public records — fees for examination and copying
1040	SF 2324	Real estate brokerage services — real estate teams — display of licensee, brokerage, and team names
1041	HF 364	Athlete agents — prohibited conduct
1042	HF 825	Domestic abuse and sexual abuse protective orders — consent agreements
1043	HF 2079	Sexual abuse — conditions for post-arrest release — initial appearance required
1044	HF 2097	Forfeiture of bail — notice
1045	HF 2126	State annual comprehensive financial report
1046	HF 2154	Statewide fire and police retirement system — nonpublic records
1047	HF 2155	Preneed sellers and purchase agreements for cemetery merchandise, funeral merchandise, and funeral services
1048	HF 2172	Health care facility violations — penalties
1049	HF 2201	Controlled substances — scheduled substances — prescription monitoring program
1050	HF 2217	Insurance holding company systems — financial reporting
1051	HF 2258	Iowa council on homelessness
1052	HF 2300	Employment and insurance coverage protection for members of the civil air patrol or coast guard
1053	HF 2330	Electronic delivery of insurance notices and documents
1054	HF 2378	Pari-mutuel wagering — horse racing purse moneys distribution — race horse aftercare organization assistance fund
1055	HF 2390	Child welfare — foster care — court appointed special advocates
1056	HF 2399	Health benefit plans and health care reimbursement — prior authorization
1057	HF 2462	Manufacture, delivery, or possession with intent to manufacture or deliver heroin — penalties
1058	HF 2469	Business corporations — communications, records, and shareholders' lists — miscellaneous changes
1059	HF 2515	Flood recovery fund moneys — use of interest
1060	HF 2516	Indigent defense — appointment of counsel
1061	HF 2552	State and local taxation — department of revenue records, duties, and procedures — assessment, collection, calculation, and refunds of taxes — debt collection — property assessment appeal board salaries
1062	SF 586	Regulation of banks and banking
1063	SF 2363	Sex offender registry — modification of registration requirements
1064	HF 2200	Direct health care agreements
1065	HF 736	Medicaid — recovery of provider overpayment — reimbursement
1066	HF 803	Physician assistants — scope of practice
1067	HF 2128	Renewable fuels
1068	HF 2475	Municipal utility boards — removal of members
1069	HF 2521	Health care employment agencies
1070	HF 2562	Mobile homes and manufactured housing — landlord and tenant law — forcible entry and detainer
1071	SF 513	Mental health, substance-related disorder, or housing crises — crisis intervention reports — authority to detain
1072	SF 2260	Animals used in qualified research facilities — adoption program
1073	SF 2298	Local emergency management commissions — 911 service duties
1074	SF 2323	Inventory of lands managed or owned by the department of natural resources or county conservation boards

CH.	FILE	TITLE
1075	SF 2366	Assessment and taxation of wind energy conversion property
1076	SF 2376	Vehicles of excessive size and weight — all-systems permits — use of funds
1077	HF 2123	Redissemination of information by criminal or juvenile justice agencies — missing persons cases — photographs or digital images
1078	HF 2168	Massage therapy — continuing education — child and dependent adult abuse reporting
1079	HF 2171	Medicaid — release of nursing facility reimbursement rates
1080	HF 2259	Persons with disabilities special registration plates and parking permits — statement of disability — occupational therapists, physical therapists, and out-of-state medical professionals
1081	HF 2295	Disaster emergencies — removal of debris or wreckage from public property by state officers or employees — liability
1082	HF 2345	Peace officers — designated department of transportation employees — repeal extended
1083	HF 2372	Nonconsensual termination of a human pregnancy — attempt — penalty
1084	HF 2484	Iowa trust code — notices, trust accounting, trustee powers, and representation by holders of powers of appointment or similar interests
1085	HF 2489	Auditor of state, certified public accountants, and peer review records
1086	HF 2518	Cranes of excessive size and weight — annual permit
1087	SF 333	Authorized emergency vehicles — operation — equipment — liability
1088	SF 463	Occupational therapy licensure and audiology and speech language pathology interstate compacts
1089	SF 551	Fire fighters and emergency medical services members — motor vehicle operation, equipment, and training — emergencies
1090	SF 577	Certificate of nonviable birth
1091	SF 2190	Child labor — operation of pizza dough rollers
1092	SF 2287	Used catalytic converter transactions
1093	SF 2334	Turkey hunting — authorized shotguns and shot sizes
1094	HF 604	Deaf and hard-of-hearing children — language and developmental resources
1095	HF 2239	Evidence — criminal or postconviction relief actions — victims of physical or sexual abuse
1096	HF 2252	Department of human services — child care assistance program, child and family services, foster care, adoption, and the dependent adult abuse information registry
1097	HF 2412	Radon testing and mitigation in public schools
1098	HF 2507	Juvenile justice and child and family welfare
1099	SF 2374	Regulation of food and beverages — alcoholic beverage control and restaurant food delivery
1100	HF 2340	Public safety nuisances — licensed premises
1101	SF 2373	Lake Manawa and Waubonsie state park user fee pilot programs — miscellaneous changes
1102	HF 2080	Sharing of operational functions by school districts
1103	HF 2081	Practitioner preparation programs — elimination of subject assessments — pre-student teaching field experiences
1104	HF 2127	State child care assistance program — additional payments
1105	HF 2130	Registered all-terrain vehicles and off-road utility vehicles — miscellaneous changes
1106	HF 2147	Appropriations — U.S.S. Iowa
1107	HF 2165	Future ready Iowa skilled workforce last-dollar scholarship program — eligible students
1108	HF 2169	Practices of pharmacy and nursing — vaccine and immunization administration — nonresident pharmacy licensure
1109	HF 2202	Medicaid program reporting requirements
1110	HF 2222	Pro se filings by criminal defendants or postconviction relief applicants represented by counsel
1111	HF 2246	Provisional licenses in psychology

CH.	FILE	TITLE
1112	HF 2358	Iowa law enforcement academy — duties — miscellaneous changes
1113	HF 2384	Pharmacy benefits managers, pharmacies, and prescription drug benefits
1114	HF 2401	Online marketplace transactions — collection and disclosure of specified information
1115	HF 2420	Newborn safe haven Act — age of newborn infant
1116	HF 2443	Smart contracts, distributed ledger technology, and digital assets
1117	HF 2445	Uniform commercial code — controllable electronic records
1118	HF 2468	Statutes of limitations on arbitration proceedings
1119	HF 2517	Levee districts governance and funding study — appropriation — nonreversion of funds
1120	HF 2549	Mental health professional loan repayment program
1121	HF 2573	Abatement and response to opioid use — funds — prescriptions for and possession and use of opioid antagonists by schools
1122	SF 183	Construction of public improvements — bidding and contract requirements and restrictions
1123	SF 529	Assisted reproduction fraud
1124	SF 2337	Commercial driver's license testing — third-party testers and test examiners
1125	SF 2370	Aircraft — special certificates for manufacturers, transporters, and dealers — sales and use tax exemptions
1126	HF 771	Self-administration and storage of bronchodilators, bronchodilator canisters, and bronchodilator canisters and spacers in schools
1127	HF 2298	Enrollment prerequisites for child care centers or elementary, secondary, or postsecondary schools — COVID-19 immunization
1128	HF 2411	Workers' compensation — replacement of permanent prosthetic devices
1129	HF 2431	Regulation of home-based businesses
1130	HF 2546	Medicaid — reimbursement of psychiatric intensive inpatient care
1131	HF 2578	Appropriations — health and human services
1132	SF 522	Abuse of dependent adults and older individuals — criminal and civil actions
1133	SF 2380	George Washington Carver day
1134	SF 2383	Local inspections of manufactured homes — work-based learning — health care professionals loan repayment and award programs — licensing regulation and fees and veterans and military spouses — insurance producer licensing
1135	HF 2198	Child care centers — employee minimum age, fingerprinting, and supervision — staff-to-children ratios
1136	HF 2355	Employment security benefits
1137	SF 581	Fishing and hunting licenses and permits
1138	SF 2367	Sales, use, excise, motor fuel, and franchise taxes — tax permits — solar energy system tax credits — income tax deductions for certain premium pay and bonuses
1139	SF 2378	Regulation, redemption, and disposal of beverage containers
1140	SF 2385	Appropriations — administration and regulation
1141	HF 2209	Hunting or trapping — persons under sixteen years of age accompanying an adult
1142	HF 2496	Brady-Giglio lists — procedural requirements for compilation — notice
1143	HF 2497	Gambling regulation and wagering
1144	HF 2557	Appropriations — transportation
1145	HF 2558	Appropriations — judicial branch
1146	HF 2559	Appropriations — justice system
1147	HF 2560	Appropriations — agriculture and natural resources
1148	HF 2564	Appropriations — economic development
1149	HF 2575	Appropriations — education
1150	HF 2579	Appropriations — infrastructure and capital projects
1151	HF 2470	Artisanal butchery — implementation of task force recommendations
1152	HF 2581	Regulation of agriculture, agricultural programs, and motor fuels

CH.	FILE	TITLE
1153	HF 2589	State and local government and regulatory matters — appropriations and miscellaneous changes
1154	SJR 9	Proposed constitutional amendment — qualifications of electors
1155	HJR 2005	Proposed constitutional amendment — gubernatorial line of succession

2022 Regular Session  
of the  
**Eighty-Ninth General Assembly**  
of the  
State of Iowa

**CHAPTER 1001**

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

*H.F. 2316*

**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, 2022, 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 2022, are amended to read as follows:

1. *State percent of growth.* ~~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 the budget year beginning July 1, 2022, is two and one-half 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, 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 the budget year beginning July 1, 2022, is two and one-half 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 2022, 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.

f. For the budget year beginning July 1, 2022, 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.

f. g. For the budget year beginning July 1, ~~2022~~ 2023, 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 2022, are amended to read as follows:

1. For each fiscal year beginning on or after July 1, ~~2019~~ 2020, 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, 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).~~

~~b. a.~~ For the budget year beginning 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 for the budget year beginning July 1, 2020.

(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 for the budget year beginning July 1, 2020.

(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).

e. ~~b.~~ For each the 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 for the budget year beginning July 1, 2021.

(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 for the budget year beginning July 1, 2021.

(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, 2021, 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. (1) For each budget year beginning on or after July 1, 2022, the amount of each school district's property tax replacement payment shall be the product of the school district's weighted enrollment for the budget year multiplied by the per pupil property tax replacement amount for the budget year calculated under subparagraph (2).

(2) The per pupil property tax replacement amount for budget years beginning on or after July 1, 2022, is equal to the sum of one hundred fifty-three dollars plus the difference between the following:

(a) The regular program state cost per pupil for the budget year beginning July 1, 2022, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the applicable budget year under this paragraph.

(b) 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 for the applicable budget year under this paragraph.

Sec. 4. Section 257.16C, subsection 3, paragraph d, subparagraphs (3) and (4), Code 2022, are amended to read as follows:

(3) For the fiscal year beginning July 1, 2021, and the fiscal year beginning 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 an amount necessary to make all transportation equity aid payments under subsection 2, to be used for the purposes of this section.

(4) For each fiscal year beginning on or after July 1, ~~2022~~ 2023, 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 ~~subparagraph~~ 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. 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. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 17, 2022

**CHAPTER 1002**

## STATE TAXATION AND REVENUE — TAX RATES, CREDITS, AND EXEMPTIONS

*H.F. 2317*

**AN ACT** relating to state revenue and finance by modifying individual income tax rates, exemptions, and credits, corporate income tax rates and credits, credits against the franchise tax, the insurance premiums tax, and the moneys and credits tax, and the tax expenditure committee, making contingent transfers from the taxpayer relief fund, and including effective date and applicability provisions.

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

## DIVISION I

## SALE OF CERTAIN QUALIFIED STOCK — NET CAPITAL GAIN EXCLUSION

Section 1. Section 422.7, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 63. *a.* Subtract the following percentage of the net capital gain from the sale or exchange of capital stock of a qualified corporation for which an election is made by an employee-owner:

- (1) For the tax year beginning in the 2023 calendar year, thirty-three percent.
- (2) For the tax year beginning in the 2024 calendar year, sixty-six percent.
- (3) For tax years beginning on or after January 1, 2025, one hundred percent.

*b.* (1) An employee-owner is entitled to make one irrevocable lifetime election to exclude the net capital gain from the sale or exchange of capital stock of one qualified corporation which capital stock was acquired by the employee-owner while employed and on account of employment by such qualified corporation.

(2) The election shall apply to all subsequent sales or exchanges of qualifying capital stock of the elected corporation within fifteen years of the date of the election, provided that the subsequent sales or exchanges were of capital stock in the same qualified corporation and were acquired by the employee-owner while employed and on account of employment by such qualified corporation.

(3) The election shall apply to qualifying capital stock that has been transferred by inter vivos gift from the employee-owner to the employee-owner's spouse or to a trust for the benefit of the employee-owner's spouse following the transfer. This subparagraph (3) shall apply to a spouse only if the spouse was married to the employee-owner on the date of the sale or exchange or the date of death of the employee-owner.

(4) If the employee-owner dies after having sold or exchanged qualifying capital stock without having made an election under this subsection, the surviving spouse or, if there is no surviving spouse, the personal representative of the employee-owner's estate, may make the election that would have qualified under this subsection.

(5) The election shall be made in the manner and form prescribed by the department and shall be included with the taxpayer's state income tax return for the taxable year in which the election is made.

*c.* For purposes of this subsection:

(1) "*Capital stock*" means common or preferred stock, either voting or nonvoting. "*Capital stock*" does not include stock rights, stock warrants, stock options, or debt securities.

(2) "*Employee-owner*" means an individual who owns capital stock in a qualified corporation for at least ten years, which capital stock was acquired by the individual while employed and on account of employment by such corporation for at least ten cumulative years.

(3) "*Personal representative*" means the same as defined in section 633.3, or if there is no such personal representative appointed, then the person legally authorized to perform substantially the same functions.

(4) (a) "*Qualified corporation*" means, with respect to an employee-owner, a corporation which, at the time of the first sale or exchange for which an election is made by the employee-owner under this subsection, meets all of the following conditions:

- (i) The corporation employed individuals in this state for at least ten years.

(ii) The corporation has had at least five shareholders for the ten years prior to the first sale or exchange under this subsection.

(iii) The corporation has had at least two shareholders or groups of shareholders who are not related for the ten years prior to the first sale or exchange under this subsection. Two persons are considered related when, under section 318 of the Internal Revenue Code, one is a person who owns, directly or indirectly, capital stock that if directly owned would be attributed to the other person, or is the brother, sister, aunt, uncle, cousin, niece, or nephew of the other person who owns capital stock either directly or indirectly.

(b) “*Qualified corporation*” includes any member of an Iowa affiliated group if the Iowa affiliated group includes a member that has employed individuals in this state for at least ten years. For purposes of this subparagraph division, “*Iowa affiliated group*” means an affiliated group that has made a valid election to file an Iowa consolidated income tax return under section 422.37 in the year in which the deduction under this subsection is claimed. “*Member*” includes any entity included in the consolidated return under section 422.37, subsection 2, for the tax year in which the deduction is claimed.

(c) “*Qualified corporation*” also includes any corporation that was a party to a reorganization that was entirely or substantially tax free if such reorganization occurred during or after the employment of the employee-owner.

Sec. 2. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

Sec. 3. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2023.

## DIVISION II RETIRED FARMER LEASE INCOME EXCLUSION

Sec. 4. Section 422.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 21A. a. Subtract, to the extent included, net income received by an eligible individual pursuant to a farm tenancy agreement covering real property held by the eligible individual for ten or more years, if the eligible individual materially participated in a farming business for ten or more years.

b. An individual who elects to exclude income received pursuant to a farm tenancy agreement under this subsection shall not claim any of the following in the tax year in which the election is made or in any succeeding year:

(1) The capital gain exclusion under subsection 21.

(2) The beginning farmer tax credit under section 422.11E.

c. Married individuals who file separate state income tax returns shall allocate their combined annual exclusion limit to each spouse in the proportion that each spouse’s respective net income from a farm tenancy agreement bears to the total net income from a farm tenancy agreement.

d. The department shall establish criteria, by rule, relating to whether and how a surviving spouse may claim the income exclusion for which a deceased eligible individual would have been eligible under this subsection.

e. Net income from a farm tenancy agreement earned, received, or reported by an entity taxed as a partnership for federal tax purposes, an S corporation, or a trust or estate is not eligible for the election and deduction in this subsection, even if such net income ultimately passes through to an eligible individual.

f. For purposes of this subsection:

(1) “*Eligible individual*” means an individual who is disabled or who is fifty-five years of age or older at the time the election is made, who no longer materially participates in a farming business at the time the election is made, and who, as an owner-lessor, is party to a farm tenancy agreement.

(2) “*Farm tenancy agreement*” means a written agreement outlining the rights and obligations of an owner-lessor and a tenant-lessee where the tenant-lessee has a farm tenancy as defined in section 562.1A. A “*farm tenancy agreement*” includes cash leases, crop share leases, or livestock share leases.

(3) “*Farming business*” means the production, care, growing, harvesting, preservation, handling, or storage of crops or forest or fruit trees; the production, care, feeding, management, and housing of livestock; or horticulture, all intended for profit.

(4) “*Livestock*” means the same as defined in section 717.1.

(5) “*Materially participated*” means the same as “*material participation*” in section 469(h) of the Internal Revenue Code.

Sec. 5. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

Sec. 6. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2023.

### DIVISION III RETIRED FARMER CAPITAL GAIN EXCLUSION

Sec. 7. Section 422.7, subsection 21, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

21. a. For purposes of this subsection:

(1) “*Farming business*” means the production, care, growing, harvesting, preservation, handling, or storage of crops or forest or fruit trees; the production, care, feeding, management, and housing of livestock; or horticulture, all for intended profit.

(2) “*Held*” shall be determined with reference to the holding period provisions of section 1223 of the Internal Revenue Code and the federal regulations pursuant thereto.

(3) “*Livestock*” means the same as defined in section 717.1.

(4) “*Materially participated*” means the same as “*material participation*” in section 469(h) of the Internal Revenue Code.

(5) (a) “*Real property used in a farming business*” means all tracts of land and the improvements and structures located on such tracts which are in good faith used primarily for a farming business. Buildings which are primarily used or intended for human habitation are deemed to be used in a farming business when the building is located on or adjacent to the parcel used in the farming business. Land and the nonresidential improvements and structures located on such land that shall be considered to be used primarily in a farming business include but are not limited to land, improvements or structures used for the storage or maintenance of farm machinery or equipment, for the drying, storage, handling, or preservation of agricultural crops, or for the storage of farm inputs, feed, or manure. Real property used in a farming business shall also include woodland, wasteland, pastureland, and idled land used for the conservation of natural resources including soil and water.

(b) Real property classified as agricultural property for Iowa property tax purposes, except real property described in section 441.21, subsection 12, paragraph “a” or “b”, shall be presumed to be real property used in a farming business. This presumption is rebuttable by the department by a preponderance of evidence that the real property did not meet the requirements of subparagraph division (a).

(6) “*Relative*” means a person that satisfies one or more of the following conditions:

(a) The individual is related to the taxpayer by consanguinity or affinity within the second degree as determined by common law.

(b) The individual is a lineal descendent of the taxpayer. For purposes of this subparagraph division, “*lineal descendent*” means children of the taxpayer, including legally adopted children and biological children, stepchildren, grandchildren, great-grandchildren, and any other lineal descendent of the taxpayer.

(c) An entity in which an individual who satisfies the conditions of either subparagraph division (a) or (b) has a legal or equitable interest as an owner, member, partner, or beneficiary.

(7) “*Retired farmer*” means an individual who is disabled or who is fifty-five years of age or older and who no longer materially participates in a farming business when an exclusion and deduction is claimed under this subsection.

b. Subtract the net capital gain from the sale of real property used in a farming business if one of the following conditions are satisfied:

(1) The taxpayer has materially participated in a farming business for a minimum of ten years and has held the real property used in a farming business for a minimum of ten years. If

the taxpayer is a retired farmer, the taxpayer is considered to meet the material participation requirement if the taxpayer materially participated in a farming business for ten years or more in the aggregate, prior to making an election under this subsection.

(2) The taxpayer has held the real property used in a farming business which is sold to a relative of the taxpayer.

c. For a taxpayer who is a retired farmer, subtract the net capital gain from the sale of cattle or horses held by the taxpayer for breeding, draft, dairy, or sporting purposes for a period of twenty-four months or more from the date of acquisition; but only if the taxpayer materially participated in the farming business for five of the eight years preceding the farmer's retirement or disability and who has sold all or substantially all of the taxpayer's interest in the farming business by the time the election under this paragraph is made.

d. For a taxpayer who is a retired farmer, subtract the net capital gain from the sale of breeding livestock, other than cattle and horses, if the livestock is held by the taxpayer for a period of twelve months or more from the date of acquisition; but only if the taxpayer materially participated in the farming business for five of the eight years preceding the farmer's retirement or disability and who has sold all or substantially all of the taxpayer's interest in the farming business by the time the election under this paragraph is made.

e. A taxpayer who is a retired farmer may make, subject to the limitations described in paragraphs "f" and "g", a single, lifetime election to exclude all qualifying capital gains under paragraphs "b", "c", and "d".

f. A taxpayer who is a retired farmer who elects to exclude capital gains under paragraph "b", "c", or "d" shall not claim the beginning farmer tax credit under section 422.11E or the exclusion for net income received pursuant to a farm tenancy agreement in subsection 21A, in the tax year in which this election is made or in any subsequent year.

g. A taxpayer who is a retired farmer who claims the beginning farmer tax credit under section 422.11E shall not, in the same year, make an election under this subsection. A taxpayer who is a retired farmer and who elects to exclude the net income received from a farm tenancy agreement under subsection 21A, shall not, in the same tax year or in any subsequent tax year, make the election under this subsection.

h. Married individuals who file separate state income tax returns shall allocate their combined annual net capital gain exclusion under paragraphs "b", "c", and "d" to each spouse in the proportion that each spouse's respective net capital gain bears to the total net capital gain.

i. The department shall establish criteria, by rule, relating to whether and how a surviving spouse may claim the income exclusion for which a deceased retired farmer would have been eligible under this subsection.

Sec. 8. REPEAL. 2018 Iowa Acts, chapter 1161, section 113, is repealed.

Sec. 9. REPEAL. 2019 Iowa Acts, chapter 162, section 1, is repealed.

Sec. 10. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

Sec. 11. APPLICABILITY.

1. This division of this Act applies to tax years beginning on or after January 1, 2023.

2. This division of this Act applies to sales consummated on or after the effective date of this division of this Act, and sales consummated prior to the effective date of this division of this Act shall be governed by the law as it existed prior to the effective date of this division of this Act.

#### DIVISION IV INDIVIDUAL INCOME TAX RATES — TAX YEARS 2023-2025

Sec. 12. Section 422.5, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. (1) In lieu of the computation in subsection 1 or 2, or in paragraph "a" of this subsection, if the married persons', filing jointly ~~or filing separately on a combined return~~, head of household's, or surviving spouse's net income exceeds thirteen thousand five hundred

dollars, the regular tax imposed under this subchapter shall be the lesser of the ~~maximum~~ alternate state individual income tax rate specified in subparagraph (2) times the portion of the net income in excess of thirteen thousand five hundred dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the ~~husband and wife~~ spouses. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

(2) (a) (i) (A) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, the alternate tax rate is 6.00 percent.

(B) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, the alternate tax rate is 5.70 percent.

(C) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, the alternate tax rate is 5.20 percent.

(ii) This subparagraph division (a) is repealed January 1, 2026.

(b) For tax years beginning on or after January 1, 2026, the alternate tax rate is 4.40 percent.

Sec. 13. Section 422.5, subsection 3B, paragraph b, Code 2022, is amended to read as follows:

b. (1) In lieu of the computation in subsection 1, 2, or 3, if the married persons', filing jointly or filing separately on a combined return, head of household's, or surviving spouse's net income exceeds thirty-two thousand dollars, the regular tax imposed under this subchapter shall be the lesser of the ~~maximum~~ alternate state individual income tax rate specified in subparagraph (2) times the portion of the net income in excess of thirty-two thousand dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the ~~husband and wife~~ spouses. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

(2) (a) (i) (A) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, the alternate tax rate is 6.00 percent.

(B) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, the alternate tax rate is 5.70 percent.

(C) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, the alternate tax rate is 5.20 percent.

(ii) This subparagraph division (a) is repealed January 1, 2026.

(b) For tax years beginning on or after January 1, 2026, the alternate tax rate is 4.40 percent.

Sec. 14. Section 422.5, subsection 6, Code 2022, is amended to read as follows:

6. a. Upon determination of the latest cumulative inflation factor, the director shall multiply each dollar amount set forth in section 422.5A by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year.

b. This subsection is repealed on January 1, 2026.

Sec. 15. Section 422.5A, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**422.5A Tax rates.**

1. a. The tax imposed in section 422.5 shall be calculated using the following rates in the following tax years in the case of married persons filing jointly:

(1) For the tax year beginning on or after January 1, 2023, but before January 1, 2024:

(a) On taxable income from 0 through \$12,000, the rate of 4.40 percent.

(b) On taxable income exceeding \$12,000 but not exceeding \$60,000, the rate of 4.82 percent.

(c) On taxable income exceeding \$60,000 but not exceeding \$150,000, the rate of 5.70 percent.

- (d) On taxable income exceeding \$150,000, the rate of 6.00 percent.
- (2) For the tax year beginning on or after January 1, 2024, but before January 1, 2025:
  - (a) On taxable income from 0 through \$12,000, the rate of 4.40 percent.
  - (b) On taxable income exceeding \$12,000 but not exceeding \$60,000, the rate of 4.82 percent.
  - (c) On taxable income exceeding \$60,000, the rate of 5.70 percent.
- (3) For the tax year beginning on or after January 1, 2025, but before January 1, 2026:
  - (a) On taxable income from 0 through \$12,000, the rate of 4.40 percent.
  - (b) On taxable income exceeding \$12,000, the rate of 4.82 percent.
- b. The tax imposed in section 422.5 shall be calculated using the following rates in the following tax years in the case of any other taxpayer other than married persons filing jointly:
  - (1) For the tax year beginning on or after January 1, 2023, but before January 1, 2024:
    - (a) On taxable income from 0 through \$6,000, the rate of 4.40 percent.
    - (b) On taxable income exceeding \$6,000 but not exceeding \$30,000, the rate of 4.82 percent.
    - (c) On taxable income exceeding \$30,000 but not exceeding \$75,000, the rate of 5.70 percent.
    - (d) On taxable income exceeding \$75,000, the rate of 6.00 percent.
  - (2) For the tax year beginning on or after January 1, 2024, but before January 1, 2025:
    - (a) On taxable income from 0 through \$6,000, the rate of 4.40 percent.
    - (b) On taxable income exceeding \$6,000 but not exceeding \$30,000, the rate of 4.82 percent.
    - (c) On taxable income exceeding \$30,000, the rate of 5.70 percent.
  - (3) For the tax year beginning on or after January 1, 2025, but before January 1, 2026:
    - (a) On taxable income from 0 through \$6,000, the rate of 4.40 percent.
    - (b) On taxable income exceeding \$6,000, the rate of 4.82 percent.
- 2. This section is repealed January 1, 2026.

Sec. 16. REPEAL. 2018 Iowa Acts, chapter 1161, section 107, is repealed.

Sec. 17. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

Sec. 18. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2023.

#### DIVISION V INDIVIDUAL INCOME TAX — FLAT RATE

Sec. 19. Section 421.27, subsection 9, paragraph a, subparagraph (3), Code 2022, is amended to read as follows:

(3) In the 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~~ 422.5 for the tax year, less any Iowa tax credits available to the entity.

Sec. 20. Section 422.5, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. A tax is imposed upon every resident and nonresident of the state which tax shall be levied, collected, and paid annually upon and with respect to the entire taxable income as defined in this subchapter at ~~rates as provided in section 422.5A~~ a rate of three and nine-tenths percent.

Sec. 21. Section 422.16B, subsection 2, paragraph a, Code 2022, is amended to read as follows:

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~~ 422.5, 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~~ 422.5.

Sec. 22. Section 422.25A, subsection 5, paragraph c, subparagraphs (3), (4), and (5), Code 2022, are amended to read as follows:

(3) Determine the total distributive share of all final federal partnership adjustments and positive reallocation adjustments as modified by this title that are reported to nonresident individual partners and nonresident fiduciary partners and allocate and apportion such adjustments as provided in section 422.33 at the partnership or tiered partner level, and multiply the resulting amount by the ~~maximum~~ individual income tax rate pursuant to section ~~422.5A~~ 422.5 for the reviewed year.

(4) For the total distributive share of all final federal partnership adjustments and positive reallocation adjustments as modified by this title that are reported to tiered partners:

(a) Determine the amount of such adjustments which are of a type that would be subject to sourcing to Iowa under section 422.8, subsection 2, paragraph "a", as a nonresident, and then determine the portion of this amount that would be sourced to Iowa under those provisions as if the tiered partner were a nonresident.

(b) Determine the amount of such adjustments which are of a type that would not be subject to sourcing to Iowa under section 422.8, subsection 2, paragraph "a", as a nonresident.

(c) Determine the portion of the amount in subparagraph division (b) that can be established, as prescribed by the department by rule, to be properly allocable to indirect partners that are nonresident partners or other partners not subject to tax on the adjustments.

(d) Multiply the total of the amounts determined in subparagraph divisions (a) and (b), reduced by any amount determined in subparagraph division (c), by the ~~highest~~ individual income tax rate pursuant to section ~~422.5A~~ 422.5 for the reviewed year.

(5) For the total distributive share of all final federal partnership adjustments and positive reallocation adjustments as modified by this title that are reported to resident individual partners and resident fiduciary partners, multiply that amount by the ~~highest~~ individual income tax rate pursuant to section ~~422.5A~~ 422.5 for the reviewed year.

Sec. 23. EFFECTIVE DATE. This division of this Act takes effect January 1, 2026.

Sec. 24. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2026.

#### DIVISION VI RETIREMENT INCOME

Sec. 25. Section 422.5, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. The tax shall not be imposed on a resident or nonresident whose net income, as defined in section 422.7, is thirteen thousand five hundred dollars or less in the case of married persons filing jointly or filing separately on a combined return, heads of household, and surviving spouses or nine thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this subchapter would reduce the net income to less than thirteen thousand five hundred dollars or nine thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirteen thousand five hundred dollars or nine thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. ~~For purposes of this subsection, net income includes all amounts of pensions or other retirement income, except for military retirement pay excluded under section 422.7, subsection 31A, paragraph "a", or section 422.7, subsection 31B, paragraph "a", received from any source which is not taxable under this subchapter as a result of the government pension exclusions in section 422.7, or any other state law.~~ If the combined net income of a husband and wife exceeds thirteen thousand five hundred dollars, neither of them shall receive the



benefit of this subsection, and it is immaterial whether they file a joint return or separate returns. However, if a husband and wife file separate returns and have a combined net income of thirteen thousand five hundred dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided in section 422.9, subsection 3. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding thirteen thousand five hundred dollars or nine thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirteen thousand five hundred dollars or nine thousand dollars as applicable.

Sec. 26. Section 422.5, subsection 3B, paragraph a, Code 2022, is amended to read as follows:

a. The tax shall not be imposed on a resident or nonresident who is at least sixty-five years old on December 31 of the tax year and whose net income, as defined in section 422.7, is thirty-two thousand dollars or less in the case of married persons filing jointly or filing separately on a combined return, heads of household, and surviving spouses or twenty-four thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this subchapter would reduce the net income to less than thirty-two thousand dollars or twenty-four thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirty-two thousand dollars or twenty-four thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. ~~For purposes of this subsection, net income includes all amounts of pensions or other retirement income, except for military retirement pay excluded under section 422.7, subsection 31A, paragraph "a", or section 422.7, subsection 31B, paragraph "a", received from any source which is not taxable under this subchapter as a result of the government pension exclusions in section 422.7, or any other state law.~~ If the combined net income of a husband and wife exceeds thirty-two thousand dollars, neither of them shall receive the benefit of this subsection, and it is immaterial whether they file a joint return or separate returns. However, if a husband and wife file separate returns and have a combined net income of thirty-two thousand dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided in section 422.9, subsection 3. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding thirty-two thousand dollars or twenty-four thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirty-two thousand dollars or twenty-four thousand dollars as applicable.

Sec. 27. Section 422.7, subsection 31, Code 2022, is amended to read as follows:

31. ~~a. For a person who is disabled, or is fifty-five years of age or older, or is the surviving spouse of an individual or a survivor having an insurable interest in an individual who would have qualified for the exemption under this subsection for the tax year, subtract~~ Subtract, to the extent included, the total amount of ~~received from~~ a governmental or other pension or retirement pay plan, including, ~~but not limited to,~~ defined benefit or defined contribution plans, annuities, individual retirement accounts, plans maintained or contributed to by an employer, or maintained or contributed to by a self-employed person as an employer, and deferred compensation plans or any earnings attributable to the deferred compensation plans, ~~up to a maximum of six thousand dollars for a person, other than a husband or wife, who files a separate state income tax return and up to a maximum of twelve thousand dollars for a husband and wife who file a joint state income tax return. However, a surviving spouse who is not disabled or fifty-five years of age or older can only exclude the amount of pension or retirement pay received as a result of the death of the other spouse. A husband and wife filing separate state income tax returns or separately on a combined state return are allowed a combined maximum exclusion under this subsection of up to twelve thousand~~

~~dollars. The twelve thousand dollar exclusion shall be allocated to the husband or wife in the proportion that each spouse's respective pension and retirement pay received bears to total combined pension and retirement pay received received by a person who is disabled, or is fifty-five years of age or older, or is the surviving spouse of an individual or is a survivor having an insurable interest in an individual who would have qualified for the exemption under this subsection for the tax year.~~

b. Married taxpayers who file separate state income tax returns shall allocate their combined annual exclusion amount to each spouse in the proportion that each spouse's respective income received from a pension or retirement plan bears to the total combined pension or retirement pay received.

c. A taxpayer who is not disabled or fifty-five years of age or older and who receives pension or retirement pay as a surviving spouse or as a survivor with an insurable interest in an individual who would have qualified for the exemption for the tax year may only exclude the amount received from a pension or retirement plan in the tax year as a result of the death of the decedent.

Sec. 28. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

Sec. 29. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2023.

#### DIVISION VII RESEARCH ACTIVITIES TAX CREDIT

Sec. 30. Section 15.335, subsection 4, paragraph a, Code 2022, is amended to read as follows:

a. In lieu of the credit amount computed in subsection 2, an eligible business may shall 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 if the taxpayer elected or was required to use the alternative simplified credit method for federal income tax purposes for the same taxable year. 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. 31. Section 15.335, subsection 5, Code 2022, is amended to read as follows:

5. The credit allowed in this section is in addition to the credit authorized in section 422.10 and section 422.33, subsection 5. However, if the alternative credit computation method is used in section 422.10 or section 422.33, subsection 5, the credit allowed in this section shall also be computed using that method. The regular or alternative credit allowed in this section shall be computed according to the same claim, calculation, and refund limitations in section 422.10 and section 422.33, subsection 5, as applicable, including those described in section 422.10, subsection 1, paragraph "a", and section 422.10, subsection 1, paragraph "b", subparagraph (3), and section 422.10, subsection 4, and those described in section 422.33, subsection 5, paragraph "b", subparagraph (2), and section 422.33, subsection 5, paragraphs "e" and "g".

Sec. 32. Section 15.335, subsection 8, Code 2022, is amended to read as follows:

8. a. Any The following percentage of 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":

(1) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety-five percent.

(2) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, ninety percent.

(3) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, eighty-five percent.

(4) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, eighty percent.

(5) For tax years beginning on or after January 1, 2027, seventy-five percent.

b. In lieu of claiming a refund, a taxpayer may elect to have the overpayment otherwise eligible for a refund shown on its final, completed return credited to the tax liability for the following tax year.

Sec. 33. Section 422.10, subsection 1, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) The credit provided in this section is claimed on a return filed by the due date for filing the return, including extensions of time. If timely claimed, the business shall not increase the credit claim on an amended return or otherwise unless either of the following apply:

(a) The amended return is filed within six months of the due date for filing the return which includes extensions of time.

(b) The increase results from an audit or examination by the internal revenue service or the department.

Sec. 34. Section 422.10, subsection 1, paragraph b, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) For the purpose of calculating the state's apportioned share of the qualifying expenditures for increasing research activities in subparagraph (2), the following criteria shall apply only to the determination of qualified research expenditures in this state:

(a) Wages paid to an employee for qualified services, or contract research expenses paid to a third party for the performance of qualified research services, shall only constitute qualified research expenses in this state if the services are performed in this state, and if the following conditions are met, as applicable:

(i) For qualified services performed by employees, during the period of the tax year that the business is engaging in one or more research projects, a majority of the total services performed by the employee for the business are directly related to those research projects.

(ii) For the performance of qualified research services by a third party, during the period of the business's tax year that the third party is performing research services for the business, a majority of the total services performed by the person for the third party are directly related to those research projects of the business.

(b) The substantially all rule for determining qualified services as described in section 41(b)(2)(B) of the Internal Revenue Code and Treas. Reg. 1.41-2(d)(2) does not apply.

(c) Amounts paid for the right to use computers as described in section 41(b)(2)(A)(iii) of the Internal Revenue Code shall not be qualified research expenses in this state.

(d) For tax years beginning on or after January 1, 2023, but before January 1, 2027, amounts paid for supplies as defined in section 41(b)(2)(C) of the Internal Revenue Code shall only constitute qualified research expenses in this state if the supplies directly relate to research performed in this state and shall be limited to the following allowable percentages:

(i) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, eighty percent of the amounts paid for supplies directly related to research performed in this state.

(ii) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, sixty percent of the amounts paid for supplies directly related to research performed in this state.

(iii) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, forty percent of the amounts paid for supplies directly related to research performed in this state.

(iv) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, twenty percent of the amounts paid for supplies directly related to research performed in this state.

(e) For tax years beginning on or after January 1, 2027, amounts paid for supplies as defined in section 41(b)(2)(C) of the Internal Revenue Code shall not be qualified research expenses in this state.

Sec. 35. Section 422.10, subsection 1, paragraphs c and d, Code 2022, are amended to read as follows:

c. In lieu of the credit amount computed in paragraph “b”, subparagraph (1), subparagraph division (a), a taxpayer ~~may~~ shall 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 if the taxpayer elected or was required to use the alternative simplified credit method for federal income tax purposes for the same taxable year. The taxpayer may make this election regardless of the method used for the taxpayer’s federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

d. For purposes of the alternate credit computation method in paragraph “c”, the following criteria shall apply:

(1) The credit percentages applicable to qualified research expenses described in section 41(c)(4)(A) and clause (ii) of section 41(c)(4)(B) of the Internal Revenue Code are four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

(2) Basic research payments and qualified research expenses shall only include amounts for research conducted in this state. A taxpayer’s qualified research expenses in this state and average prior year qualified research expenses in this state shall be determined in accordance with the criteria in subsection 1, paragraph “b”, subparagraph (3).

Sec. 36. Section 422.10, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. For purposes of this section, “*basic research payment*” and “*qualified research expense*” mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, ~~except that for the alternative simplified credit such amounts are for research conducted within this state as otherwise described in subsection 1, paragraph “b”, subparagraph (3), and subsection 1, paragraph “d”, subparagraph (2).~~

Sec. 37. Section 422.10, subsection 4, Code 2022, is amended to read as follows:

4. a. (1) ~~Any~~ The following percentage of any credit in excess of the tax liability imposed by section 422.5 less the amounts of nonrefundable credits allowed under this subchapter for the taxable year shall be refunded with interest in accordance with section 421.60, subsection 2, paragraph “e”:

(a) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety percent.

(b) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, eighty percent.

(c) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, seventy percent.

(d) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, sixty percent.

(2) In lieu of claiming a refund pursuant to this paragraph, a taxpayer may elect to have the overpayment otherwise eligible for a refund shown on the taxpayer’s final, completed return credited to the tax liability for the following taxable year.

b. Commencing with tax years beginning on or after January 1, 2027, fifty percent of any credit in excess of the tax liability imposed by section 422.5 less the amounts of nonrefundable credits allowed under this subchapter 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 otherwise eligible for a refund shown on the taxpayer’s final, completed return credited to the tax liability for the following taxable year.

c. In applying the credit in this section against tax liability and computing the eligible refund amount, the credit shall be applied after all nonrefundable credits available to the taxpayer are applied, but before any other refundable credit available to the taxpayer is applied.

Sec. 38. Section 422.33, subsection 5, paragraph b, Code 2022, is amended to read as follows:

b. (1) The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to the total qualified research expenditures.

(2) For the purpose of calculating the state's apportioned share of the qualifying expenditures for increasing research activities in subparagraph (1), the following criteria shall apply only to the determination of qualified research expenditures in this state:

(a) Wages paid to an employee for qualified services, or contract research expenses paid to a third party for the performance of qualified research services, shall only constitute qualified research expenses in this state if the services are performed in this state, and if the following conditions are met, as applicable:

(i) For qualified services performed by employees, during the period of the tax year that the business is engaging in one or more research projects, a majority of the total services performed by the employee for the business are directly related to those research projects.

(ii) For the performance of qualified research services by a third party, during the period of the business's tax year that the third party is performing research services for the business, a majority of the total services performed by the person for the third party are directly related to those research projects of the business.

(b) The substantially all rule for determining qualified services as described in section 41(b)(2)(B) of the Internal Revenue Code and Treas. Reg. 1.41-2(d)(2) does not apply.

(c) Amounts paid for the right to use computers as described in section 41(b)(2)(A)(iii) of the Internal Revenue Code shall not be qualified research expenses in this state.

(d) For tax years beginning on or after January 1, 2023, but before January 1, 2027, amounts paid for supplies as defined in section 41(b)(2)(C) of the Internal Revenue Code shall only constitute qualified research expenses in this state if the supplies directly relate to research performed in this state and shall be limited to the following allowable percentages:

(i) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, eighty percent of the amounts paid for supplies directly related to research performed in this state.

(ii) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, sixty percent of the amounts paid for supplies directly related to research performed in this state.

(iii) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, forty percent of the amounts paid for supplies directly related to research performed in this state.

(iv) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, twenty percent of the amounts paid for supplies directly related to research performed in this state.

(e) For tax years beginning on or after January 1, 2027, amounts paid for supplies as defined in section 41(b)(2)(C) of the Internal Revenue Code shall not be qualified research expenses in this state.

Sec. 39. Section 422.33, subsection 5, paragraphs c and d, Code 2022, are amended to read as follows:

c. In lieu of the credit amount computed in paragraph "a", subparagraph (1), a corporation may ~~shall~~ 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 ~~if the taxpayer elected or was required to use the alternative simplified credit method for federal income tax purposes for the same taxable year. The taxpayer may make this election regardless of the method used for the taxpayer's federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.~~

d. For purposes of the alternate credit computation method in paragraph "c", the following criteria shall apply:

(1) The credit percentages applicable to qualified research expenses described in section 41(c)(4)(A) and clause (ii) of section 41(c)(4)(B) of the Internal Revenue Code are four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

(2) Basic research payments and qualified research expenses shall only include amounts for research conducted in this state. A taxpayer's qualified research expenses in this state and

average prior year qualified research expenses in this state shall be determined in accordance with the rules in paragraph “b”, subparagraph (2).

Sec. 40. Section 422.33, subsection 5, paragraph e, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) The credit provided in this subsection is claimed on a return filed by the due date for filing the return, including extensions of time. If timely claimed, the business shall not increase the credit claim on an amended return or otherwise unless either of the following apply:

(a) The amended return is filed within six months of the due date for filing the return which includes extensions of time.

(b) The increase results from an audit or examination by the internal revenue service or the department.

Sec. 41. Section 422.33, subsection 5, paragraph f, subparagraph (2), Code 2022, is amended to read as follows:

(2) For purposes of this subsection, “*basic research payment*” and “*qualified research expense*” mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, ~~except that for the alternative simplified credit such amounts are for research conducted within this state as otherwise described in~~ paragraph “b”, subparagraph (2), and paragraph “d”, subparagraph (2).

Sec. 42. Section 422.33, subsection 5, paragraph g, Code 2022, is amended to read as follows:

g. (1) (a) Any The following percentage of the 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”:

(i) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety percent.

(ii) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, eighty percent.

(iii) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, seventy percent.

(iv) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, sixty percent.

(b) In lieu of claiming a refund pursuant to this subparagraph, a taxpayer may elect to have the overpayment otherwise eligible for a refund shown on its final, completed return credited to the tax liability for the following taxable year.

(2) Commencing with tax years beginning on or after January 1, 2027, fifty percent of 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 otherwise eligible for a refund shown on its final, completed return credited to the tax liability for the following taxable year.

(3) In applying the credit in this subsection against tax liability and computing the eligible refund amount, the credit shall be applied after all nonrefundable credits available to the taxpayer are applied, but before any other refundable credit available to the taxpayer is applied.

Sec. 43. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

Sec. 44. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2023.

DIVISION VIII  
OTHER TAX CREDITS

Sec. 45. Section 15.119, subsection 2, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) In allocating tax credits pursuant to this subsection, the authority shall prioritize issuing additional research activities tax credits pursuant to section 15.335.

Sec. 46. Section 15.293A, subsection 1, paragraph c, subparagraph (2), Code 2022, is amended to read as follows:

(2) (a) A tax credit in excess of the taxpayer's liability for the tax year is refundable if all of the following conditions are met:

~~(a)~~ (i) The taxpayer is an investor making application for tax credits provided in this section and is an entity 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.

~~(b)~~ (ii) The taxpayer establishes during the application process described in section 15.293B that the requirement in subparagraph division (a) is satisfied. The authority, when issuing a certificate to a taxpayer that meets the requirements in this subparagraph (2), shall indicate on the certificate that such requirements have been satisfied.

(b) For a tax credit deemed refundable pursuant to subparagraph division (a), the following percentage of the tax credit in excess of the taxpayer's liability for the tax year is refundable:

(i) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety-five percent.

(ii) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, ninety percent.

(iii) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, eighty-five percent.

(iv) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, eighty percent.

(v) For tax years beginning on or after January 1, 2027, seventy-five percent.

Sec. 47. Section 15.293A, subsection 2, paragraph d, Code 2022, is amended to read as follows:

d. Tax credit certificates issued under this section may be transferred to any person or entity, except a tax credit certificate that is refundable under subsection 1, paragraph "c", subparagraph (2), shall not be transferable. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, and address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue.

Sec. 48. Section 15E.305, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. The maximum amount of tax credits granted to a taxpayer shall not exceed five percent one hundred thousand dollars of the aggregate amount of tax credits authorized.

Sec. 49. Section 15.331C, subsection 1, Code 2022, is amended to read as follows:

1. a. An eligible business may claim a 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 as a refund the following percentage of all or a portion of an unused any tax credit in excess of the tax liability as follows:

(1) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety-five percent.

(2) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, ninety percent.

(3) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, eighty-five percent.

(4) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, eighty percent.

(5) For tax years beginning on or after January 1, 2027, seventy-five percent.

b. In lieu of claiming a refund, a taxpayer may elect to have the overpayment otherwise eligible for a refund shown on the taxpayer's final, completed return credited to the tax liability for the following seven years or until depleted, whichever occurs earlier.

Sec. 50. Section 404A.2, subsection 4, Code 2022, is amended to read as follows:

4. a. For a tax credit claimed by an eligible taxpayer or a transferee for qualified rehabilitation projects with agreements entered into on or after July 1, 2014, the following percentage of any credit in excess of the taxpayer's tax liability for the tax year may be refunded or, at the taxpayer's election, credited to the taxpayer's tax liability for the following five years or until depleted, whichever is earlier:

(1) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety-five percent.

(2) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, ninety percent.

(3) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, eighty-five percent.

(4) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, eighty percent.

(5) For tax years beginning on or after January 1, 2027, seventy-five percent.

b. In lieu of claiming a refund, a taxpayer may elect to have the overpayment otherwise eligible for a refund shown on the taxpayer's final, completed return credited to the tax liability for the following five tax years or until depleted, whichever is earlier.

c. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. As used in this subsection, "taxpayer" includes an eligible taxpayer or a person transferred a tax credit certificate pursuant to subsection 3.

Sec. 51. Section 422.12N, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 6. This section does not apply to a geothermal heat pump installation occurring after December 31, 2023.

NEW SUBSECTION. 7. This section is repealed January 1, 2034.

Sec. 52. Section 422.33, subsection 9, paragraph a, Code 2022, is amended to read as follows:

a. (1) The taxes imposed under this subchapter shall be reduced by an assistive device tax credit. A small business purchasing, renting, or modifying an assistive device or making workplace modifications for an individual with a disability who is employed or will be employed by the small business is eligible, subject to availability of credits, to receive this assistive device tax credit which is equal to fifty percent of the first five thousand dollars paid during the tax year for the purchase, rental, or modification of the assistive device or for making the workplace modifications. ~~Any~~ The following percentage of any credit in excess of the tax liability shall be refunded with interest in accordance with section 421.60, subsection 2, paragraph "e", as follows:

(a) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety-five percent.



(b) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, ninety percent.

(c) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, eighty-five percent.

(d) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, eighty percent.

(e) For tax years beginning on or after January 1, 2027, seventy-five percent.

(2) In lieu of claiming a refund, a taxpayer may elect to have the overpayment otherwise eligible for a refund shown on the taxpayer's final, completed return credited to the tax liability for the following tax year. If the small business elects to take the assistive device tax credit, the small business shall not deduct for Iowa tax purposes any amount of the cost of an assistive device or workplace modifications which is deductible for federal income tax purposes.

Sec. 53. PRESERVATION OF EXISTING RIGHTS. This division of this Act is not intended to and shall not limit, modify, or otherwise adversely affect any amount of tax credit issued, awarded, or allowed prior to January 1, 2023, nor shall it limit, modify, or otherwise adversely affect a taxpayer's right to claim or redeem a tax credit issued, awarded, or allowed prior to January 1, 2023, including but not limited to any tax credit carryforward amount.

Sec. 54. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

Sec. 55. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2023.

#### DIVISION IX CORPORATE INCOME TAX RATES — ADJUSTMENTS

Sec. 56. Section 422.33, subsection 1, Code 2022, is amended to read as follows:

1. a. A tax is imposed annually upon each corporation doing business in this state, or deriving income from sources within this state, in an amount computed by applying the following rates of taxation to the net income received by the corporation during the income year:

α. (1) On the first twenty-five thousand dollars of taxable income, or any part thereof, the rate of six percent for tax years beginning prior to January 1, 2021, and the rate of five and one-half percent for tax years beginning on or after January 1, 2021.

β. (2) On taxable income between twenty-five thousand dollars and one hundred thousand dollars or any part thereof, the rate of eight percent for tax years beginning prior to January 1, 2021, and the rate of five and one-half percent for tax years beginning on or after January 1, 2021.

γ. (3) On taxable income between one hundred thousand dollars and two hundred fifty thousand dollars or any part thereof, the rate of ten percent for tax years beginning prior to January 1, 2021, and the rate of nine percent for tax years beginning on or after January 1, 2021.

δ. (4) On taxable income of two hundred fifty thousand dollars or more, the rate of twelve percent for tax years beginning prior to January 1, 2021, and the rate of nine and eight-tenths percent for tax years beginning on or after January 1, 2021.

b. (1) (a) Notwithstanding paragraph "a", the department of management and the department of revenue shall determine corporate income tax rates as provided in this paragraph. A tax rate in this subsection shall remain in effect until the tax rate is adjusted pursuant to this paragraph.

(b) By November 1, 2022, and by November 1 each year thereafter, the department of management shall determine the net corporate income tax receipts for the fiscal year preceding the determination date. If net corporate income tax receipts for the preceding fiscal year exceed seven hundred million dollars, the department of revenue shall adjust and apply new corporate income tax rates as provided in subparagraph (2).

(2) (a) If a determination has been made that net corporate income tax receipts for the preceding fiscal year exceeded seven hundred million dollars, the department of revenue

shall adjust the tax rates specified in paragraph “a”, subparagraphs (3) and (4), and apply the adjusted rates for tax years beginning on or after the next January 1 following the determination date.

(b) (i) The tax rates subject to adjustment shall be adjusted in such a way that when combined with all the other rates specified in paragraph “a”, the tax rates would have generated net corporate income tax receipts that equal seven hundred million dollars in the preceding fiscal year.

(ii) When adjusting the tax rates, the tax rates shall be adjusted as follows:

(A) The tax rate in effect that corresponds with the specified tax rate in paragraph “a”, subparagraph (4), shall first be adjusted but not below the tax rate in effect that corresponds with the specified rate in paragraph “a”, subparagraph (3).

(B) If after the adjustment in subparagraph part (A) is made, and an additional adjustment is necessary, the tax rates that correspond with the rates specified in paragraph “a”, subparagraphs (3) and (4), shall be adjusted on an equal basis.

(iii) The tax rates adjusted pursuant to this paragraph shall not be adjusted below five and one-half percent.

(iv) The tax rates, when adjusted, shall be rounded down to the nearest one-tenth of one percent.

(3) If a tax rate is adjusted pursuant to this paragraph, the director of revenue shall cause an advisory notice containing the new corporate tax rates to be published in the Iowa administrative bulletin and on the internet site of the department of revenue. The calculation and publication of the adjusted tax rate by the director of revenue is exempt from chapter 17A, and shall be submitted for publication by the first December 31 following the determination date to adjust the tax rates.

#### DIVISION X CORPORATE INCOME TAX — FLAT RATE

Sec. 57. Section 422.33, subsection 1, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

1. A tax is imposed annually upon each corporation doing business in this state, or deriving income from sources within this state, in an amount computed by applying the rate of five and one-half percent to the net income received by the corporation during the income year.

Sec. 58. CONTINGENT EFFECTIVE DATE. This division of this Act takes effect on the first January 1 after each rate of taxation on the net income received by a corporation is equalized to equal five and one-half percent pursuant to section 422.33, subsection 1, paragraph “b”, as amended by this Act. The director of revenue shall inform the Code editor upon the occurrence of this contingency.

Sec. 59. APPLICABILITY. This division of this Act applies to tax years beginning on or after the effective date of this division of this Act.

#### DIVISION XI TAX EXPENDITURE COMMITTEE

Sec. 60. Section 2.45, subsection 5, Code 2022, is amended by striking the subsection.

Sec. 61. Section 2.48, subsections 1 and 2, Code 2022, are amended by striking the subsections and inserting in lieu thereof the following:

1. As used in this section, “tax expenditure” means an exclusion from the operation or collection of a tax imposed in this state. Tax expenditures include tax credits, exemptions, deductions, and rebates. Tax expenditures also include sales tax refunds issued pursuant to section 423.3 or 423.4.

2. a. (1) The department administering a tax expenditure described in subsection 3 shall engage in a review of the tax expenditure based upon the schedule in subsection 3. If multiple departments administer the tax expenditure, the departments shall cooperate in the review.

(2) The review shall consist of evaluating any tax expenditure described in subsection 3 and assess its equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purpose of the legislation that enacted the tax expenditure, as those issues pertain to taxation in Iowa.

b. (1) The department shall file a report detailing the review with the general assembly no later than December 15 of the year the credit is scheduled to be reviewed in subsection 3.

(2) The report may include recommendations for better aligning tax expenditures with the original intent of the legislation that enacted the tax expenditure.

Sec. 62. Section 2.48, subsection 3, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The ~~committee~~ applicable department shall review the following tax expenditures and incentives according to the following schedule:

Sec. 63. Section 2.48, subsection 4, Code 2022, is amended to read as follows:

4. ~~Subsequent additional review.~~ A tax expenditure or incentive reviewed pursuant to subsection 3 shall be reviewed again not more than five years after the tax expenditure or incentive was most recently reviewed.

## DIVISION XII TAXPAYER RELIEF FUND CONTINGENT TRANSFERS

Sec. 64. Section 8.54, subsection 5, Code 2022, is amended to read as follows:

5. a. For fiscal years in which it is anticipated that the distribution of moneys from the Iowa economic emergency fund in accordance with section 8.55, subsection 2, will result in moneys being transferred to the general fund of the state, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the amount of moneys anticipated to be so transferred.

b. For fiscal years in which it is anticipated that moneys will be transferred from the taxpayer relief fund to the general fund of the state in accordance with section 8.57E, subsection 2, paragraph "b", the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the amount of moneys anticipated to be so transferred. This paragraph is repealed on the date that section 8.57E, subsection 2, paragraph "b", is repealed.

Sec. 65. Section 8.57E, subsection 2, Code 2022, is amended to read as follows:

2. a. ~~Moneys~~ Except as otherwise provided in this section, moneys in the taxpayer relief fund shall only be used pursuant to appropriations or transfers made by the general assembly for tax relief, ~~including but not limited to increases in the general retirement income exclusion under section 422.7, subsection 31, or reductions in income tax rates.~~

b. (1) For the fiscal year beginning July 1, 2023, and for each fiscal year thereafter, if the actual net revenue for the general fund of the state for the fiscal year plus the amount transferred to the general fund of the state under section 8.55, subsection 2, paragraph "b", for the fiscal year, if any, is less than one hundred three and one-half percent of the actual net revenue for the general fund of the state for the prior fiscal year, there is transferred from the taxpayer relief fund to the general fund of the state an amount equal to the difference or the remaining balance of the taxpayer relief fund, whichever is lower, subject to subparagraph (2).

(2) The transfer made under subparagraph (1) shall not exceed an amount necessary to increase the ending balance of the general fund of the state for the fiscal year to one percent of the adjusted revenue estimate, as defined in section 8.54, for the fiscal year.

(3) This paragraph is repealed on the date the remaining balance of the taxpayer relief fund is transferred to the general fund of the state under subparagraph (1).

**CHAPTER 1003****COLLEGIATE AND INTERSCHOLASTIC ATHLETICS — STUDENT ELIGIBILITY  
REQUIREMENTS — EDUCATIONAL INSTITUTION LIABILITY***H.F. 2416*

**AN ACT** relating to student eligibility requirements in school district, accredited nonpublic school, regent institution, community college, and certain other institution of higher education athletics based on sex, and including effective date provisions.

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

**Section 1. NEW SECTION. 2611.1 Definitions.**

For the purposes of this chapter:

1. “*Educational institution*” means any of the following:
  - a. A nonpublic school accredited pursuant to section 256.11.
  - b. A public school district.
  - c. An institution governed by the state board of regents pursuant to chapter 262.
  - d. A community college as defined in section 260C.2.
  - e. Any institution of higher education located in this state that is a member of the national collegiate athletic association, national association of intercollegiate athletics, or national junior college athletic association.
2. “*Organization*” means the same as defined in section 280.13.
3. “*Sex*” means a person’s biological sex as either female or male. The sex listed on a student’s official birth certificate or certificate issued upon adoption may be relied upon if the certificate was issued at or near the time of the student’s birth.

**Sec. 2. NEW SECTION. 2611.2 Extracurricular athletics — eligibility — cause of action.**

1. a. An interscholastic athletic team, sport, or athletic event that is sponsored or sanctioned by an educational institution or organization must be designated as one of the following, based on the sex at birth of the participating students:

- (1) Females, women, or girls.
- (2) Males, men, or boys.
- (3) Coeducational or mixed.

b. Only female students, based on their sex, may participate in any team, sport, or athletic event designated as being for females, women, or girls.

c. Protections pursuant to chapter 669 or chapter 670 shall not apply to an educational institution or an employee of an educational institution that does not comply with the requirements of this section.

2. a. If a student suffers direct or indirect harm as a result of a violation of subsection 1, that student has a private cause of action for injunctive, mandamus, damages, and declaratory relief against the entity that violated subsection 1.

b. If a student is subjected to retaliation or other adverse action by an educational institution or organization as a result of reporting a violation of subsection 1 to an employee or representative of the educational institution, organization, or to a state or federal governmental entity having oversight authority, that student has a private cause of action for injunctive, mandamus, damages, and declaratory relief, against the educational institution or organization. In addition, a governmental entity shall not investigate a complaint or take any adverse action against an educational institution or organization, or any employee of a board of directors of a school district, the authorities in charge of an accredited nonpublic school or nonpublic institution of higher education, the board of directors of a merged area, or the board of regents for compliance with subsection 1.

3. If an educational institution or organization suffers any direct or indirect harm as a result of a violation of subsection 1, that educational institution or organization has a private cause of action for injunctive, mandamus, damages, and declaratory relief against the entity that violated subsection 1.

4. *a.* A governmental entity, educational institution, or organization shall not be liable to any student for complying with subsection 1.

*b.* A civil action under subsection 2 or 3 must be initiated within two years from the date the alleged harm occurred.

*c.* Any party prevailing on a claim brought under subsection 2 or 3 is entitled to reasonable attorney fees and costs.

5. *a.* For any lawsuit brought or any complaint filed against an educational institution or organization, or an employee, a member of the board of directors of a school district, a member of the authorities in charge of a nonpublic school or nonpublic institution of higher education, a member of the board of directors of a merged area, or a member of the board of regents as a result of compliance with subsection 1, the attorney general shall provide legal representation at no cost to that entity or individual.

*b.* In addition to the expenses of representation, the state shall assume financial responsibility for any other expense related to the lawsuit or complaint and incurred by an educational institution or organization, or an employee, a member of the board of directors of a school district, a member of the authorities in charge of a nonpublic school or nonpublic institution of higher education, a member of the board of directors of a merged area, or a member of the board of regents including any award for attorney fees and costs for which that entity or individual would be otherwise responsible.

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

Approved March 3, 2022

## CHAPTER 1004

### COUNTY SUPERVISOR CANDIDATE NOMINATIONS — SIGNATURE REQUIREMENTS

*H.F. 2466*

**AN ACT** concerning signature requirements for county supervisor candidate nominations and including effective date provisions.

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

Section 1. Section 43.20, subsection 1, Code 2022, is amended to read as follows:

1. ~~*a.* Except as provided in paragraph “b”, nomination~~ 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. 2. Section 45.1, subsection 7, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a.* For a supervisor district with a population of fifteen thousand or fewer according to the most recent federal decennial census, nomination petitions shall include at least twenty-one signatures.

Sec. 3. Section 45.1, subsection 7, paragraph a, Code 2022, is amended to read as follows:  
a. For a supervisor district with a population of ~~fifty greater than fifteen thousand or but fewer~~<sup>1</sup> ~~than fifty thousand~~ according to the most recent federal decennial census, nomination petitions shall include at least fifty signatures.

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

Approved March 22, 2022

## CHAPTER 1005

### COSMETOLOGY — PRACTICE OF THREADING

S.F. 2119

**AN ACT** relating to cosmetology and the practice of threading.

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

Section 1. Section 157.1, subsection 5, paragraph c, Code 2022, is amended to read as follows:

c. Removing superfluous hair from the face or body of a person with the use of depilatories, wax, sugars, ~~threading~~, or tweezing.

Sec. 2. Section 157.1, subsection 12, paragraph c, Code 2022, is amended to read as follows:

c. Removing superfluous hair from the body of a person by the use of depilatories, waxing, sugaring, tweezers, ~~threading~~, or use of any certified laser products or intense pulsed light devices. This excludes threading and the practice of electrology, whereby hair is removed with an electric needle.

Sec. 3. **NEW SECTION. 157.12B Threading.**

1. A person engaged exclusively in the practice of threading is not required to receive a license issued under section 157.3.

2. A person may engage in the practice of threading at a location that is not licensed pursuant to section 157.11.

3. For the purposes of this section, “*threading*” means the removal of hairs from the eyebrows, upper lip, or other body parts by the use of a thread and includes the use of astringents, gels, powders, tweezers, and scissors incidental to the use of a thread.

Approved March 23, 2022

<sup>1</sup> See chapter 1153, §5 herein

**CHAPTER 1006****COMPENSATION AND BENEFIT LIMITS — RETIREES UNDER THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND SCHOOL BOARD MEMBERS***S.F. 2266*

**AN ACT** concerning compensation and benefits limits, relating to the earnings limitation for retirees under the Iowa public employees' retirement system and compensation limits for school corporation board members, and including effective date provisions.

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

Section 1. Section 97B.48A, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. If a member who has not reached the member's sixty-fifth birthday and who has a bona fide retirement under this chapter is in regular full-time employment during a calendar year, the member's retirement allowance shall be reduced by fifty cents for each dollar the member earns over the limit provided in this subsection. However, employment is not full-time employment until the member receives remuneration in an amount in excess of ~~thirty~~ fifty thousand dollars for a calendar year, or an amount equal to the amount of remuneration permitted for a calendar year for persons under sixty-five years of age before a reduction in federal social security retirement benefits is required, whichever is higher. Effective the first of the month in which a member attains the age of sixty-five years, a retired member may receive a retirement allowance without a reduction after return to covered employment regardless of the amount of remuneration received.

Sec. 2. Section 279.7A, subsection 2, Code 2022, is amended to read as follows:

2. This section does not apply to contracts for the purchase of goods or services which benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed ~~six~~ twenty thousand dollars in a fiscal year, and contracts made by a school board, upon competitive bid in writing, publicly invited and opened.

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

Approved March 23, 2022

**CHAPTER 1007****ECONOMIC DEVELOPMENT AUTHORITY ENTITIES AND PROGRAMS — IOWA ENERGY CENTER AND HIGH QUALITY JOBS AND WORKFORCE HOUSING TAX INCENTIVE PROGRAMS***S.F. 2325*

**AN ACT** related to matters under the purview of the economic development authority including the high quality jobs program, the Iowa energy center, and the workforce housing tax incentive program, and including effective date and retroactive applicability provisions.

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

Section 1. Section 15.108, subsection 9, paragraph g, Code 2022, is amended to read as follows:

g. Administer the Iowa energy center established in section 15.120. This paragraph “g” is repealed July 1, ~~2022~~ 2027.

Sec. 2. Section 15.120, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. To support research and development of strategies for carbon management.

Sec. 3. Section 15.120, subsection 5, Code 2022, is amended to read as follows:

5. This section is repealed July 1, ~~2022~~ 2027.

Sec. 4. Section 15.335C, subsection 2, Code 2022, is amended to read as follows:

2. For purposes of this section, “*economically distressed area*” means a county that ~~ranks among the bottom thirty-three of all Iowa counties, as measured by one~~ meets at least three of the following criteria:

a. ~~Average~~ The county ranks among the thirty-three Iowa counties with the highest average monthly unemployment level rates for the most recent twelve-month period based on the applicable local area unemployment statistics produced by the United States department of labor, bureau of labor statistics.

b. ~~Average~~ The county ranks among the thirty-three Iowa counties with the highest average annualized unemployment level rates for the most recent five-year period based on the applicable local area unemployment statistics produced by the United States department of labor, bureau of labor statistics.

c. The county ranks among the thirty-three Iowa counties with the lowest annual average weekly wages based on the most recent quarterly census of employment and wages published by the United States department of labor, bureau of labor statistics.

d. The county ranks among the thirty-three Iowa counties with the highest family poverty rates based on the most recent American community survey five-year estimate released by the United States census bureau.

e. The county ranks among the thirty-three Iowa counties with the highest percentage population loss. Percentage population loss shall be calculated by comparing the most recent population estimate produced by the United States census bureau to the most recent decennial census released by the United States census bureau, except for a calendar year in which the decennial census data is released, then the percentage population loss shall be calculated by comparing the population in the decennial census released that calendar year to the population in decennial census released ten years prior.

f. The county ranks among the thirty-three Iowa counties with the highest percentage of persons sixty-five years of age or older based on the most recent American community survey five-year estimate released by the United States census bureau.

Sec. 5. Section 15.335C, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The authority may designate a county that does not meet at least three of the criteria in subsection 2 as an economically distressed area under this section if a business located in the county experiences a layoff or a closure that has a significant impact on a community within the county. The authority shall adopt rules to establish a process for designating a county an economically distressed area under this subsection.

Sec. 6. Section 15.352, subsection 10, Code 2022, is amended to read as follows:

10. “*Small city*” means any of the following:

a. Any city or township located in this state, except those located wholly within one or more of the eleven most populous counties in the state, as determined by either the most recent population estimates issued estimate produced by the United States bureau of census or the most recent decennial census released by the United States bureau of census.

b. Any city or township located wholly within one or more of the eleven most populous counties in the state, as determined pursuant to paragraph “a”, and that meets all of the following requirements:



(1) The city or township has a population less than or equal to two thousand five hundred as determined by either the most recent population estimate produced by the United States bureau of census or the most recent decennial census released by the United States bureau of census.

(2) The city or township had population growth of less than thirty percent as calculated by comparing the population in the most recent decennial census released by the United States census bureau to the population in the decennial census released ten years prior.

Sec. 7. Section 15.352, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 11. "Urban area" means any city or township, except for a small city, that is wholly located within one or more of the eleven most populous counties in the state, as determined by either the most recent population estimate produced by the United States bureau of census or the most recent decennial census released by the United States bureau of census.

Sec. 8. Section 15.353, subsection 2, paragraph e, Code 2022, is amended by striking the paragraph.

Sec. 9. Section 15.353, subsection 3, Code 2022, is amended to read as follows:

3. *a.* ~~Except as provided in paragraph "b", the average dwelling unit cost does not exceed two hundred thousand dollars per dwelling unit the maximum amount established by the board for each fiscal year for the applicable project type and project location. The board shall establish the maximum average dwelling unit cost for a project that includes single-family dwelling units that is located in a small city and for a project that includes single-family dwelling units that is located in an urban area. The board shall establish the maximum average dwelling unit cost for a project that includes multiple dwelling unit buildings and is located in a small city and for a project that includes multiple dwelling unit buildings and is located in an urban area. In establishing each maximum average dwelling unit cost, the board shall primarily consider the most recent annual United States census bureau building permits survey and historical program data.~~

*b.* ~~(1) The average dwelling unit cost does not exceed two hundred fifty thousand dollars per dwelling unit if~~ If the project involves the rehabilitation, repair, redevelopment, or preservation of property described in section 404A.1, subsection 8, paragraph "a", the average dwelling unit cost shall not exceed one hundred twenty-five percent of the maximum average dwelling unit cost established by the board for the applicable project type and project location as provided in paragraph "a".

~~(2) The average dwelling unit cost for the project does not exceed two hundred fifteen thousand dollars per dwelling unit if the project is located in a small city.~~

Sec. 10. Section 15.354, subsection 3, paragraph c, subparagraph (2), Code 2022, is amended to read as follows:

~~(2) The authority may for good cause within the discretion of the authority extend a housing project's completion deadline ~~one~~ by up to twelve months upon application by the housing business, which application shall be made prior to the expiration of the three-year completion deadline in subparagraph (1) in the manner and form prescribed by the authority. The authority may approve a second extension of up to twelve months if prior to the expiration of the first twelve-month extension the housing business applies and substantiates to the satisfaction of the authority that the second extension is warranted due to extenuating circumstances outside the control of the housing business. An application by a housing business shall be made in the manner and form prescribed by the authority by rule.~~

Sec. 11. Section 15.354, subsection 3, paragraph e, subparagraph (2), subparagraph divisions (b) and (c), Code 2022, are 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 do not cause the average dwelling unit cost to exceed one hundred ten~~ fifty 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 exceed the maximum amount specified in section 15.353, subsection 3.

(c) If the project costs cause the housing project's average dwelling unit cost to exceed one hundred ~~ten~~ fifty percent of the applicable maximum amount authorized in section 15.353, subsection 3, the authority shall determine the eligible housing business to be in default under the agreement, shall revoke the tax incentive award, and shall not issue a tax credit certificate. The housing business shall not be allowed a refund of sales and use tax under section 15.355, subsection 2.

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

Sec. 13. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2021, to all eligible housing businesses that the economic development authority has not notified 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 all eligible housing businesses that the economic development authority has not issued a tax credit certificate stating the amount of workforce housing investment tax credits under section 15.355, subsection 3, the eligible housing business may claim:

1. The section of this Act amending section 15.352, subsection 10.
2. The section of this Act enacting section 15.352, subsection 11.
3. The section of this Act amending section 15.353, subsection 2, paragraph "e".
4. The section of this Act amending section 15.353, subsection 3.
5. The section of this Act amending section 15.354, subsection 3, paragraph "e", subparagraph (2), subparagraph divisions (b) and (c).

Approved March 23, 2022

## CHAPTER 1008

### ANTISEMITISM — DEFINITION, RULES OF CONSTRUCTION, DISCRIMINATORY ACTS, AND STATE PERSONNEL TRAINING

*H.F. 2220*

**AN ACT** relating to antisemitism in the state of Iowa.

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

#### Section 1. NEW SECTION. **216F.1 Definition.**

For purposes of this chapter, "*antisemitism*" means the working definition of antisemitism adopted by the international holocaust remembrance alliance on May 26, 2016, and includes the contemporary examples of antisemitism identified by the international holocaust remembrance alliance.

#### Sec. 2. NEW SECTION. **216F.2 Rules of construction.**

This chapter shall not be construed to diminish or infringe upon any right protected under the first amendment to the United States Constitution, or the Constitution of the State of Iowa. This chapter shall not be construed to conflict with local, federal, or state discrimination laws.

Sec. 3. **NEW SECTION. 216F.3 Determination of discriminatory acts — consideration of antisemitism.**

1. In reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation prohibiting discriminatory acts, the state shall take into consideration the definition of antisemitism set forth in this chapter for purposes of determining whether the alleged act was motivated by discriminatory antisemitic intent.

2. A court or other relevant authority shall apply the same legal standard as applicable to like claims of discrimination arising under laws of this state protecting civil rights including chapter 216.

Sec. 4. **NEW SECTION. 216F.4 State personnel discrimination training.**

For the purposes of training of state personnel related to discrimination and anti-bias training, the definition of antisemitism shall be used as an educational tool to familiarize staff and officials with antisemitism.

Approved March 23, 2022

## CHAPTER 1009

### RESTRICTIONS ON COMPANIES BOYCOTTING ISRAEL — PARENT COMPANIES, SUBSIDIARIES, OR AFFILIATES

*H.F. 2373*

**AN ACT** relating to restrictions regarding companies boycotting Israel.

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

Section 1. Section 12J.2, subsection 1, Code 2022, is amended to read as follows:

1. “*Company*” means any business or business entity, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of such business or business entity, that is publicly traded and that is not based in the United States.

Approved March 23, 2022

## CHAPTER 1010

### COUNTY ASSESSORS AND STAFF — JOINT COUNTY AGREEMENTS FOR SHARING SERVICES

*S.F. 384*

**AN ACT** allowing counties to enter into agreements to jointly share a county assessor.

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

Section 1. Section 441.1, Code 2021, is amended to read as follows:

**441.1 Office of assessor created.**

1. In every county in the state of Iowa the office of assessor is hereby created.

2. A city having a population of ten thousand or more, according to the latest federal census, may by ordinance provide for the selection of a city assessor and for the assessment of property in the city under the provisions of this chapter. A city desiring to provide

for assessment under the provisions of this chapter shall, not less than sixty days before the expiration of the term of the assessor in office, notify the taxing bodies affected and proceed to establish a conference board, examining board, and board of review and select an assessor, all as provided in this chapter. A city desiring to abolish the office of city assessor shall repeal the ordinance establishing the office of city assessor, notify the county conference board and the affected taxing districts, provide for the transfer of appropriate records and other matters, and provide for the abolition of the respective boards and the termination of the terms of office of the assessor and members of the respective boards. The abolition of the city assessor's office shall take effect on July 1 following notification of the abolition unless otherwise agreed to by the affected conference boards. If notification of the proposed abolition is made after January 1, sufficient funds shall be transferred from the city assessor's budget to fund the additional responsibilities transferred to the county assessor for the next fiscal year.

3. a. The conference boards of two or more counties may enter into an agreement under chapter 28E to share the services of an assessor, chief deputy assessor, and professional and clerical assistants for the assessor. The agreement shall be written and entered into the board's respective minutes. The assessor shall be appointed under section 441.6 in all of the counties the assessor will serve as provided in the written agreement. The assessor shall serve for a term as provided in section 441.8.

b. The written agreement shall provide for the determination of the cost of the shared assessor and staff and the manner of allocation of the cost to each county for inclusion in the respective budgets. The written agreement shall designate one conference board to make payments for salaries and other costs of the shared assessor and staff. The conference board shall be reimbursed by the other conference boards in accordance with the agreement. The written agreement may provide for the methods of abolishing the shared assessor agreement and the procedure to resolve a tie vote in any action taken by the conference boards.

c. Unless the context otherwise requires, an assessor serving multiple counties under this subsection shall have all of the same powers and duties, and be subject to the same restrictions, as a county assessor as set forth in this chapter and as otherwise provided by law. However, an assessor serving multiple counties as provided in this subsection shall not be considered to be in violation of section 441.17, subsection 1, by serving the multiple counties that have agreed to share the assessor.

d. The provisions of chapter 28E are applicable to this section.<sup>1</sup>

Approved April 21, 2022

## CHAPTER 1011

### EDUCATION — ENGLISH LANGUAGE LEARNERS AND COMMUNITY COLLEGE FACULTY STANDARDS

*S.F. 2128*

**AN ACT** relating to education, including the education of students who are not fully English proficient and the standards applicable to the hiring, developing, and evaluation of community college faculty.

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

<sup>1</sup> See chapter 1153, §12 herein

Section 1. Section 256.7, subsection 31, paragraph c, Code 2022, is amended to read as follows:

c. Adopt rules to establish standards for the identification, selection, and use of research-based educational and instructional models for students identified as ~~limited English proficient~~ English learners, and standards for the professional development of the instructional staff responsible for implementation of those models.

Sec. 2. Section 256.16, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. Include preparation in reading theory, knowledge, strategies, and approaches; and for integrating literacy instruction into content areas. Such preparation shall address all students, including but not limited to students with disabilities; students who are at risk of academic failure; students who have been identified as gifted and talented or ~~limited English proficient~~ English learners; and students with dyslexia, whether or not such students have been identified as children requiring special education under chapter 256B.

Sec. 3. Section 256E.4, subsection 4, paragraph 1, Code 2022, is amended to read as follows:

1. Plans for identifying and serving students with disabilities, students who are ~~limited English proficient~~ English learners, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.

Sec. 4. Section 256E.5, subsection 4, paragraph 1, Code 2022, is amended to read as follows:

1. Plans for identifying and serving students with disabilities, students who are ~~limited English proficient~~ English learners, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.

Sec. 5. Section 256E.9, subsection 1, paragraph c, Code 2022, is amended to read as follows:

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~~ English learner status, and gifted status.

Sec. 6. Section 256F.3, subsection 7, Code 2022, is amended to read as follows:

7. An application submitted to the state board pursuant to subsection 2, paragraph "b", or subsection 6 shall set forth the manner in which the charter school or innovation zone school will provide special instruction, in accordance with section 280.4, to students who are ~~limited English proficient~~ English learners. The application shall set forth the manner in which the charter school or innovation zone school will comply with federal and state laws and regulations relating to the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §1751–1785, and chapter 283A. The state board shall approve only those applications that meet the requirements specified in section 256F.1, subsection 3, and sections 256F.4 and 256F.5. The state board may deny an application if the state board deems that approval of the application is not in the best interest of the affected students.

Sec. 7. Section 260C.36, subsection 1, paragraph h, Code 2022, is amended to read as follows:

h. Compliance with the faculty accreditation standards of ~~the higher learning commission~~ similar accredited institutions of higher education that are consistent with the standards established pursuant to section 260C.48, and compliance with faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. For purposes of this paragraph, "accredited" means that an institution of higher education meets the standards established by an accrediting agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

Sec. 8. Section 260C.48, subsection 1, paragraph b, subparagraph (1), Code 2022, is amended to read as follows:

(1) Possess a master's degree from ~~a regionally~~ an accredited graduate school, and has successfully completed a minimum of twelve credit hours of graduate level courses in each field of instruction in which the instructor is teaching classes. For purposes of this subparagraph, "accredited" means that a graduate school meets the standards established by an accrediting agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

Sec. 9. Section 260C.48, subsection 4, Code 2022, is amended to read as follows:

4. Standards relating to quality assurance of faculty and ongoing quality professional development shall be the accreditation standards of ~~the higher learning commission~~ similar accredited institutions of higher education that are consistent with the standards established pursuant to this section and the faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. For purposes of this subsection, "accredited" means that an institution of higher education meets the standards established by an accrediting agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

Sec. 10. Section 280.4, Code 2022, is amended to read as follows:

**280.4 Limited English proficiency English learners — weighting.**

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~~ an English learner. When the student is ~~limited English proficient~~ an English learner, 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:

(1) "English learner" means a student whose 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 English learner shall be identified as either an intensive student or an intermediate student.

~~(2)~~ (2) "Fully English proficient" means a student who 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)~~ (3) "Intensive student" means a ~~limited English proficient student~~ an English learner 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)~~ (4) "Intermediate student" means a ~~limited English proficient student~~ an English learner 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.

2. The department of education shall adopt rules relating to the identification of ~~limited English proficient students~~ English learners who require special instruction under this section and to application procedures for funds available under this section.

3. *a.* In order to provide funds for the excess costs of instruction of ~~limited-English-proficient students~~ English learners specified in paragraph “b” above the costs of instruction of pupils in a regular curriculum, each ~~limited-English-proficient student~~ English learner identified as an intensive student shall be assigned an additional weighting of twenty-six hundredths, each ~~limited-English-proficient student~~ English learner identified as an intermediate student shall be assigned an additional weighting of twenty-one hundredths, and 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.

*b.* For students first determined to be ~~limited-English-proficient~~ English learners for a budget year beginning on or after July 1, 2010, the additional weighting provided under paragraph “a” shall be included in the weighted enrollment of the school district of residence for a cumulative period of time not exceeding five years beginning with the budget year for which the student was first determined to be ~~limited-English-proficient~~ an English learner. The five years of eligibility for the additional weighting need not be consecutive and a student’s eligibility for the additional weighting is transferable to another district of residence.

Sec. 11. Section 284.11, subsection 2, paragraph a, Code 2022, is amended to read as follows:

*a.* Collect relevant data and establish a list of high-need schools eligible for state supplemental assistance. The department shall establish a process and criteria to determine which schools are placed on the list and the department shall revise the list annually. Criteria for the determination of which high-need schools shall be placed on the list shall be based upon factors that include but are not limited to the socioeconomic status of the students enrolled in the school, the percentage of the school’s student body who are ~~limited-English-proficient students~~ English learners, student academic growth, certified instructional staff attrition, and geographic balance. The department may approve or disapprove requests for revision of the list, which a school district submits pursuant to subsection 3.

Approved April 21, 2022

## CHAPTER 1012

SCHOOLS REQUIRED TO REGISTER WITH THE COLLEGE STUDENT AID COMMISSION

*S.F. 2130*

**AN ACT** relating to schools that are required to register with the college student aid commission.

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

Section 1. Section 261B.4, subsection 4, Code 2022, is amended to read as follows:

4. The refund policy of the school for the return of refundable portions of tuition, fees, or other charges. The tuition refund policy for Iowa resident students of a for-profit school ~~with at least one program of more than four months in length that leads~~ that offers a course of instruction leading to a recognized educational credential, such as an academic or professional degree, diploma, or license, must comply with section 714.23.

Sec. 2. Section 261B.11, subsection 1, paragraph f, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

f. A community college established under chapter 260C or an institution of higher learning under the control of the board of regents.

Sec. 3. Section 261B.11, subsection 1, paragraphs n and o, Code 2022, are amended by striking the paragraphs.

Sec. 4. Section 261B.11, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. A for-profit school with at least one program of more than four months in length that leads that offers a course of instruction leading to a recognized educational credential, such as an academic or professional degree, diploma, or license, must submit to the commission a tuition refund policy that meets the conditions of section 714.23.

Approved April 21, 2022

## CHAPTER 1013

### NATURAL RESOURCES AND WASTE MANAGEMENT

S.F. 2176

AN ACT relating to programs within the department of natural resources, including specifications of procedures relating to solid waste disposal and the repeal of the state interagency Missouri river authority and the mercury-free recycling Act.

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

Section 1. Section 455B.301, subsection 14, Code 2022, is amended to read as follows:

14. “*Lifetime of the project*” means the projected period of years that a sanitary landfill will receive waste, from the time of opening until closure, based on the volume of waste to be received projected at the time of submittal of the initial project plan and the calculated refuse capacity of the sanitary landfill based upon the design of the project.

Sec. 2. Section 455B.303, subsections 2 and 3, Code 2022, are amended to read as follows:

2. Local boards of health shall cooperate in the enforcement of the provisions of ~~said~~ this part and the director may seek their aid and delegate administrative duties of the department to the local boards of health in matters relating to solid waste, ~~refuse disposal plants~~, and sanitary disposal projects.

3. The director may issue, modify, or deny ~~variances~~ waivers from the rules of the commission. The applicant may appeal the decision of the director to the commission.

Sec. 3. Section 455B.304, subsections 4, 5, 6, 7, 11, 13, and 14, Code 2022, are amended to read as follows:

4. The commission shall adopt rules requiring that each sanitary ~~disposal project~~ landfill established pursuant to section 455B.302 and permitted pursuant to section 455B.305 install and maintain a sufficient number of groundwater monitoring wells to adequately determine the quality of the groundwater and the impact the sanitary ~~disposal project~~ landfill, if any, is having on the groundwater adjacent to the sanitary ~~disposal project site~~ landfill.

5. The commission shall adopt rules requiring a schedule of monitoring of the quality of groundwater adjacent to the sanitary disposal project landfill from the groundwater monitoring wells installed in accordance with this section during the period the sanitary ~~disposal project~~ landfill is in use. Schedules of monitoring may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction



and operation characteristics, and volumes and types of wastes handled at the sanitary disposal project site landfill.

6. The commission shall, by rule, require continued monitoring of groundwater pursuant to this section for a period of thirty years after the sanitary disposal project is closed. The commission may prescribe a lesser period of monitoring duration and frequency in consideration of the potential or lack thereof for groundwater contamination from the a sanitary disposal project landfill. The commission may extend the thirty-year monitoring period on a site-specific basis by adopting rules specifically addressing additional monitoring requirements for each sanitary disposal project for which the monitoring period is to be extended.

7. The commission shall adopt rules ~~which that~~ may require the installation of shafts to relieve the accumulation of gas in a sanitary disposal project landfill.

11. A sanitary landfill disposal project operating with a permit shall have a trained, tested, and certified operator. The department shall adopt by rule a certification program.

13. Notwithstanding the provisions of this chapter regarding the requirement of the equipping of a sanitary landfill with a leachate control system and the establishment and continuation of a postclosure account, the department shall adopt rules ~~which that~~ provide for an exemption from the requirements to equip a publicly owned sanitary landfill with a leachate control system and to establish and maintain a postclosure account if the sanitary landfill operator is a public agency, if the sanitary landfill has closed ~~or will close~~ by July 1, 1992, and will no longer ~~accept~~ accepted waste for disposal after that date, and if at the time of closure of the sanitary landfill monitoring of the groundwater does not reveal the presence of leachate. The department shall require postclosure groundwater monitoring and shall establish the requirements for the implementation of leachate collection and control in cases in which leachate is found during postclosure monitoring. The department shall provide for a closure completion period following the date of closure of a sanitary landfill. Notwithstanding the provisions of this ~~paragraph~~ subsection, the public agency shall retain financial responsibility for closure and postclosure requirements applicable to sanitary disposal projects.

14. The commission shall adopt rules providing for the land application of soils resulting from the remediation of ~~underground storage tank releases~~ petroleum releases and the land application of certain solid wastes including industrial sludges in the state.

Sec. 4. Section 455B.305, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. A permit shall be issued by the director or, at the director's direction, by a local board of health for each sanitary disposal project operated in this state. The permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating the project. Permits issued pursuant to this section are in addition to any other licenses, permits, or ~~variances~~ waivers authorized or required by law, including but not limited to chapter 335.

Sec. 5. Section 455B.305, subsection 3, Code 2022, is amended to read as follows:

3. The director shall not issue or renew a permit for a sanitary landfill unless the sanitary landfill is equipped with a leachate control system.

Sec. 6. Section 455B.306, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses instead to use a municipal solid waste sanitary landfill in another planning area may choose to retain its autonomy as long as the sanitary landfill in the other planning area complies with all the requirements of this chapter, and all solid waste generated within the planning area closing its landfills is consolidated at, and transported from, a permitted transfer station. For purposes of this subsection, a planning area closing its own landfills that chooses to retain its autonomy shall not be required to join the planning area that contains the sanitary landfill it is using for final disposal of its solid waste.

Sec. 7. Section 455B.306, subsection 7, paragraph a, Code 2022, is amended to read as follows:

a. A closure and postclosure plan detailing the schedule for and the methods by which the operator will meet the conditions for proper closure and postclosure adopted by rule by the commission. The plan shall include, but is not limited to, the proposed frequency and types of actions to be implemented prior to and following closure of an operation, the proposed postclosure actions to be taken to return the area to a condition suitable for other uses, and an estimate of the costs of closure and postclosure and the proposed method of meeting these costs. The postclosure plan shall reflect the ~~thirty-year time period requirement for postclosure responsibility~~ entire applicable postclosure period.

Sec. 8. Section 455B.306, subsection 9, unnumbered paragraph 1, Code 2022, is amended to read as follows:

In addition to the comprehensive plan filed pursuant to subsection 1, a person operating, or proposing to operate, a sanitary disposal project shall provide a financial assurance instrument to the department prior to the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility ~~beginning July 1, 1988~~.

Sec. 9. Section 455B.306, subsection 9, paragraph b, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The operator of a sanitary landfill shall maintain closure and postclosure accounts, which may be combined into one account. The commission shall adopt by rule the amounts to be contributed to the accounts based upon the amount of solid waste received by the facility. The accounts established shall be specific to the facility.

Sec. 10. Section 455B.306, subsection 9, paragraph e, Code 2022, is amended to read as follows:

e. The annual financial statement submitted to the department pursuant to subsection 7, paragraph "c", shall include the current amounts established in each ~~of the accounts~~ account and the projected amounts to be deposited ~~in the accounts~~ into each account in the following year.

Sec. 11. Section 455B.310, subsection 7, Code 2022, is amended to read as follows:

7. Fees imposed by this section shall be paid to the department on a quarterly basis with payment due by no more than ninety days following the quarter during which the fees were collected. The payment shall be accompanied by a return ~~which~~ that shall identify the amount of fees to be allocated to the sanitary landfill alternative financial assistance program, the amount of fees, in terms of cents per ton, retained for meeting waste reduction and recycling goals under section 455D.3, and additional fees imposed for failure to meet the twenty-five percent waste reduction and recycling goal under section 455D.3. Sanitary landfills serving more than one planning area shall submit separate reports for each planning area.

Sec. 12. Section 455B.314, Code 2022, is amended to read as follows:

**455B.314 Incineration at sanitary disposal projects.**

~~Beginning January 1, 1990, a~~ A sanitary disposal project that includes incineration as a part of its disposal process shall separate from the materials to be incinerated recyclable and reusable materials, materials ~~which~~ that will result in uncontrolled toxic or hazardous air emissions when burned, and hazardous or toxic materials ~~which~~ that are not rendered nonhazardous or nontoxic by incineration. The removed materials shall be recycled, reused, or treated and disposed in a manner approved by the department. Separation of waste includes magnetic separation.

Sec. 13. REPEAL. Chapter 28L, Code 2022, is repealed.

Sec. 14. REPEAL. Sections 455B.801, 455B.802, 455B.803, 455B.804, 455B.805, 455B.806, 455B.807, 455B.808, and 455B.809, Code 2022, are repealed.

Approved April 21, 2022

## CHAPTER 1014

### SPECIAL EDUCATION SUPPORT FOR STUDENTS AT NONPUBLIC SCHOOLS — TASK FORCE

*S.F. 2197*

**AN ACT** providing for the establishment of a task force related to special education support for students at nonpublic schools.

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

#### Section 1. DEPARTMENT OF EDUCATION — SPECIAL EDUCATION SUPPORT FOR STUDENTS AT NONPUBLIC SCHOOLS — TASK FORCE.

1. The department of education shall convene and provide administrative support to a special education task force that shall study and make recommendations regarding how to better serve students enrolled in nonpublic schools who receive special education services, especially those students who reside in rural areas of the state.

2. The task force shall consist of the following members:

- a. A director of special education of an area education agency.
  - b. A chief administrator of an area education agency.
  - c. A representative of an accredited nonpublic secondary school.
  - d. A representative of an accredited nonpublic elementary school.
  - e. A special education director of a school district.
  - f. A superintendent of a school district.
  - g. An attorney employed by the department of education who is familiar with the state and federal laws governing special education.
  - h. The chief of the special education bureau of the department of education, or the chief's designee.
  - i. An attorney who is familiar with the state and federal laws governing special education and who is not employed by the state or a political subdivision of the state.
  - j. A parent or guardian of a student who is enrolled in a nonpublic school, receives special education services, and who resides in a rural area.
  - k. A parent or guardian of a student who is enrolled in a nonpublic school, receives special education services, and who resides in an urban area.
3. The task force shall submit a report, including findings and recommendations for policy changes, to the general assembly by December 1, 2022.

Approved April 21, 2022

**CHAPTER 1015****WATER TREATMENT SYSTEMS — SALE, LEASE, OR RENTAL — CERTIFICATION  
REQUIREMENTS FOR CONTAMINANT REMOVAL CLAIMS***S.F. 2232*

**AN ACT** relating to the sale, lease, or rental of water treatment systems and including effective date and applicability provisions.

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

Section 1. Section 714.16, subsection 1, paragraphs b, c, d, g, h, and l, Code 2022, are amended by striking the paragraphs.

Sec. 2. Section 714.16, subsection 1, paragraph e, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

e. “Contaminant” means any physical, chemical, biological, or radiological substance in water.

Sec. 3. Section 714.16, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0g.* “Health-related contaminant” means a contaminant which has a potentially adverse health effect and for which a maximum contaminant level or treatment technique requirement or an action level established in lieu of a maximum contaminant level has been specified in the national primary drinking water regulations.

Sec. 4. Section 714.16, subsection 2, paragraph h, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

h. It is an unlawful practice for a person to sell, lease, rent, or advertise the sale, lease, or rental of a water treatment system in this state, for which claims or representations related to the removal of health-related contaminants are made, unless a certification body accredited by the American national standards institute certifies all of the claims or representations related to the removal of health-related contaminants. This paragraph shall not be construed as limiting a manufacturer’s ability to make claims or representations of removing contaminants that are not health-related contaminants.

Sec. 5. **EFFECTIVE DATE.** This Act takes effect January 1, 2023.

Sec. 6. **APPLICABILITY.** This Act applies to the sale, lease, and rental of water treatment systems, and the advertisement of the sale, lease, or rental of water treatment systems, which occur on or after the effective date of this Act.

Approved April 21, 2022

**CHAPTER 1016****MEAT OR POULTRY INSPECTION — ESTABLISHMENT LICENSING — PERSONAL  
USE EXEMPTION***S.F. 2245*

**AN ACT** providing a personal use exemption from licensing requirements of the Meat and Poultry Inspection Act.

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

Section 1. Section 189A.3, Code 2022, is amended to read as follows:

**189A.3 License — fee.**

1. ~~a. No~~ A person shall not operate an establishment ~~other than a food establishment as defined in section 137F.1~~ without first obtaining a license from the department.

b. Paragraph “a” does not apply to any of the following:

(1) A food establishment as defined in section 137F.1.

(2) A person who slaughters, processes, or prepares livestock or poultry of the person’s own raising, exclusively for the person’s household, nonpaying guests, or nonpaying employees.

2. The license fee for each establishment per year or any part of a year shall be:

a. For all meat and poultry slaughtered or otherwise prepared not exceeding twenty thousand pounds per year for sale, resale, or custom, twenty-five dollars.

b. For all meat and poultry slaughtered or otherwise prepared in excess of twenty thousand pounds per year for sale, resale, or custom, fifty dollars.

3. The funds moneys shall be deposited with the department. The license year shall be from July 1 to June 30. Applications for licenses shall be in writing on forms prescribed by the department.

4. It is the objective of this chapter to provide for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the federal Meat Inspection Act and the federal Poultry Products Inspection Act with respect to operations and transactions in interstate commerce; and the secretary is directed to administer this chapter so as to accomplish this purpose. A director of the meat and poultry inspection service shall be designated as the secretary’s delegate to be the appropriate state official to cooperate with the secretary of agriculture of the United States in administration of this chapter.

Approved April 21, 2022

## CHAPTER 1017

### EMERGENCY RESPONSE DISTRICTS

*S.F. 2267*

**AN ACT** relating to the establishment of emergency response districts.

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

Section 1. Section 357J.1, Code 2022, is amended to read as follows:

**357J.1 Authorization and purpose.**

1. This chapter authorizes ~~a pilot project for which a county of the state may establish an the establishment of~~ emergency response ~~district districts.~~

2. The purpose of this chapter is to ~~provide a county within the state an opportunity to participate in a pilot project having a new governance structure to facilitate the delivery and funding of fire protection service and emergency medical service to residents of the county. do all of the following:~~

a. Serve a public use and promote the health, safety, prosperity, security, and general welfare of the citizens of emergency response districts by preventing or reducing duplication, overlap, and fragmentation of the functions and facilities of special districts.

b. Better serve the citizens of the state through consolidation.

c. Reduce costs and increase efficiency of operation.

Sec. 2. Section 357J.2, Code 2022, is amended to read as follows:

**357J.2 Definitions.**

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

~~1. “Board” means the board of supervisors of a county.~~

~~2. 1. “Commission” means a governing body composed of a member of the board of supervisors, the sheriff, and the mayor from each city within the district. A member of the commission shall not appoint a designee to serve on the commission in the member’s capacity or designee of each governmental entity that is a member of the emergency response district.~~

~~3. 2. “District” means an emergency response district area.~~

~~3. “Governmental entity” means a county, city, or township.~~

Sec. 3. Section 357J.3, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**357J.3 Notification of public hearing.**

1. Each governmental entity intending to participate in an emergency response district shall issue a notice of intent to hold a public hearing concerning the establishment of a proposed district. The hearing shall not be held until at least thirty days after the notice is issued but not more than ninety days after the notice is issued.

2. Notice required under subsection 1 shall include all of the following information:

- a. A statement explaining the need for fire protection service or emergency medical service.
- b. The geographic boundaries of the district.
- c. The approximate number of families in the district.
- d. The proposed personnel, equipment, and facilities to provide the fire protection services or emergency medical services.
- e. The date, time, and location of the public hearing.

Sec. 4. Section 357J.4, Code 2022, is amended to read as follows:

**357J.4 District — boundary changes.**

1. The boundary lines of a district may include any incorporated or unincorporated areas within a county.

2. a. The boundary lines of a district shall not be changed after the district is established except as provided in this subsection.

~~a. b.~~ The boundary lines of a district shall be changed and shall become effective immediately upon approval of all of the following:

~~(1) The the commission and each governmental entity currently participating in the emergency response district.~~

~~(2) The board of township trustees of the area proposed to be included or excluded from the district.~~

~~(3) The district fire chief.~~

~~(4) The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.~~

~~(5) The fire chief of a fire department in the area proposed to be included in the district, if applicable.~~

~~b. The boundary lines of a district shall be changed to exclude a city or the unincorporated areas of a township if the commission receives a written request from the governing body of the city or the board of township trustees, as applicable, requesting exclusion from the district. However, a boundary change under this paragraph shall become effective no earlier than eighteen months following receipt of the written request.~~

Sec. 5. NEW SECTION. **357J.19 Dissolution of district.**

Incorporation documents of an emergency response district shall include provisions for dissolution, the withdrawal of an individual participant in the emergency response district, and the dispensing of property in the case of either event.

Sec. 6. REPEAL. Sections 357J.5, 357J.6, 357J.7, 357J.8, 357J.9, and 357J.14, Code 2022, are repealed.

**CHAPTER 1018****PUBLIC IMPROVEMENT CONTRACTS — ELECTRONIC SUBMISSION OF BIDS***S.F. 2279*

**AN ACT** regarding electronic submission of bids for public improvement contracts.

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

Section 1. Section 26.7, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. The time, ~~and place,~~ and manner for filing sealed proposals.

Sec. 2. Section 26.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The notice to bidders may provide that bids may be received in an electronic format as determined by the governmental entity.

Sec. 3. Section 26.10, subsection 1, Code 2022, is amended to read as follows:

1. The date and time that each bid is received by the governmental entity, together with the name of the person receiving the bid, shall be recorded on the envelope containing the bid. If bids are received in an electronic format as provided in section 26.7, the governmental entity shall electronically record the date and time each bid is received. All bids received after the deadlines for submission of bids as stated in the project specifications shall not be considered and shall be returned to the late bidder unopened. The governmental entity shall open, announce the amount of the bids, and file all proposals received, at the time and place specified in the notice to bidders. The governmental entity may, by resolution, award the contract for the public improvement to the bidder submitting the lowest responsive, responsible bid, determined as provided in section 26.9, or the governmental entity may reject all bids received, fix a new date for receiving bids, and order publication of a new notice to bidders. The governmental entity shall retain the bid security furnished by the successful bidder until the approved contract form has been executed, a bond has been filed by the bidder guaranteeing the performance of the contract, and the contract and bond have been approved by the governmental entity. The provisions of chapter 573, where applicable, apply to contracts awarded under this chapter.

Approved April 21, 2022

**CHAPTER 1019****COUNTY AND CITY ZONING — SALE OF CONSUMER FIREWORKS — EFFECT OF EXTENSION OF CITY ZONING JURISDICTION BEYOND CITY LIMITS***S.F. 2285*

**AN ACT** relating to zoning by counties and cities, and including effective date provisions.

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

Section 1. NEW SECTION. **335.2A Sale of consumer fireworks — limitation.**

A county shall not adopt or enforce any ordinance under this chapter to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to section 100.19, in any location zoned for commercial or industrial purposes.

Sec. 2. Section 414.1, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A city shall not adopt or enforce any regulation or restriction under this chapter to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to section 100.19, in any location zoned for commercial or industrial purposes.

Sec. 3. Section 414.23, subsections 2 and 3, Code 2022, are amended to read as follows:

2. A municipality, during the time its zoning jurisdiction is extended under this section, shall increase the size of its planning and zoning commission and its board of adjustment each by two members. The planning and zoning commission shall include a member of the board of supervisors of the affected county, or the board's designee, and a resident of the area outside the city limits over which the zoning jurisdiction is extended. The member of the board of supervisors or the board's designee, if any, shall also be a resident of the county in which such extended area is located outside the city limits over which the zoning jurisdiction is extended. The additional members of the board of adjustment shall be residents of the area outside the city limits over which the zoning jurisdiction is extended. At least one of the additional members of the planning and zoning commission and at least one of the additional members of the board of adjustment shall own land that is actively used for an agricultural purpose as defined in section 570A.1, except when such requirement prevents the identification of an eligible and willing appointee for the planning and zoning commission or board of adjustment for at least six months from the effective date of the extension of zoning jurisdiction. The failure to identify an eligible and willing appointee who owns land that is actively used for an agricultural purpose shall be determined independently for the planning and zoning commission and the board of adjustment. The county supervisor, or the board's designee, and the residents shall be appointed by the board of supervisors of the county in which such extended area is located. The county supervisor, or the board's designee, and the residents shall serve for the same terms of office and have the same rights, privileges, and duties as other members of each of the bodies. However, if the extended zoning jurisdiction of a municipality extends into an adjacent county without a county zoning ordinance, the boards of supervisors of the affected counties, jointly, shall appoint one of their members, or a designee, to the planning and zoning commission.

3. Property owners affected by such zoning regulations pursuant to this section shall have the same rights of hearing, protest, and appeal as those property owners residing within the municipality exercising this power. A city may request, but shall not require, from a property owner affected by zoning regulations pursuant to this section the consent to annexation under chapter 368 as a condition of receiving approval for a zoning classification, special or conditional use, variance, permit, or division of land into two or more tracts.

Sec. 4. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 335.2A.
2. The section of this Act enacting section 414.1, subsection 1, paragraph "f".

Approved April 21, 2022



**CHAPTER 1020**

## FOREIGN INVESTMENTS BY LIFE INSURANCE COMPANIES OR ASSOCIATIONS

S.F. 2288

**AN ACT** relating to life insurance company or association investments in foreign countries other than Canada, and including applicability provisions.

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

Section 1. Section 511.8, subsection 19, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

19. *Other foreign investments.*

a. Investments issued by, or investment practices with, a counterparty outside of either the United States or Canada of substantially the same type as those investments permitted for a life insurance company or association under this section, subject to the following conditions:

(1) The aggregate amount of foreign investments held by a life insurance company or association under this subsection does not exceed twenty percent of the life insurance company's or association's legal reserve.

(2) The aggregate amount of foreign investments held under this subsection by a life insurance company or association in a foreign jurisdiction that has a sovereign debt rating of SVO 1, as determined by the securities valuation office of the national association of insurance commissioners, does not exceed ten percent of the life insurance company's or association's legal reserves, and for all other foreign jurisdictions does not exceed three percent of the life insurance company's or association's legal reserve.

b. Investments acquired under this subsection shall be aggregated with investments of the same type made in a similar manner under any other subsection of this section for purposes of determining compliance with any limitations contained in any other subsection of this section.

c. This subsection shall not limit or restrict investments in Canadian obligations and securities specifically authorized in any other subsection of this section.

d. This subsection shall not authorize investments issued, assumed, or guaranteed by a foreign government which has engaged in a consistent pattern of gross violations of human rights.

e. Eligible investments in foreign investments under this subsection are limited to the types of investments specifically referred to in this subsection.

Sec. 2. **APPLICABILITY.** This Act applies to funds invested by a life insurance company or association in a foreign country other than Canada on or after January 1, 2023.

Approved April 21, 2022

**CHAPTER 1021**

## SUBSTANTIVE CODE CORRECTIONS

S.F. 2295

**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 8B.11, subsection 5, paragraph b, Code 2022, is amended to read as follows:

b. 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 2 download and upload speeds specified in the definition of targeted service area in section 8B.1.

Sec. 2. Section 9.14, subsection 2, Code 2022, is amended to read as follows:

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~~ filer submitted the approved proposed filing to the secretary for actual filing.

Sec. 3. Section 12.30, subsection 5, Code 2022, is amended by striking the subsection.

Sec. 4. Section 12I.3, unnumbered paragraph 1, Code 2022, is amended to read as follows:

~~On or after July 1, 2016, the~~ The trust may enter into participation agreements pursuant to the following terms and agreements:

Sec. 5. Section 15.331C, subsections 1 and 2, Code 2022, are amended to read as follows:

1. An eligible business may claim a 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. 6. Section 15E.71, Code 2022, is amended to read as follows:

**15E.71 Executive council action.**

Notwithstanding section 7D.29, subsection 1, the executive council in full consultation with the attorney general, and with the agreement of the attorney general, shall take any action deemed necessary to protect the interests of the state with respect to any certificates, tax credits, entities created, or action taken in relation to this subchapter. Such actions may include but are not limited to initiation of legal action, commencement of special investigations, institution of special audits of any involved entity, or establishment of receiverships. If such action is taken, the council may incur the necessary expense to perform such a duty or cause such a duty to be performed, and pay the ~~same~~ expense out of any moneys in the state treasury not otherwise appropriated.

Sec. 7. Section 15E.370, subsection 6, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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 availability, 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~~ projects under subsection 3 will do any of the following:

Sec. 8. Section 17A.8, subsections 2 and 8, Code 2022, are amended to read as follows:

2. A committee member shall be appointed as of the convening of a regular session convened in an odd-numbered year. The term of office for a member ~~of~~ from the house of representatives shall end upon the convening of the general assembly following the appointment. The term of office for a member ~~of~~ from the senate shall end upon the convening of the general assembly after the general assembly following appointment. However, a member shall serve until a successor is appointed. A vacancy on the committee shall be filled by the original appointing authority for the remainder of the term. A vacancy shall exist whenever a committee member ceases to be a member of the house from which the member was appointed.

8. If the committee finds objection to a rule, it may utilize the procedure provided in section 17A.4, subsection 6. In addition or in the alternative, the committee may include in the referral, under subsection 7 of this section, a recommendation that ~~this~~ the rule be overcome by statute. If the committee of the general assembly to which a rule is referred finds objection to the referred rule, it may recommend to the general assembly that this rule be overcome by statute. This section shall not be construed to prevent a committee of the general assembly from reviewing a rule on its own motion.

Sec. 9. Section 17A.9A, subsections 4 and 5, Code 2022, are amended to read as follows:

4. A grant or denial of a waiver petition shall be indexed, filed, and available for public inspection as provided in section 17A.3. The administrative code editor and the administrative rules coordinator shall ~~devise~~ maintain an internet site to identify rules for which a petition for a waiver has been granted or denied and make this information available to the public. When an agency grants or denies a waiver, the agency shall submit the information required by this subsection on the internet site within sixty days. The internet site shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the agencies' actions on the waiver request. To the extent practicable, the agency shall include information detailing the extent to which the granting of a waiver has established

a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself.

5. For purposes of this section, "~~a waiver~~" "waiver" means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

Sec. 10. Section 22A.1, Code 2022, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter:

Sec. 11. Section 23A.2, subsection 10, paragraph k, subparagraphs (8) and (10), Code 2022, are amended to read as follows:

(8) Health care and related services provided to patients and visitors by the university of Iowa.

(10) Services provided to the public at the Iowa state university college of veterinary medicine.

Sec. 12. Section 24.4, Code 2022, is amended to read as follows:

**24.4 Time of filing estimates.**

The estimates required under section 24.3 and any other estimates required by law shall be made and filed a sufficient length of time in advance of any regular or special meeting of the certifying board or levying board, as the case may be, at which tax levies are authorized to be made to permit publication, discussion, and consideration ~~thereof~~ of the estimates and action ~~thereon~~ to be taken as ~~hereinafter~~ provided in this chapter.

Sec. 13. Section 24.9, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. Each municipality shall file with the secretary or clerk thereof the estimates required to be made in sections 24.3 ~~to~~ through 24.8, at least twenty days before the date fixed by law for certifying the same to the levying board and shall forthwith fix a date for a hearing ~~thereon~~ on the estimates, and shall publish such estimates and any annual levies previously authorized as provided in section 76.2, with a notice of the time when and the place where such hearing shall be held not less than ten nor more than twenty days before the hearing. Provided that in municipalities of less than two hundred population such estimates and the notice of hearing ~~thereon~~ shall be posted in three public places in the district in lieu of publication. For any other municipality such publication shall be in a newspaper published ~~therein~~ in the municipality, if any, if not, then in a newspaper of general circulation ~~therein~~ in the municipality.

Sec. 14. Section 24.10, Code 2022, is amended to read as follows:

**24.10 Levies void.**

The verified proof of the publication of ~~such~~ the notice under section 24.9 shall be filed in the office of the county auditor and preserved by the auditor. ~~No~~ A levy shall not be valid unless and until ~~such~~ that notice is published and filed.

Sec. 15. Section 24.11, Code 2022, is amended to read as follows:

**24.11 Meeting for review.**

The certifying board or the levying board, as the case may be, shall meet at the time and place designated in ~~said~~ the notice, at which published under section 24.9. At the meeting, any person who would be subject to ~~such~~ the tax levy, shall be heard in favor of or against the ~~same~~ budget estimates and proposed levy or any part thereof.

Sec. 16. Section 25B.6, subsection 2, Code 2022, is amended to read as follows:

2. The fiscal ~~note~~ impact statement shall also be submitted to the legislative fiscal committee of the legislative council. Beginning in the first full fiscal year after adoption of the state administrative rule, the fiscal committee shall annually prepare a report for each fiscal ~~note~~ impact statement submitted detailing the fiscal impact of the administrative rule on the affected political subdivision, or agencies and entities which contract with the

political subdivision to provide services. The report shall be transmitted to the governor and the general assembly.

Sec. 17. Section 27B.1, Code 2022, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 18. Section 29C.25, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. Suspend or revoke, except in accordance with section 724.13, a permit issued pursuant to section 724.6, 724.7, or ~~724.15~~ 724.19.

Sec. 19. Section 34A.2, subsections 1, 2, 3, and 17, Code 2022, are amended to read as follows:

1. “*911 call processing equipment*” means equipment owned by the department of homeland security and emergency management that functions in a host remote environment, provides 911 call processing functionality to public safety answering points, and utilizes the next generation 911 network. “*911 call processing equipment*” includes but is not limited to computer aided dispatch, voice logging recorders, mapping, and emergency medical dispatch.

2. “*911 call processing equipment provider*” means a vendor or vendors selected by the department of homeland security and emergency management to provide 911 call processing equipment.

3. “*911 call transport provider*” means a vendor or vendors selected by the department of homeland security and emergency management to deliver aggregated wire-line 911 call traffic to the next generation 911 network and from the next generation 911 network to public safety answering points.

17. “*Next generation 911 network service provider*” means a vendor or vendors selected by the department of homeland security and emergency management to provide next generation 911 network functionality.

Sec. 20. Section 34A.8, subsection 1, Code 2022, is amended to read as follows:

1. A local exchange service provider shall furnish to the next generation 911 network service provider, designated by the department of homeland security and emergency management, all names, addresses, and telephone number information concerning its subscribers which will be served by the next generation 911 network and shall periodically update the local exchange service information. The 911 service provider shall furnish the addresses and telephone number information received from the local exchange service provider to the director for use in the mass notification and emergency messaging system as defined in section 29C.2. The local exchange service provider shall receive as compensation for the provision of local exchange service information charges according to its tariffs on file with and approved by the Iowa utilities board. The tariff charges shall be the same whether or not the local exchange service provider is designated as the next generation 911 network service provider by the department of homeland security and emergency management.

Sec. 21. Section 44.6, Code 2022, 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~~. However, if the objection is to the certificate of nomination of one or more of the above named officers, ~~said the officer or officers so objected to shall not pass upon the same objection~~, 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. 22. Section 49.53, subsection 1, Code 2022, 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 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 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. 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~~ arrangement of candidates as prescribed by section 49.31, subsection 2.

Sec. 23. Section 53.47, subsection 2, Code 2022, is amended to read as follows:

2. There is ~~hereby~~ appropriated to the department of administrative services from the general fund of the state such sums as may be necessary to purchase any materials provided for ~~herein in this section~~. The proceeds from sale of such materials to counties shall be ~~turned into~~ deposited in the general fund of the state upon receipt of ~~same~~ the moneys by the department of administrative services.

Sec. 24. Section 70A.39, subsection 2, paragraph c, Code 2022, is amended to read as follows:

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~~ paragraph no more than four times in a year.

Sec. 25. Section 80.6A, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. Notwithstanding any provision to the contrary, peace officers employed within the department ~~that who~~ are not covered under a collective bargaining agreement but 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~~ section. 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.

Sec. 26. Section 85.1, subsection 3, paragraph b, subparagraph (2), Code 2022, is amended to read as follows:

(2) The spouse of a partner of a partnership, the parents, brothers, sisters, children, and stepchildren of either a partner or the spouse of a partner, and the spouses of the brothers, sisters, children, and stepchildren of either a partner or the spouse of a partner, who are employed by the partnership and actually engaged in agricultural pursuits or operations immediately connected with the agricultural pursuits either on or off the premises of the partnership. For the purpose of this ~~section~~ subparagraph, "partnership" includes partnerships, limited partnerships, and joint ventures.

Sec. 27. Section 85.31, subsection 5, Code 2022, is amended to read as follows:

5. Except as otherwise provided by treaty, whenever, under the provisions of this chapter and chapters 86 and 87, compensation is payable to a dependent who is an alien not residing in the United States at the time of the injury, the employer shall pay fifty percent of the compensation herein otherwise provided to such dependent, and the other fifty percent

shall be paid into the second injury fund in the custody of the treasurer of state. But if the nonresident alien dependent is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefits of such law in as favorable degree as herein extended to the nonresident alien, then ~~said the~~ compensation which would otherwise be payable to ~~such the~~ dependent shall be paid into the second injury fund in the custody of the treasurer of state.

Sec. 28. Section 85A.8, Code 2022, is amended to read as follows:

**85A.8 Occupational disease defined.**

~~Occupational diseases shall be~~ “Occupational disease” is limited to only those diseases which arise out of and in the course of the employee’s employment. ~~Such The~~ diseases shall have a direct causal connection with the employment and must have followed as a natural incident thereto from injurious exposure occasioned by the nature of the employment. ~~Such An occupational~~ disease must be incidental to the character of the business, occupation, or process in which the employee was employed and not independent of the employment. ~~Such The~~ disease need not have been foreseen or expected, but, after its contraction ~~it, the disease~~ must appear to have had its origin in a risk connected with the employment and to have resulted from that source as an incident and rational consequence. A disease which follows from a hazard to which an employee has or would have been equally exposed outside of ~~said that~~ occupation is not compensable as an occupational disease.

Sec. 29. Section 87.19, Code 2022, is amended to read as follows:

**87.19 Failure to comply — proceedings.**

1. Upon the receipt of information by the workers’ compensation commissioner of any employer failing to comply with section 87.14A, the commissioner shall at once notify such employer by certified mail that unless such employer ~~comply complies~~ with the requirements of law, legal proceedings will be instituted to enforce ~~such~~ compliance.

2. Unless such employer ~~comply complies~~ with the provisions of the law within fifteen days after the giving of ~~such~~ notice under subsection 1, the workers’ compensation commissioner shall report ~~such the~~ failure to the attorney general, whose duty it shall be to bring an action in a court of equity to enjoin the further violation. Upon decree being entered for a temporary or permanent injunction, a violation shall be a contempt of court and punished as provided for contempt of court in other cases.

Sec. 30. Section 89A.10, subsection 1, Code 2022, is amended to read as follows:

1. If an inspection report indicates a failure to comply with applicable rules, or with the detailed plans and specifications approved by the commissioner, the commissioner may, upon giving notice, order the owner ~~thereof~~ of a conveyance to make the changes necessary for compliance.

Sec. 31. Section 91D.1, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. An employer is not required to pay an employee the applicable state hourly wage provided in paragraph “a” until the employee has completed ninety calendar days of employment with the employer. ~~An employee who has completed ninety calendar days of employment with the employer prior to April 1, 2007, or January 1, 2008, shall earn the applicable state hourly minimum wage as of that date.~~ An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least \$5.30 as of April 1, 2007, and \$6.35 as of January 1, 2008.

Sec. 32. Section 96.1A, subsection 14, paragraph h, Code 2022, is amended to read as follows:

h. After December 31, 1971, this state or a state instrumentality and after December 31, 1977, a government entity unless the service is specifically excluded from the definition of employment.

Sec. 33. Section 96.1A, subsection 16, paragraph e, subparagraph (2), Code 2022, is amended to read as follows:

(2) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, or is temporary or transitory in nature or consists of isolated transactions.

Sec. 34. Section 96.7, subsection 7, paragraphs a and b, Code 2022, are amended to read as follows:

a. (1) A governmental entity which is an employer under this chapter shall pay benefits in a manner provided for a reimbursable employer unless the governmental entity elects to make contributions as a contributory employer. The election shall be effective for a minimum of one calendar year and may be changed if an election is made to become a reimbursable employer prior to December 1 for a minimum of the following calendar year.

(2) However, if on the effective date of the election the governmental entity has a negative balance in its contributory account, the governmental entity shall pay to the fund within a time period determined by the department the amount of the negative balance and shall immediately become liable to reimburse the unemployment compensation fund for benefits paid in lieu of contributions. Regular or extended benefits paid after the effective date of the election, including those based on wages paid while the governmental entity was a contributory employer, shall be billed to the governmental entity as a reimbursable employer.

b. (1) A governmental entity electing to make contributions as a contributory employer, with at least eight consecutive calendar quarters immediately preceding the computation date throughout which the employer's account has been chargeable with benefits, shall be assigned a contribution rate under this paragraph. Contribution rates shall be assigned by listing all governmental contributory employers by decreasing percentages of excess from the highest positive percentage of excess to the highest negative percentage of excess. The employers so listed shall be grouped into seven separate percentage of excess ranks each containing as nearly as possible one-seventh of the total taxable wages of governmental entities eligible to be assigned a rate under this paragraph.

(2) As used in this ~~subsection~~ paragraph, "*percentage of excess*" means a number computed to six decimal places on July 1 of each year obtained by dividing the excess of all contributions attributable to an employer over the sum of all benefits charged to an employer by the employer's average annual payroll. An employer's percentage of excess is a positive number when the total of all contributions paid to an employer's account for all past periods to and including those for the quarter immediately preceding the rate computation date exceeds the total benefits charged to such account for the same period. An employer's percentage of excess is a negative number when the total of all contributions paid to an employer's account for all past periods to and including those for the quarter immediately preceding the rate computation date is less than the total benefits charged to such account for the same period.

(3) As used in this ~~subsection~~ section, "*average annual taxable payroll*" means the average of the total amount of taxable wages paid by an employer for insured work during the three periods of four consecutive calendar quarters immediately preceding the computation date. However, for an employer which qualifies on any computation date for a computed rate on the basis of less than twelve consecutive calendar quarters of chargeability immediately preceding the computation date, "*average annual taxable payroll*" means the average of the employer's total amount of taxable wages for the two periods of four consecutive calendar quarters immediately preceding the computation date.

(4) The department shall annually calculate a base rate for each calendar year. The base rate is equal to the sum of the benefits charged to governmental contributory employers in the calendar year immediately preceding the computation date plus or minus the difference between the total benefits and contributions paid by governmental contributory employers since January 1, 1980, which sum is divided by the total taxable wages reported by governmental contributory employers during the calendar year immediately preceding the computation date, rounded to the next highest one-tenth of one percent. Excess contributions from the years 1978 and 1979 shall be used to offset benefits paid in any calendar year where total benefits exceed total contributions of governmental contributory



employers. The contribution rate as a percentage of taxable wages of the employer shall be assigned as follows:

If the percentage of excess rank is:	The contribution rate shall be:	Approximate cumulative taxable payroll
1	Base Rate – 0.9	14.3
2	Base Rate – 0.6	28.6
3	Base Rate – 0.3	42.9
4	Base Rate	57.2
5	Base Rate + 0.3	71.5
6	Base Rate + 0.6	85.8
7	Base Rate + 0.9	100.0

(5) If a governmental contributory employer is grouped into two separate percentage of excess ranks, the employer shall be assigned the lower contribution rate of the two percentage of excess ranks. Notwithstanding the provisions of this paragraph, a governmental contributory employer shall not be assigned a contribution rate less than one-tenth of one percent of taxable wages unless the employer has a positive percentage of excess greater than five percent.

(6) Governmental entities electing to be contributory employers which are not eligible to be assigned a contribution rate under this paragraph shall be assigned the base rate as a contribution rate for the calendar year.

Sec. 35. Section 96.14, subsection 1, Code 2022, is amended to read as follows:

1. *Interest.* Any employer who ~~shall fail~~ fails to pay any contribution and ~~fails to pay the contribution~~ at the time required by this chapter and the rules of the department, shall pay to the department in addition to ~~such~~ the contribution, interest ~~thereon~~ on the contribution at the rate of one percent per month and one-thirtieth of one percent for each day or fraction thereof computed from the date upon which ~~said~~ the contribution should have been paid.

Sec. 36. Section 96.14, subsection 3, paragraphs b and i, Code 2022, are amended to read as follows:

b. In order to preserve the ~~aforsaid~~ lien attached to any property situated in a county under paragraph “a” against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, ~~on any property situated in a county~~, the department shall file with the recorder of the county, in which ~~said~~ the property is located, a notice of ~~said~~ the lien.

i. It is expressly provided that the ~~foregoing~~ remedies of the state under this section shall be cumulative and that no action taken by the department shall be construed to be an election on the part of the state or any of its officers to pursue any remedy ~~hereunder~~ under this section to the exclusion of any other remedy provided by law.

Sec. 37. Section 96.15, subsection 1, Code 2022, is amended to read as follows:

1. *Waiver of rights void.* Any agreement by an individual to waive, release, or commute the individual’s rights to benefits or any other rights under this chapter shall be void. Any agreement by any individual in the employ of any person or concern to pay all or any portion of an employer’s contributions, required under this chapter from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer’s contributions required from the employer, or require or accept any waiver of any right ~~hereunder~~ under this chapter by any individual in the employer’s employ. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be guilty of a serious misdemeanor.

Sec. 38. Section 97B.56, Code 2022, 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 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 97.50 through 97.53 shall be paid from the retirement fund.

Sec. 39. Section 99G.36, subsections 4 and 5, Code 2022, are amended to read as follows:

4. 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 3, paragraph “g” or “h”, or applicable game specific rules ~~commits~~ is guilty of a class “D” felony.

5. 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~~ subsection shall be guilty of a class “D” felony.

Sec. 40. Section 103.36, Code 2022, is amended to read as follows:

**103.36 Procedure.**

Proceedings for any action under section 103.35 shall be commenced by filing with the board written charges against the accused. Upon the filing of charges, the board shall conduct an investigation into the charges. The board shall designate a time and place for a hearing, and shall notify the accused of this action and furnish the accused a copy of all charges at least thirty days prior to the date of the hearing. The accused has the right to appear personally or by counsel, to cross-examine witnesses, ~~or~~ and to produce witnesses in defense.

Sec. 41. Section 124.401, subsection 5, Code 2022, is amended to read as follows:

5. a. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner’s professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor for a first offense. A person who commits a violation of this subsection and who has previously been convicted of violating this chapter or chapter 124B or 453B, or chapter 124A as it existed prior to July 1, 2017, is guilty of an aggravated misdemeanor. A person who commits a violation of this subsection and has previously been convicted two or more times of violating this chapter or chapter 124B or 453B, or chapter 124A as it existed prior to July 1, 2017, is guilty of a class “D” felony.

b. If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both such fine and imprisonment for a first offense. If the controlled substance is marijuana and the person has been previously convicted of a violation of this subsection in which the controlled substance was marijuana, the punishment shall be as provided in section 903.1, subsection 1, paragraph “b”. If the controlled substance is marijuana and the person has been previously convicted two or more times of a violation of this subsection in which the controlled substance was marijuana, the person is guilty of an aggravated misdemeanor.

c. A person may knowingly or intentionally recommend, possess, use, dispense, deliver, transport, or administer cannabidiol if the recommendation, possession, use, dispensing, delivery, transporting, or administering is in accordance with the provisions of chapter 124E. For purposes of this paragraph, “cannabidiol” means the same as defined in section 124E.2.

d. All or any part of a sentence imposed pursuant to this subsection may be suspended and the person placed upon probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court.

e. If a person commits a violation of this subsection, the court shall order the person to serve a term of imprisonment of not less than forty-eight hours. Any sentence imposed may be suspended, and the court shall place the person on probation upon such terms and conditions as the court may impose. If the person is not sentenced to confinement under the custody of the director of the department of corrections, the terms and conditions of probation shall require submission to random drug testing. If the person fails a drug test, the court may

transfer the person's placement to any appropriate placement permissible under the court order.

f. If the controlled substance is amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, the court shall order the person to serve a term of imprisonment of not less than forty-eight hours. Any sentence imposed may be suspended, and the court shall place the person on probation upon such terms and conditions as the court may impose. The court may place the person on intensive probation. However, the terms and conditions of probation shall require submission to random drug testing. If the person fails a drug test, the court may transfer the person's placement to any appropriate placement permissible under the court order.

Sec. 42. Section 124E.2, subsection 13, Code 2022, is amended by striking the subsection.

Sec. 43. Section 135C.2, subsection 1, Code 2022, is amended to read as follows:

1. The purpose of this chapter is to promote and encourage adequate and safe care and housing for individuals who are aged or who, regardless of age, are infirm, convalescent, or mentally or physically dependent, by both public and private agencies by providing for the adoption and enforcement of rules and standards for all of the following:

- a. ~~For the~~ The housing, care, and treatment of individuals in health care facilities, ~~and~~.
- b. ~~For the~~ The location, construction, maintenance, renovation, and sanitary operation of such health care facilities which will promote safe and adequate care of individuals in such homes so as to further the health, welfare, and safety of such individuals.

Sec. 44. Section 148F.3, subsection 8, Code 2022, is amended by striking the subsection.

Sec. 45. Section 154C.3, subsection 1, paragraph c, subparagraph (4), Code 2022, is amended to read as follows:

(4) Has engaged in the practice of social work, under supervision, for at least two years as a full-time employee or for four thousand hours prior to taking the examination given by the board.

(a) Supervision shall be provided in any of the following manners:

(i) By a social worker licensed at least at the level of the social worker being supervised and qualified under this section to practice without supervision.

(ii) By a person licensed under section 154D.2 to practice marital and family therapy without supervision or mental health counseling without supervision.

(iii) By another qualified professional, if the board determines that supervision by a social worker as defined in subparagraph subdivision (i) is unobtainable or in other situations considered appropriate by the board.

(b) Additional standards for supervision shall be determined by the board.

Sec. 46. Section 154C.3, subsection 1, paragraph c, subparagraph (5), Code 2022, is amended by striking the subparagraph.

Sec. 47. Section 161A.20, subsection 2, Code 2022, is amended to read as follows:

2. On or before January 10 of each year ~~its~~, the governing body of a subdistrict shall make an estimate of the amount it deems necessary to be raised by such special tax for the ensuing year and transmit ~~said~~ the estimate in dollars to the board of supervisors of the county in which the subdistrict lies.

Sec. 48. Section 232.52, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. An order providing special care and treatment required for the physical, emotional, or mental health of the child, and that does all of the following:

- (1) ~~Placing~~ Places the child on probation or other supervision; ~~and~~.
- (2) If the court deems appropriate, ~~ordering~~ orders the parent, guardian, or custodian to reimburse the county for any costs incurred as provided in section 232.141, subsection 1, or to otherwise pay or provide for such care and treatment.

Sec. 49. Section 249.3, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The persons eligible to receive state supplementary assistance under section 249.1, subsection 5, paragraph “b”, are all of the following:

Sec. 50. Section 256.9, subsection 31, paragraph c, Code 2022, is amended to read as follows:

c. For purposes of this ~~section~~ subsection, “*substantial parental involvement*” means the physical presence of parents in the classroom, learning experiences designed to enhance the skills of parents in parenting and in providing for their children’s learning and development, or educational materials which may be borrowed for home use.

Sec. 51. Section 256B.9, subsection 3, Code 2022, is amended to read as follows:

3. The weight that a child is assigned under this section shall be dependent upon the required educational modifications necessary to meet the special education needs of the child. Enrollment for the purpose of this section, and all payments to be made pursuant thereto, includes all children for whom a special education program or course is to be provided pursuant to section 256.12, subsection 2, sections 273.1 ~~to through~~ 273.9, and this chapter, whether or not the children are actually enrolled upon the records of a school district.

Sec. 52. Section 266.28, Code 2022, is amended to read as follows:

**266.28 Receipt of funds — work authorized.**

The Iowa state board of regents is hereby authorized and empowered to receive the grants of money appropriated under the said Smith-Lever Act; and to organize and conduct agricultural extension work which shall be carried on in connection with the Iowa state university of science and technology, in accordance with the terms and conditions expressed in ~~the that~~ the Act of Congress ~~aforsaid~~.

Sec. 53. Section 272.31, subsection 4, Code 2022, is amended to read as follows:

4. 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 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 ~~of the board~~ or appointee the executive director’s designee 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.

Sec. 54. Section 279.1, subsection 2, Code 2022, is amended to read as follows:

2. ~~Such organization~~ Organization of the board shall be effected by the election of a president from the members of the board ~~to~~. The president shall 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. 55. Section 279.60, subsection 2, Code 2022, 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 on whether the student attended preschool. Each school district shall report 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 of education~~ 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. 56. Section 306A.13, Code 2022, is amended to read as follows:

**306A.13 Definition.**

The term “utility” ~~shall include~~ includes all privately, publicly, municipally or cooperatively owned systems for supplying water, sewer, electric lights, street lights and traffic lights, gas, power, telegraph, telephone, transit, pipeline, heating plants, railroads, and bridges, or the like service to the public, or any part thereof of such a system if such the system ~~be~~ is authorized by law to use the streets or highways for the location of its facilities.

Sec. 57. Section 309.17, Code 2022, is amended to read as follows:

**309.17 Engineer — term.**

The board of supervisors shall employ one or more licensed civil engineers ~~who shall be known~~ as county engineers. The board shall fix ~~their~~ the term of employment for county engineers, which shall not exceed three years, but the tenure of office may be terminated at any time by the board.

Sec. 58. Section 309.27, Code 2022, is amended to read as follows:

**309.27 Report of engineer.**

In addition to meeting the requirements of sections 309.22 through 309.26, the county engineer, when so ordered by the board, shall make a written report to the board ~~and shall designate therein designating~~, in ~~their~~ the order of importance, the roads which, in the engineer’s judgment, are most urgently in need of construction.

Sec. 59. Section 309.28, Code 2022, is amended to read as follows:

**309.28 Recommendations.**

The county engineer may in the engineer’s report recommend that certain definitely described roads or parts thereof of a road be omitted from or added to the provisional program or project, ~~or that certain definitely described roads or parts thereof be added thereto, and in.~~ In such a case, the county engineer shall clearly enter on the report the reasons ~~therefor~~ for the recommendations.

Sec. 60. Section 309.29, Code 2022, is amended to read as follows:

**309.29 Map required.**

A map of the county showing the location of the proposed program or project shall accompany the report of the county engineer.

Sec. 61. Section 309.37, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The county engineer’s survey shall show all of the following:

Sec. 62. Section 309.38, Code 2022, is amended to read as follows:

**309.38 Existing surveys.**

The county engineer may adopt any existing survey of any road or part thereof of a road which is embraced in said the program or project, provided ~~such~~ that the existing survey substantially complies, or is made to comply, with the requirements of this chapter.

Sec. 63. Section 309.63, Code 2022, is amended to read as follows:

**309.63 Gravel beds.**

The board of supervisors of any county may, within the limits of such county and ~~without~~ outside the limits of any city, purchase or condemn any lands for the purpose of obtaining gravel or other suitable material with which to improve the secondary ~~highways~~ roads of such county, including a sufficient roadway to such land by the most reasonable route, or the board may purchase such material outside the limits of their county, ~~and in.~~ In either case, the board may pay for the same materials out of the secondary road funds.

Sec. 64. Section 309.69, Code 2022, is amended to read as follows:

**309.69 Enforcement of duty.**

If the boards are unable to agree and one of the boards appeals to the department, the department shall notify the auditors of the interested counties that it will, ~~on a day not less than~~ within ten days hence of the notice, at a named time and place within any of the interested counties, hold a hearing to determine all matters relating to any anticipated duty. At the hearing, the department shall fully investigate all questions pertaining to the disputed matters, and shall, as soon as practicable, certify its decision to the different boards, ~~which~~. The department's decision shall be final, and each of the boards shall forthwith immediately comply with the order in the same manner as though the work was located wholly within the county.

Sec. 65. Section 309.81, Code 2022, is amended to read as follows:

**309.81 Record of plans.**

Before beginning the construction of a permanent bridge or culvert by day labor or by contract, the county engineer shall file the plans, specifications, estimate of drainage area, estimates of costs, and specific designation of the location of the bridge or culvert shall be filed in the county engineer's office by the engineer.

Sec. 66. Section 309.82, Code 2022, is amended to read as follows:

**309.82 Record of final cost.**

On completion of a bridge or culvert, a detailed statement of cost, and of additions or alterations to the plans shall be filed by the county engineer, all of which shall be retained in the county engineer's office as permanent records.

Sec. 67. Section 321.89, subsection 2, Code 2022, is amended to read as follows:

2. *Authority to take possession of abandoned vehicles.* A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity who is a garagekeeper, as defined in section 321.90, to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle. The owners, lienholders, or other claimants of the abandoned vehicle shall not have a cause of action against a private entity for action taken under this section if the private entity provides notice as required by subsection 3, ~~paragraph "a"~~ paragraphs "a" through "f".

Sec. 68. Section 321.105A, subsection 2, paragraph a, subparagraph (2), subparagraph division (c), subparagraph subdivision (iii), Code 2022, is amended to read as follows:

(iii) A trade involving an entity, if one of the owners listed on the title of the traded vehicle is an entity. If multiple names ~~are on the names appear~~ appear on the title, the names must be separated by "or". For purposes of trades under this subparagraph subdivision, a sole proprietorship shall not be distinguished from an individual owner.

Sec. 69. Section 321.158, Code 2022, is amended to read as follows:

**321.158 Registration dependent on schedule.**

~~No~~ Except as provided in section 321.159, a motor vehicle shall not be registered in this state unless the manufacturer thereof of the vehicle has furnished to the department the sworn statement herein provided, giving, in compliance with section 321.157, the list price and weight of the model of the motor vehicle that is offered for registration, except as provided in section 321.159.

Sec. 70. Section 321.320, Code 2022, is amended to read as follows:

**321.320 Left turns — yielding.**

The driver of a vehicle ~~intending who intends~~ to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard, ~~then said.~~ The driver, ~~having so yielded and having given~~ after yielding and giving a signal ~~when and~~ as required by this chapter, may make ~~such~~ the left turn.

Sec. 71. Section 321.389, Code 2022, is amended to read as follows:

**321.389 Reflector required.**

Every new motor vehicle, trailer, or semitrailer ~~hereafter~~ sold and every commercial vehicle ~~hereafter~~ operated on a highway shall ~~also carry~~ be equipped at the rear, either as a part of the rear lamp or separately, with a red reflector meeting the requirements of this chapter.

Sec. 72. Section 321.420, Code 2022, is amended to read as follows:

**321.420 Number of lamps lighted.**

Whenever a motor vehicle equipped with headlamps as required in this chapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front ~~thereof projecting of the vehicle,~~ that projects 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 the vehicle shall be lighted at any one time when upon a highway.

Sec. 73. Section 321.483, Code 2022, is amended to read as follows:

**321.483 Felony penalty — class “D” felony.**

Any person who is convicted of a violation ~~of any of the provisions~~ of this chapter ~~herein declared to constitute~~ which constitutes a felony, and for which another punishment is not otherwise provided, ~~shall be~~ is guilty of a class “D” felony.

Sec. 74. Section 321.501, Code 2022, is amended to read as follows:

**321.501 Manner of service.**

The plaintiff in any action against a nonresident shall cause the original notice of suit to be served ~~as follows~~ by doing all of the following:

1. By filing a copy of ~~said~~ the original notice of suit with ~~said~~ the director, together with a fee of two dollars, ~~and.~~
2. By mailing to the defendant, and to each of the defendants if there are more than one, within ten days after said filing with the director, by restricted certified mail addressed to the defendant at the defendant’s last known residence or place of abode, a notification of the said filing with the director.

Sec. 75. Section 321A.1, subsection 11, Code 2022, is amended to read as follows:

11. “*Proof of financial responsibility*” means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in ~~amounts as follows~~:

~~a. With respect to accidents occurring on or after January 1, 1981, and prior to January 1, 1983, the amount of fifteen thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident.~~

~~b. With respect to accidents occurring on or after January 1, 1983, the amount of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of fifteen thousand dollars because of injury to or destruction of property of others in any one accident.~~

Sec. 76. Section 321A.5, subsection 3, Code 2022, is amended to read as follows:

3. A policy or bond is not effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if the

motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, the policy or bond is not effective under this section unless the insurance company or surety company if not authorized to do business in this state executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon the policy or bond arising out of the accident. ~~However, with respect to accidents occurring on or after January 1, 1981, and before January 1, 1983, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ten thousand dollars because of injury to or destruction of property of others in any one accident; and with respect to accidents occurring on or after January 1, 1983, every~~ Every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 77. Section 321A.15, subsection 1, Code 2022, is amended to read as follows:

1. ~~a. Judgments referred to in this chapter and rendered upon claims arising from accidents occurring on or after January 1, 1981, and before January 1, 1983, shall, for the purpose of this chapter only, be deemed satisfied when the following occur:~~

~~(1) When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.~~

~~(2) When, subject to the limit of fifteen thousand dollars because of bodily injury to or death of one person, the sum of thirty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.~~

~~(3) When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.~~

~~b. Judgments referred to in this chapter and rendered upon claims arising from accidents occurring on or after January 1, 1983, shall, for the purpose of this chapter only, be deemed satisfied when the following occur:~~

~~(1) a. When twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.~~

~~(2) b. When, subject to the limit of twenty thousand dollars because of bodily injury to or death of one person, the sum of forty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.~~

~~(3) c. When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.~~

Sec. 78. Section 321A.21, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. Shall insure the person named in the policy and any other person, as insured, using the motor vehicles with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as



~~follows: With respect to all accidents which occur on or after January 1, 1981, and before January 1, 1983, fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ten thousand dollars because of injury to or destruction of property of others in any one accident; and with respect to all accidents which occur on or after January 1, 1983, twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifteen thousand dollars because of injury to or destruction of property of others in any one accident.~~

Sec. 79. Section 321J.3, subsection 3, Code 2022, is amended to read as follows:

3. The state department of transportation, in cooperation with the judicial branch, shall adopt rules, pursuant to the procedure in section 125.33, regarding the assignment of persons ordered under section 321J.17 to submit to substance abuse evaluation and treatment. The rules shall be applicable only to persons other than those committed to the custody of the director of the department of corrections under section 321J.2. The rules shall be consistent with the practices and procedures of the judicial branch in sentencing persons to substance abuse evaluation and treatment under section 321J.2. The rules shall include the requirement that the treatment programs utilized by a person pursuant to an order of the department of transportation meet the licensure standards of the department of public health for substance abuse treatment programs under chapter 125. The rules shall also include provisions for payment of costs by the offenders, including insurance reimbursement on behalf of offenders, or other forms of funding, and shall also address reporting requirements of the facility, consistent with the provisions of sections 125.84 and 125.86. The department of transportation shall be entitled to treatment information contained in reports to the department of transportation, notwithstanding any provision of chapter 125 that would restrict department access to treatment information and records.

Sec. 80. Section 327D.77, Code 2022, is amended to read as follows:

**327D.77 Transportation prohibited.**

~~No~~ A common carrier shall not undertake to perform any service nor engage or participate in the transportation of persons or property between points within this state, until ~~its~~ the carrier's schedule of rates ~~shall have~~ has been filed and posted as ~~herein~~ provided in this chapter.

Sec. 81. Section 327D.78, Code 2022, is amended to read as follows:

**327D.78 Change in rate.**

Unless the department otherwise orders, no change shall be made by any common carrier in any rate, except after thirty days' notice to the department and to the public as ~~herein~~ provided in this chapter. The department shall adopt rules to ensure public notice is provided in any action instituted under this section.

Sec. 82. Section 331.323, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. A county may combine the duties of two or more of the following county officers and employees as provided in this subsection:

- (1) Sheriff.
- (2) Treasurer.
- (3) Recorder.
- (4) Auditor.
- (5) Medical examiner.
- (6) General assistance director.
- (7) County care facility administrator.
- (8) Commission on veteran affairs.
- (9) ~~Director of social welfare~~ Executive officer of the service area advisory board.
- (10) County assessor.
- (11) County weed commissioner.

Sec. 83. Section 331.381, subsections 1 and 11, Code 2022, are amended to read as follows:

1. Proceed in response to a petition to establish a unified law enforcement district in accordance with sections 28E.21 ~~to~~ through 28E.28A, or the board may proceed under those sections on its own motion.

11. Proceed in response to a petition to establish or end an airport commission in accordance with sections 330.17 ~~to~~ through 330.20.

Sec. 84. Section 335.19, Code 2022, is amended to read as follows:

**335.19 Review by court.**

Upon the presentation of ~~such a~~ a petition under section 335.18, the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment and shall prescribe within the writ the time within which a return 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. 85. Section 347.20, Code 2022, is amended to read as follows:

**347.20 Municipal jurisdiction.**

When ~~such a~~ a county hospital is located on land outside of, but adjacent to a city, the ordinances of ~~such the~~ the city relating to fire and police protection and control, sanitary regulations, and public utility service, shall be in force upon and over ~~such the~~ the hospital and grounds, and ~~such the~~ the city shall have jurisdiction to enforce ~~such those~~ those ordinances.

Sec. 86. Section 349.13, Code 2022, is amended to read as follows:

**349.13 Trial of appeal.**

~~Said~~ An appeal under section 349.11 shall be triable de novo as an equitable action without formal pleadings at any time after the expiration of twenty days following the filing of ~~such the~~ the transcript as provided in section 349.12.

Sec. 87. Section 351.43, Code 2022, is amended to read as follows:

**351.43 Penalty.**

Any person ~~refusing who violates or refuses~~ refusing to comply with the provisions of section 351.33, or sections 351.35 through 351.42 ~~or violating any of their provisions, shall be deemed~~ is guilty of a simple misdemeanor.

Sec. 88. Section 357.4, Code 2022, is amended to read as follows:

**357.4 Public hearing.**

When the board of supervisors receives a petition for the establishment of a benefited water district, ~~the board shall hold a public hearing shall be held~~ the board shall hold a public hearing within thirty days of the ~~presentation receipt~~ presentation of the petition. Notice of the hearing shall be ~~given publication published~~ published as provided in section 331.305.

Sec. 89. Section 357.6, Code 2022, is amended to read as follows:

**357.6 Examination by engineer.**

When the board of supervisors ~~shall have~~ has established the benefited water district, ~~they the board shall~~ the board shall appoint a competent disinterested civil engineer and instruct the engineer to ~~examine the proposed improvement, and to make preliminary designs in sufficient detail to make permit~~ examine the proposed improvement, and to make preliminary designs in sufficient detail to make an accurate estimate of the cost of the proposed water system to be made. The civil engineer shall also report as to the suitability of the proposed source of water supply.

Sec. 90. Section 357.21, Code 2022, is amended to read as follows:

**357.21 Substance of bonds.**

1. Each of ~~such the~~ the bonds issued under section 357.20 shall ~~be~~ meet all of the following requirements:

a. The bond shall be numbered, and,

b. The bond shall have printed upon its face that it is a benefited water district bond, stating the county and the number of the district for which it is issued, and the date of maturity;

c. The bond shall state that it is in pursuance of issued pursuant to a resolution of the board of supervisors, and that it is to be paid for only from a special assessment theretofore levied and taxes levied as hereinafter provided under section 357.22 for that purpose within the said district for which the bond is issued.

2. The provisions of sections 468.76 and 468.78 shall govern the issuance of these bonds except that the contractor will not be paid anything on the work until its completion and final acceptance.

Sec. 91. Section 357.33, Code 2022, is amended to read as follows:

**357.33 Appeal procedure.**

Any person aggrieved, may appeal from any final action of the board of supervisors in relation to any matter involving the person's rights, to the district court of the county in which the district is located. The procedure in such appeals shall be governed by the provisions of sections 468.84 through 468.98 provided that whenever in ~~the above~~ those sections the words "drainage district" occur, the words "benefited water district" shall be substituted.

Sec. 92. Section 357F.8, subsection 2, paragraph c, subparagraph (2), Code 2022, is amended to read as follows:

(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.

Sec. 93. Section 359.6, Code 2022, is amended to read as follows:

**359.6 Petition — remonstrance.**

~~Such~~ A petition under section 359.5 shall be accompanied by the affidavit of three eligible electors, to the effect that all of the signatures to ~~such the~~ petition are genuine, and that the signers thereof are all eligible electors of ~~said the~~ township, residing outside ~~said the~~ corporate limits of the city. Remonstrances signed by such eligible electors may also be presented at the hearing before the board of supervisors provided for in this subchapter, ~~and but if the same persons petition and remonstrate, they shall be counted on the remonstrance only.~~

Sec. 94. Section 359.9, Code 2022, is amended to read as follows:

**359.9 Restoration to former township.**

When the citizens of any township ~~so~~ set off as provided in section 359.8 desire to dissolve their township organization and return again to the township from which they were taken, they may do so by the same proceedings as provided for the ~~division thereof of the township,~~ except that ~~said the~~ petition shall be signed by a majority of the electors of both townships.

Sec. 95. Section 359.13, Code 2022, is amended to read as follows:

**359.13 Service and return.**

~~Such~~ The order for election issued under section 359.12 may be directed to any citizen of the same township, by name, and shall be served by posting copies ~~thereof of the order,~~ in three of the most public places in the township, fifteen days before the day of the election; ~~the~~. The original order shall be returned to the presiding officer of the election, to be returned to the clerk when elected, with a return thereon of the manner of service, verified by oath, if served by any person other than an officer.

Sec. 96. Section 359.25, Code 2022, is amended to read as follows:

**359.25 Clerk and council to act.**

The duties required by law of the township clerk in ~~such~~ cities described in section 359.24 shall be performed by the city clerk, and those required of the board of trustees shall be performed by the city council.

Sec. 97. Section 359.26, Code 2022, is amended to read as follows:

**359.26 Transfer of funds.**

The moneys and assets belonging to ~~such~~ each civil township described in section 359.24 shall become the moneys and assets of the city in which said ~~the~~ civil township is situated, and the township clerks shall turn such moneys and assets over to the city treasurer or clerk, to be disbursed by the city in the same manner and for the same purposes as required by law for the disposition of township funds, ~~and such cities.~~ The city shall assume all liabilities of a civil township to which the provisions of this section apply.

Sec. 98. Section 376.5, Code 2022, is amended to read as follows:

**376.5 Publication of ballot.**

Notice for each regular, special, primary, or runoff city election 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 list the names of all candidates, and ~~may~~ must not contain any party designations. The published notice must 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. 99. Section 384.12, subsection 19, paragraph g, Code 2022, is amended to read as follows:

g. The election provisions of this subsection shall supersede other provisions for elections only to the extent necessary to comply with the provisions ~~hereof~~ of this subsection.

Sec. 100. Section 422.20, subsection 5, paragraph a, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Prior to the record in an appeal or contested case being made available for public inspection, the department shall redact ~~from the record in an appeal or contested case~~ the following information from any pleading, exhibit, attachment, motion, written evidence, final order, decision, or opinion contained in that record:

Sec. 101. Section 422.72, subsection 8, paragraph a, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Prior to the record in an appeal or contested case being made available for public inspection, the department shall redact ~~from the record in an appeal or contested case~~ the following information from any pleading, exhibit, attachment, motion, written evidence, final order, decision, or opinion contained in that record:

Sec. 102. Section 423.3, subsection 47A, paragraph b, subparagraphs (2) and (3), Code 2022, are amended to read as follows:

(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 Iowa utilities 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 Iowa utilities board as of September 30, 1992.

Sec. 103. Section 423.3, subsection 107, Code 2022, is amended to read as follows:

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.

Sec. 104. Section 425.10, Code 2022, 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~~ under the claim shall be void, ~~and the~~ The amount of such the erroneous 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 the~~ such the 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 subchapter.

Sec. 105. Section 441.2, Code 2022, is amended to read as follows:

**441.2 Conference board.**

In each county and each city having an assessor there shall be established a conference board. In counties the conference board shall consist of the mayors of all incorporated cities in the county whose property is assessed by the county assessor; ~~2~~ one representative from the board of directors of each high school district of the county, who is a resident of the county, said board of directors appointing said representative for a one-year term and notifying the clerk of the conference board as to their representative; ~~2~~ and members of the board of supervisors. In cities having an assessor the conference board shall consist of the members of the city council, school board, ~~1~~ and county board of supervisors. In the counties the chairperson of the board of supervisors shall act as chairperson of the conference board, in cities having an assessor the mayor of the city council shall act as chairperson of the conference board. In any action taken by the conference board, the mayors of all incorporated cities in the county whose property is assessed by the county assessor shall constitute one voting unit, the members of the city board of education or one representative from the board of directors of each high school district of the county shall constitute one voting unit, the members of the city council shall constitute one voting unit, and the county board of supervisors shall constitute one voting unit, each unit having a single vote and no action shall be valid except by the vote of not less than two out of the three units. The majority vote of the members present of each unit shall determine the vote of the unit. The assessor shall be clerk of the conference board.

Sec. 106. Section 441.19, subsection 1, paragraphs b and e, Code 2022, are amended to read as follows:

b. Upon receipt of such supplemental return from any person the assessor shall prepare a roll assessing ~~such the person as hereinafter provided~~. In the preparation of such assessment roll the assessor shall be guided not only by the information contained in such supplemental roll, but by any other information the assessor may have or which may be obtained by the assessor as prescribed by the law relating to the assessment of property. The assessor shall not be bound by any values as listed in such supplemental return, and may include in the assessment roll any property omitted from the supplemental return which in the knowledge and belief of the assessor should be listed as required by law by the person making the supplemental return. Upon completion of such roll the assessor shall deliver to the person submitting such supplemental return a copy of the assessment roll, either personally or by mail.

e. In the event of a failure of any person required to list property to make a supplemental return, ~~as required herein~~, on or before the fifteenth day of February of any year when ~~such the~~ such the listing is required, the assessor shall proceed in the listing and assessment of the

person's property as provided by this chapter, ~~and no.~~ A person subject to taxation shall not be relieved of the person's obligation to list the person's property through failure to make a supplemental return as herein provided, and any roll prepared by the assessor after receiving a supplemental return, or when prepared in accordance with other provisions of this chapter, shall be a valid assessment.

Sec. 107. Section 455B.303, subsection 2, Code 2022, is amended to read as follows:

2. Local boards of health shall cooperate in the enforcement of the provisions of ~~said this part 1 of subchapter IV~~ and the director may seek their aid and delegate administrative duties of the department to the local boards of health in matters relating to solid waste, refuse disposal plants, and sanitary disposal projects.

Sec. 108. Section 455D.11A, subsection 4, Code 2022, is amended to read as follows:

4. If the owner or operator of a waste tire collection or processing site chooses to provide financial assurance in the form of a surety bond, the bond shall be executed by a surety company authorized to do business in this state. The bond shall be continuous in nature until canceled by the surety. A surety shall provide at least ninety days' notice in writing to the owner or operator 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 compliance 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 an owner or operator 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. If a surety bond is ~~canceled which that~~ has been provided as financial assurance under this subsection is canceled, the owner or operator of the waste tire collection or processing site shall demonstrate a means of continued compliance with the financial assurance requirements of this section to the department within thirty days of the cancellation, ~~a means of continued compliance with the financial assurance requirements of this section.~~ If a means of continued compliance is not demonstrated within the thirty-day period, the department shall suspend the permit for the site, and the owner or operator shall perform proper closure of the site within thirty days of the suspension. If the owner or operator does not properly close the site within the time period allowed, the department shall file a claim with the surety company, prior to the effective date of cancellation of the bond, to collect the amount of the bond for use in performing proper closure. A person who fails to provide for proper closure, notwithstanding collection by the department of the amount of the bond, is guilty of a serious misdemeanor.

Sec. 109. Section 458A.19, Code 2022, is amended to read as follows:

**458A.19 Rate.**

In order to pay the costs of assessment and collection and provide a reasonable minimum standard of taxation, the taxes on any ~~such~~ mineral rights or interests not owned by the owner of the land, shall be not less than five cents per acre.

Sec. 110. Section 458A.20, Code 2022, is amended to read as follows:

**458A.20 Tax sale — redemption by owner.**

When any ~~such~~ mineral rights or interests not owned by the owner of the land are sold at tax sale, and when the owner of ~~such~~ those mineral rights or interests does not redeem under the provisions of chapter 447 within ninety days after ~~such~~ the tax sale, the owner of the land shall thereafter have the same right of redemption as the owner of ~~such~~ the mineral rights or interests has, and redemption by the owner of the land shall terminate ~~all~~ any right of redemption of the owner of ~~such~~ the mineral rights or interests.

Sec. 111. Section 461A.3, Code 2022, is amended to read as follows:

**461A.3 Duties as to parks.**

1. It shall be the duty of the commission to establish, maintain, improve, and beautify public parks and preserves upon the shores of lakes, streams, or other waters, or at other places

within the state which have become historical or which are of scientific interest, or which by reason of their natural scenic beauty or location are adapted therefor. The commission shall have the power to maintain, improve, or beautify state-owned bodies of water, and to provide proper public access ~~thereto~~ to those waters. The commission shall have the power to provide and operate facilities for the proper public use of the areas above described.

2. The commission shall open all roads which pass through the Ledges State Park from September 15 to through November 1 of each year.

Sec. 112. Section 461A.65, Code 2022, is amended to read as follows:

**461A.65 Objections.**

Any person, corporation, company, levee or drainage district, or city whose rights or interests may be affected by ~~said~~ a proposed water recreational area may file written objections to ~~said~~ the proposed water recreational area or to the granting of ~~said~~ a permit for the proposed water recreational area.

Sec. 113. Section 461A.66, Code 2022, is amended to read as follows:

**461A.66 Filing.**

All ~~such~~ objections under section 461A.65 shall be on file in the office of ~~said~~ the commission not less than five days before the date of hearing on ~~said~~ the application ~~but~~ ~~said~~. The commission may permit the filing of ~~said~~ objections later than five days before ~~said~~ the hearing, in which event the applicant must be granted a reasonable time to meet ~~said~~ the objections.

Sec. 114. Section 468.17, Code 2022, is amended to read as follows:

**468.17 Personal service.**

In lieu of publication, personal service of ~~said~~ the notice under section 468.14 may be made upon any owner of land in the proposed district, or upon any lienholder or other person interested in the proposed improvement, in the manner and for the time required for service of original notices in the district court. Proof of such service shall be on file with the auditor on the date of said hearing.

Sec. 115. Section 468.22, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. If The board may locate and establish the district in accordance with the recommendation of the engineer and the report and plans on file if the board shall find that such finds all of the following:

(1) That the petition complies with the requirements of law in form and substance, and that such.

(2) That the improvement would be conducive to the public health, convenience, welfare, benefit, or utility, and that.

(3) That the cost thereof of the improvement is not excessive, and.

(4) That no claim shall have been filed for damages, the board may locate and establish the said district in accordance with the recommendation of the engineer and the report and plans on file.

Sec. 116. Section 468.28, Code 2022, is amended to read as follows:

**468.28 Dismissal on remonstrance.**

If, at or before the time set for final hearing as to the establishment of a proposed levee, drainage, or improvement district, except a subdrainage district, ~~there shall have a remonstrance signed by a majority of the landowners in the district has been filed with the county auditor, or auditors, in case the district extends into more than one county, a remonstrance signed by a majority of the landowners in the district, and these the remonstrants must in the aggregate own seventy percent or more of the lands to be assessed for benefits or taxed for said improvements, and are remonstrating against the establishment of said~~ the levee, drainage, or improvement district, setting forth the reasons therefor, the board or boards as the case may be, shall assess to the petitioners and their sureties or apportion the costs among them as the board or boards may deem just or as ~~said~~ the parties may agree upon. When all such costs have been paid, the board or boards of supervisors

shall dismiss said proceedings and cause to be filed with the county auditor all surveys, plats, reports, and records in relation to the proposed district.

Sec. 117. Section 468.210, Code 2022, is amended to read as follows:

**468.210 Appraisement.**

The Upon adoption of the plan, the board shall thereupon appoint three appraisers of the qualifications prescribed in section 468.24, who shall qualify in the manner ~~therein~~ provided in that section, and shall fix a time for hearing on their report of which all interested parties shall take notice. The appraisers shall view the premises and fix and determine the damages to which each claimant is entitled, including claimants whose awards for damages were canceled by the order of adoption, ~~and.~~ The appraisers shall place a separate valuation upon the acreage of each owner taken for right-of-way or other purposes necessitated by adoption of the plan and shall file a report ~~thereof~~ in writing in the office of the auditor at least five days before the date fixed by the board for hearing ~~thereon on the report~~. ~~Should~~ If the report will not be filed on time or ~~should if~~ good cause for delay ~~exist exists~~, the board may postpone the time for final action on the subject and, if necessary, may appoint other appraisers. Thereafter the provisions of section 468.26 shall apply.

Sec. 118. Section 468.274, Code 2022, is amended to read as follows:

**468.274 Notice.**

Immediately upon the filing of the report of the commissioners and the engineer, if the report recommends the establishment of such district, notice shall be given by the auditor of each county to ~~the all of the following~~:

1. The owners of all the lots and tracts of land in the auditor's own county respectively embraced within ~~such the~~ district as recommended by the commissioners as shown by the transfer books in the office of the auditor of each of ~~said the respective~~ counties, ~~and also to the~~.

2. The persons in actual occupancy of all the lots or tracts of land in ~~such the~~ district, ~~and also to each~~.

3. Each lienholder or encumbrancer of any of ~~such the~~ lots or tracts in the district as shown by the records of the respective counties.

Sec. 119. Section 468.294, Code 2022, is amended to read as follows:

**468.294 Transfer to district court.**

If such boards shall fail to take action ~~thereon on the petition~~ within the time ~~named~~ prescribed in section 468.293, or fail to agree, the petitioners may cause ~~such the~~ proceedings to be transferred to the district court of any of the counties into which such proposed district extends by serving notice upon the auditors of the several counties within ten days after the expiration of ~~said the~~ twenty days' notice, or after the failure of ~~such the~~ boards to agree.

Sec. 120. Section 468.381, Code 2022, is amended to read as follows:

**468.381 Penalty.**

Every person who ~~shall violate~~ violates any provisions of this part ~~shall be~~ is guilty of a simple misdemeanor punishable by a fine of not more than one hundred dollars, and in default of payment thereof, by imprisonment in the county jail for not more than thirty days.

Sec. 121. Section 468.517, Code 2022, is amended to read as follows:

**468.517 Canvass — certificates of election.**

The canvass of the returns by the board or boards of supervisors shall be on the next Monday following the election. If the district is in more than one county, the board of supervisors of the county with the greatest acreage in the district shall canvass the vote. The board of supervisors of the other counties in which the district is located may attend and participate in the canvass of the returns. ~~It or they~~ The board or boards of supervisors shall make a return of the results of the canvass to the auditor, who shall issue certificates to the trustees elected, ~~and when.~~ When the district extends into more than one county, then the auditor with whom the election returns were filed shall issue the certificates and certify an abstract of the canvass to each other county in which the district is located.



Sec. 122. Section 468.576, Code 2022, is amended to read as follows:

**468.576 Report — hearing thereon.**

1. The conservator shall, within thirty days from the date of the conservator's appointment, prepare and file with the clerk of the district court, a full report, giving in detail, the all of the following:

- a. The bonded indebtedness of said the drainage district, the
- b. The accrued interest thereon on the bonded indebtedness, and any and all other indebtedness owing by said the drainage district; a.
- c. A full and complete schedule of all lands sold at tax sale, including the amount of drainage assessments thereon; a.
- d. A list of all real estate within the drainage district, showing the unpaid assessments thereon; also said conservator shall set forth a.
- e. A schedule, under which the bonded indebtedness of said drainage district may be reamortized; also a.
- f. A schedule under which all other indebtedness of said drainage district may be paid or reamortized.

2. Upon the filing of the report by the conservator, the court shall set a date for hearing thereon, which date shall not be less than ten or more than fifteen days, from the filing ~~thereof~~ of the report.

Sec. 123. Section 468.577, Code 2022, is amended to read as follows:

**468.577 Adjudication on report.**

1. At the hearing of the conservator's report, the court shall fix and determine the amount of money in the hands of the county treasurer belonging to the drainage district; the amount of the indebtedness of the drainage district; and to whom the indebtedness is due, and shall fix and determine the time, manner, and priority of payment of the indebtedness. The court shall fix and determine the amount of unpaid assessment or assessments against each tract of land within the drainage district, and may extend the time of payment, and reamortize and reallocate the assessments upon each tract of land within the drainage district.

2. If the court finds that the assessments as levied against each tract of land within the drainage district are not sufficient to pay the indebtedness due and owing by the drainage district, the court may order the board of supervisors of the county within which the drainage district is located, to levy an assessment against the lands within the drainage district, in an amount to pay the deficit. However, assessment for the payment of drainage bonds or improvement certificates shall not be levied against any tract of land if the owner of the land is not delinquent in payment of any assessment.

3. The amount of the reassessment on a particular piece of land shall be in direct proportion to the amount of unpaid assessments on the land. The assessment or expenses incidental thereto, for the payment of drainage bonds or improvement certificates under this part, shall not be levied against any tract of land if the owner of the land had previously paid all of the owner's assessment. The assessment shall be assessed and levied by the board of supervisors upon the lands within the drainage district, in the same proportion as the original assessment.

4. A copy of the order entered by the court shall be filed by the clerk of the district court with the county auditor, and the schedule of payments of the indebtedness of the drainage district as fixed and determined by the court shall be entered upon the drainage records of the drainage district and also spread upon the tax records of the county, ~~and~~ The indebtedness shall become due and payable at the same time as ordinary taxes, and shall be collected in the same manner with the same interest as for delinquency, and in the same manner of as for enforcing collection by tax sale. The court may apportion the costs between the creditors of the drainage district and the drainage district.

Sec. 124. Section 478.11, Code 2022, is amended to read as follows:

**478.11 Record of franchises.**

The utilities board shall keep a record of all such franchises granted and issued by it, when and to whom issued, with a general statement of the location, route, and termini of the transmission line or lines covered ~~thereby~~ by the franchise. When any transfer of such

a franchise has been made as provided in this chapter, the board shall also make note upon its record of the date of ~~such~~ the transfer and the name and address of the transferee.

Sec. 125. Section 478.12, Code 2022, is amended to read as follows:

**478.12 Acceptance of franchise.**

Any person, company, or corporation obtaining a franchise as provided in this chapter ~~provided~~, or owning or operating under one, shall be conclusively held to an acceptance of the provisions ~~thereof~~ of this chapter and of all laws relating to the regulation, supervision, or control ~~thereof~~ of franchises which are now in force or which may be hereafter enacted, and to have consented to such reasonable regulation as the utilities board may, from time to time, prescribe. The provisions of this chapter shall apply equally to assignees as well as to original owners.

Sec. 126. Section 478.17, Code 2022, is amended to read as follows:

**478.17 Access to lines — damages.**

Individuals or corporations operating ~~such~~ transmission lines shall have reasonable access to the ~~same~~ transmission lines for the purpose of constructing, reconstructing, enlarging, repairing, or locating the poles, wires, or construction and other devices used in or upon ~~such~~ any line, but shall pay to the owner of ~~such~~ the lands and of crops ~~thereon~~ all the lands all damages to ~~said~~ the lands or crops caused by entering, using, and occupying ~~said~~ the lands for ~~said~~ those purposes. ~~Nothing herein contained~~ This section shall not prevent the execution of an agreement between the person or company owning or operating ~~such~~ line the lines and the owner of ~~said~~ the land or crops ~~with reference to~~ regarding the use thereof of the land.

Sec. 127. Section 479.9, Code 2022, is amended to read as follows:

**479.9 Objections.**

Any person, corporation, company, or city whose rights or interests may be affected by ~~said~~ a proposed pipeline or lines or gas storage facilities may file written objections to ~~said~~ the proposed pipeline or lines or gas storage facilities or to the granting of ~~said~~ a permit.

Sec. 128. Section 479.10, Code 2022, is amended to read as follows:

**479.10 Filing.**

All such objections shall be on file in the office of ~~said~~ the board not less than five days before the date of hearing on ~~said~~ the application, but ~~said~~ the board may permit the filing of ~~said~~ the objections later than five days before ~~said~~ the hearing, in which event the applicant must be granted a reasonable time to meet ~~said~~ the objections.

Sec. 129. Section 479.11, Code 2022, is amended to read as follows:

**479.11 Examination — testimony.**

The ~~said~~ board may examine the proposed route of ~~said~~ the pipeline or lines and location of ~~said~~ the proposed gas storage area, or may ~~cause such~~ select an engineer to make the examination to be made by an engineer selected by it. At ~~said~~ the hearing, the ~~said~~ board shall consider ~~said~~ the petition and any objections filed ~~thereto~~ to the petition and may, in its discretion, hear ~~such~~ any testimony as may aid ~~it~~ the board in determining the propriety of granting ~~such~~ the permit.

Sec. 130. Section 479.17, Code 2022, is amended to read as follows:

**479.17 Rules.**

The ~~said~~ board shall have full authority and power to promulgate such rules as ~~it~~ the board deems proper and expedient to insure the orderly conduct of the hearings ~~herein~~ provided for in this chapter and also to prescribe rules for the enforcement of this chapter.

Sec. 131. Section 479.19, Code 2022, is amended to read as follows:

**479.19 Limitation on grant.**

~~No exclusive right shall ever be granted to any~~ A pipeline company shall not ever be granted an exclusive right to construct, maintain, and operate its pipeline or lines along, over or across any public highway, grounds or waters and no such. A permit shall not ever be granted for a longer period that is longer than twenty-five years.

Sec. 132. Section 479.21, Code 2022, is amended to read as follows:

**479.21 Transfer of permit.**

If a transfer of such a permit is made before the construction for which it the permit was issued is completed in whole or in part such, the transfer shall not be effective until the person, company, or corporation to whom it the permit was issued ~~shall file~~ files in the office of said the board a notice in writing stating the date of such the transfer and the name and address of said the transferee.

Sec. 133. Section 479.22, Code 2022, is amended to read as follows:

**479.22 Records.**

The board shall keep a record of all permits granted and issued by it the board, showing when and to whom the permits were issued and the location and route of said the pipeline or lines or gas storage area covered ~~thereby~~. When any transfer of such a permit has been made as provided in this chapter, the said board shall also note upon its record the date of such the transfer and the name and address of such the transferee.

Sec. 134. Section 479.28, Code 2022, is amended to read as follows:

**479.28 Orders — enforcement.**

If said a pipeline company fails to obey an order within a time prescribed by the said board, the said board may commence an equitable action in the district court of the county where said the defective, unsafe, or dangerous portion of said the pipeline, device, apparatus, or equipment is located to compel compliance with ~~its said~~ the board's order. If, after ~~due~~ trial of said the action, the court finds that said the order is reasonable, equitable, and just, ~~it the~~ court shall ~~decree issue~~ a ~~mandatory injunction~~ decree compelling obedience to and compliance with said the order and may grant such other relief as may be just and proper. Appeal from said the decree may be taken in the same manner as in other actions.

Sec. 135. Section 481A.1, subsection 21, paragraph d, Code 2022, is amended to read as follows:

d. The Gallinae Galliformes: such as wild turkeys, grouse, pheasants, partridges, and quail.

Sec. 136. Section 481A.48, subsection 6, paragraph b, Code 2022, is amended to read as follows:

b. A cartridge rifle that is allowed pursuant to this subsection shall be of the same caliber and shall use the same straight wall or other ammunition as is allowed for use in a pistol or revolver for hunting deer as provided in subsection 5. In addition, the commission shall provide, by rule, for the use of straight wall or other ammunition under this subsection that meets ballistics specifications similar to the requirements for straight wall or other ammunition allowed for use in a pistol or revolver for hunting deer as provided in subsection 5.

Sec. 137. Section 481A.52, Code 2022, is amended to read as follows:

**481A.52 Exhibiting catch to officer.**

A person who has in possession any game bird, ~~or~~ game animal, fish, or fur or part thereof shall upon request of the director or any officer appointed by the department exhibit ~~it the~~ game bird, game animal, fish, or fur or part thereof to the director or officer, ~~and a refusal.~~ A person who refuses to do so is a comply with a request made under this section commits a scheduled violation of the Code under section 805.8B.

Sec. 138. Section 481A.93, Code 2022, is amended to read as follows:

**481A.93 Hunting by artificial light.**

1. A person who is in possession or control, either singly or as one of a group of persons, of any firearm, bow, or other implement or device whereby a bird or animal could be killed or taken shall not throw or cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, for the purpose of spotting, locating, or taking or attempting to take or hunt a bird or animal, ~~except raccoons or other fur-bearing animals when treed with the aid of dogs, while having in possession or control, either singly or as~~

~~one of a group of persons, any firearm, bow, or other implement or device whereby a bird or animal could be killed or taken.~~

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

a. Deer being taken by or under the control of a local governmental body within its corporate limits pursuant to an approved special deer population control plan.

b. A person who is totally blind using a laser sight on a bow or gun while hunting, if all of the following apply:

(1) The person's total blindness is supported by medical evidence produced by an eye care professional who is an ophthalmologist, optometrist, or medical doctor. The eye care professional must certify that the person has no vision or light perception in either eye. The certification must be carried on the person of the totally blind person and made available for inspection by the department.

(2) The totally blind person is accompanied and aided by a person who is at least eighteen years of age and whose vision is not seriously impaired. The accompanying person must purchase a hunting license that includes the wildlife habitat fee as provided in rules adopted pursuant to section 483A.1 if applicable. If the accompanying person is not required to have a hunting license the person is not required to pay the wildlife habitat fee. During the hunt, the accompanying adult must be within arm's reach of the totally blind person, and must be able to identify the target and the location of the laser sight beam on the target. A person other than the totally blind person shall not shoot the laser sight-equipped gun or bow.

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

d. The spotting, locating, or taking or attempting to take or hunt raccoons or other fur-bearing animals that have been treed with the aid of dogs.

Sec. 139. Section 481A.122, subsections 1 and 2, Code 2022, are amended to read as follows:

1. A person shall not hunt deer with firearms unless the person is at the time wearing one or more of the following articles of visible, external apparel, the color and material of which shall be solid blaze orange: A vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls, ~~the color and material of which shall be solid blaze orange.~~

2. A person shall not hunt upland game birds, as defined by the department, unless the person is at the time wearing one or more of the following articles of visible, external apparel, the color and material of which shall be at least fifty percent solid blaze orange: A hat, cap, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls, ~~the color and material of which shall be at least fifty percent solid blaze orange.~~

Sec. 140. Section 489.14107, subsection 1, paragraph x, Code 2022, is amended to read as follows:

x. Article 8, ~~except to vary any of the following:~~

(1) ~~The manner in which a series limited liability company may elect under section 489.14803, subsection 1, paragraph "b", to be subject to this article.~~

(2) ~~The person that has the right to sign and deliver to the secretary of state for filing a record under section 489.14803, subsection 2, paragraph "b".~~

Sec. 141. Section 490.141, subsection 13, paragraph a, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Whenever notice would otherwise be required to be given under any provision of this ~~subchapter~~ chapter to a shareholder, such notice need not be given if any of the following apply:

Sec. 142. Section 490.143, subsection 1, paragraphs a, b, and e, Code 2022, are amended to read as follows:

a. Under section 490.202, subsection 2, paragraph "f", the director 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, the director 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.

e. Under section 490.870, the director 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.

Sec. 143. Section 490.209, Code 2022, is amended to read as follows:

**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~~ do 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. 144. Section 490.401, subsection 4, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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~~ registered to do 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:

Sec. 145. Section 490.749, subsection 8, Code 2022, is amended to read as follows:

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~~ January 1, 2022, 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. 146. Section 490.1621, subsection 4, Code 2022, is amended to read as follows:

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~~ registered to do 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.

Sec. 147. Section 496C.14, subsection 6, paragraph d, Code 2022, is amended to read as follows:

d. All persons who are shareholders of the professional corporation on the date of death or other event, and their executors, administrators, and legal representatives, shall, to the extent the corporation fails to meet its obligations ~~hereunder under this section~~, be jointly liable for the payment of the purchase price and interest in proportion to their percentage of ownership of the corporation's shares, disregarding shares of the deceased or withdrawing shareholder.

Sec. 148. Section 504.1701, subsections 2, 3, 4, and 5, Code 2022, are amended to read as follows:

~~2. Prior to July 1, 2005, only the following corporations are~~ is subject to the provisions of this chapter:

~~a. A corporation formed on or after January 1, 2005.~~

~~b. A corporation incorporated under chapter 504A, Code 2005, that voluntarily elects to be subject to the provisions of this chapter in accordance with the procedures set forth in subsection 3.~~

~~3. A corporation incorporated under chapter 504A, Code 2005, may voluntarily elect to be subject to the provisions of this chapter by doing all of the following:~~

~~a. The corporation shall amend or restate its articles of incorporation to indicate that the corporation voluntarily elects to be subject to the provisions of this chapter.~~

~~b. The corporation shall deliver a copy of the amended or restated articles of incorporation to the secretary of state for filing and recording in the office of the secretary of state.~~

~~4. After the amended or restated articles of incorporation have been filed with the secretary of state all of the following shall occur:~~

~~a. The corporation shall be subject to all provisions of this chapter.~~

~~b. The secretary of state shall issue a certificate of filing of the corporation's amended or restated articles of incorporation indicating that the corporation has made a voluntary election to be subject to the provisions of this chapter and shall deliver the certificate to the corporation or to the corporation's representative.~~

~~c. The secretary of state shall not file the amended or restated articles of incorporation of a corporation pursuant to this subsection unless at the time of filing the corporation is validly organized under the chapter under which it is incorporated, and has filed all biennial reports that are required and paid all fees that are due in connection with such reports.~~

~~5. The voluntary election of a corporation to be subject to the provisions of this chapter that is made pursuant to this section does not affect any right accrued or established, or any liability or penalty incurred by the corporation pursuant to the chapter under which the corporation was organized prior to such voluntary election.~~

Sec. 149. Section 515A.6, subsection 7, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Notwithstanding any law to the contrary, the commissioner 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 pursuant to chapter 17A. Except as otherwise provided herein in this subsection, the provisions of this subsection shall not be subject to the requirements of chapter 17A. The procedures for such hearing shall be as follows:

Sec. 150. Section 515A.10, subsections 1 and 2, Code 2022, are amended to read as follows:

1. Every group, association or other organization of insurers, whether located within or outside of this state, which assists insurers ~~which~~ that 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.

Sec. 151. Section 515A.11, subsection 1, Code 2022, 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 in this section, 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 through 515A.19.

Sec. 152. Section 515D.7, subsection 2, Code 2022, is amended to read as follows:

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~~ in section 515D.10. A statement of reason shall be mailed or delivered to the named insured within ten days after receipt of a request.

Sec. 153. Section 516A.3, subsection 1, Code 2022, is amended to read as follows:

1. For the purpose of this chapter, the term “*uninsured motor vehicle*” shall, subject to the terms and conditions of the coverage ~~herein~~ required in this chapter, be deemed to include an insured motor vehicle with respect to which insolvency proceedings have been instituted against the liability insurer thereof by the insurance regulatory official of this or any other state or territory of the United States or of the District of Columbia.

Sec. 154. Section 520.1, Code 2022, is amended to read as follows:

**520.1 Authorization.**

Individuals, partnerships, and corporations, and cities, counties, townships, school districts and any other units of local government of this state, ~~hereby~~ designated as subscribers under this chapter, are ~~hereby~~ authorized to exchange reciprocal or interinsurance contracts with each other, and with individuals, partnerships, and corporations of other states, territories, districts, and countries, providing insurance among themselves ~~from~~ for any loss which may be insured against under the law, except life insurance.

Sec. 155. Section 537.1107, subsection 1, Code 2022, is amended to read as follows:

1. Except in settlement of a bona fide dispute, a consumer may not waive or agree to forego rights or benefits under this ~~Aet~~ chapter.

Sec. 156. Section 537.2309, Code 2022, is amended to read as follows:

**537.2309 No other business for purpose of evasion.**

A lender ~~may~~ shall not carry on other business for the purpose of evasion or violation of this chapter at a location where the lender makes supervised loans.

Sec. 157. Section 537.5301, subsection 2, Code 2022, is amended to read as follows:

2. A person who, in violation of the provisions of this ~~Aet~~ chapter applying to authority to make supervised loans under section 537.2301, willfully and knowingly engages without a license in the business of making supervised loans, or of taking assignments of and undertaking direct collection of payments from and enforcement of rights against consumers arising from supervised loans, is guilty of a serious misdemeanor.

Sec. 158. Section 542B.22, Code 2022, is amended to read as follows:

**542B.22 Procedure.**

Proceedings for any action under section 542B.21 shall be begun by filing with the board written charges against the accused. Upon the filing of charges the board may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and the board shall designate a time and place for a hearing, and shall notify the accused of this action and furnish the accused a copy of all charges at least thirty days prior to the date of the hearing. The accused has the right to appear personally or by counsel, to cross-examine witnesses, ~~or~~ and to produce witnesses in defense.

Sec. 159. Section 553.9, subsection 1, Code 2022, is amended to read as follows:

1. If the attorney general has reasonable cause to believe that a person has engaged in or is engaging in conduct prohibited by this chapter, the attorney general shall make such investigation as is deemed necessary and may, prior to the commencement of a suit against this person under this chapter, do any of the following:

a. Issue written demand on this person, its officers, directors, partners, fiduciaries, or employees to compel their attendance before the attorney general and examine them under oath;

b. Issue written demand to produce, examine, and copy a document or tangible item in the possession of this person or its officers, directors, partners, or fiduciaries;.

c. Upon an order of a district court, pursuant to a showing that such is reasonably necessary to an investigation being conducted under this section, do any of the following:

(1) Compel the attendance of any other person before the attorney general and examine this person under oath;.

(2) Require the production, examination, and copying of a document or other tangible item in the possession of such person; ~~and~~.

d. Upon an order of a district court, impound a document or other tangible item produced pursuant to this section and retain possession of it until the completion of all proceedings arising out of the investigation.

Sec. 160. Section 553.11, Code 2022, is amended to read as follows:

**553.11 Protective orders.**

Before the attorney general files an application under section 553.10 and upon application of any person who was served a written demand or court order under section 553.9, upon notice and hearing, and for good cause shown, the district court may make any order which justice requires to protect the person from annoyance, embarrassment, oppression, or undue burden of expense, including which may include any of the following:

1. That the examination of this person shall not be taken or that documents or other tangible items shall not be produced for inspection and copying;.

2. That the examination or production of documents or other tangible items shall be had only on specified terms and conditions, including a change in the time or place;.

3. That certain matters shall not be inquired into or that the scope of the examination or production shall be limited to certain matters;.

4. That the examination or production and inspection shall be conducted with only those persons present as designated by the court;.

5. That the transcript of the examination shall be sealed and be opened only by order of the court;.

6. That a trade secret or other confidential research, development, or commercial information shall not be disclosed or shall be disclosed only in a designated way.

Sec. 161. Section 553.12, subsection 3, Code 2022, is amended to read as follows:

3. Recover, at the court's discretion, exemplary damages which do not exceed twice the actual damages awarded under subsection 2, from a person other than a city or county or legal entity created by a city or county, if all of the following apply:

a. The trier of fact determines that the prohibited conduct is willful or flagrant; ~~and~~.

b. The person bringing suit is not the state.

Sec. 162. Section 600.4, subsection 3, Code 2022, is amended to read as follows:

3. A husband or wife separately if the person to be adopted is not the other spouse and if ~~the adopting spouse~~ any of the following conditions apply:

a. ~~Is The adopting spouse~~ is the stepparent of the person to be adopted;

b. ~~Has The adopting spouse~~ has been separated from the other spouse by reason of the other spouse's abandonment as prescribed in section 597.10; ~~or~~.

c. ~~Is The adopting spouse~~ is unable to petition with the other spouse because of the prolonged and unexplained absence, unavailability, or incapacity of the other spouse, or because of an unreasonable withholding of joinder by the other spouse, as determined by the juvenile court or court under section 600.5, subsection 7.

Sec. 163. Section 633.3, subsections 1, 8, 11, 14, 16, 17, 18, 20, 21, 24, 27, 28, 31, 34, 39, 40, and 41, Code 2022, are amended to read as follows:

1. *Administrator* — means any person appointed by the court to administer an intestate estate.

8. *Clerk* — means "clerk of the district court" in the county in which the matter is pending and includes the term "clerk of the probate court".

11. *Court* — means the Iowa district court sitting in probate and includes any Iowa district judge.



14. *Devise* — when used as a verb, means to dispose of property, both real and personal, by a will.

16. *Distributee* — means a person entitled to any property of the decedent under the decedent's will or under the statutes of intestate succession.

17. *Estate* — means the real and personal property of either a decedent or a ward, and may also refer to the real and personal property of a trust described in section 633.10.

18. *Executor* — means any person appointed by the court to administer the estate of a testate decedent.

20. *Full age* — means the state of legal majority attained through arriving at the age of eighteen years or through having married, even though such marriage is terminated by divorce.

21. *Functional limitations* — means the behavior or condition of a person which impairs the person's ability to care for the person's personal safety or to attend to or provide for necessities for the person.

24. *Heir* — means any person, except the surviving spouse, who is entitled to property of a decedent under the statutes of intestate succession.

27. *Legacy* — means a testamentary disposition of personal property.

28. *Legatee* — means a person entitled to personal property under a will.

31. *Minor* — means a person who is not of full age.

34. *Probate assets* — means a decedent's property subject to administration by a personal representative.

39. *Surviving spouse* — means the surviving wife or husband, as the case may be.

40. *Temporary administrator* — means any person appointed by the court to care for an estate pending the probating of a proposed will, or to handle any special matter designated by the court.

41. *Trustee* — means the person or persons serving as trustee of a trust described in section 633.10.

Sec. 164. Section 633.440, Code 2022, is amended to read as follows:

**633.440 Contents of notice of disallowance.**

~~Such a~~ A notice of disallowance under section 633.439 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.

Sec. 165. Section 633.570, subsection 2, Code 2022, is amended to read as follows:

2. In a proceeding for the appointment of a conservator, the respondent shall be given written notice which advises the respondent of the powers that a conservator may exercise without court approval pursuant to section 633.646 and the powers that the guardian conservator may exercise only with court approval pursuant to section 633.647.

Sec. 166. Section 633F.11, subsection 6, Code 2022, is amended to read as follows:

6. An action shall not be brought under ~~this~~ subsection 5 more than one year after the date of the occurrence of the alleged violation.

Sec. 167. Section 633F.17, subsection 2, Code 2022, is amended to read as follows:

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 \_\_\_\_\_ (name of distributee) as distributee on the termination of the trust at my death. In the event of the prior death of \_\_\_\_\_ (name of distributee) above named as distributee, I designate \_\_\_\_\_ (name of distributee) as distributee of the custodial trust property.

Signed \_\_\_\_\_ (signature of beneficiary).

Date \_\_\_\_\_  
 Receipt Acknowledged: \_\_\_\_\_ (signature of  
 custodial trustee)  
 Date \_\_\_\_\_

Sec. 168. Section 633F.18, subsection 1, paragraph b, Code 2022, is amended to read as follows:

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 \_\_\_\_\_ (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 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: \_\_\_\_\_

Sec. 169. Section 673A.6, subsection 2, Code 2022, is amended to read as follows:

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 the 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.

Sec. 170. Section 679B.14, subsection 1, Code 2022, is amended to read as follows:

1. Every decision and report shall be filed in the office of the governor, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the commissioner, who shall cause such decision and report to be published at a rate of not to exceed thirty-three and one-third cents per ten lines of ~~brevier~~ eight point type ~~or its equivalent~~ in two newspapers of general circulation in the county in which the business is located upon which the dispute arose.

Sec. 171. Section 692A.106, subsection 5, Code 2022, is amended to read as follows:

5. A sex offender ~~shall~~, upon a second or subsequent conviction that requires a second registration, ~~or~~ upon conviction of an aggravated offense, or ~~who if the sex offender has~~ previously been convicted of one or more offenses that would have required registration under this chapter, shall register for life.

Sec. 172. Section 702.17, subsection 6, Code 2022, is amended to read as follows:

6. The touching of a person's own genitals or anus with a finger, hand, or artificial sexual organ or other similar device at the direction of another person.

Sec. 173. Section 715A.11, subsection 5, Code 2022, is amended to read as follows:

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~~ Any substance abuse evaluation required under this subsection shall be completed at the expense of the defendant.

Sec. 174. Section 724.31A, subsection 2, Code 2022, is amended to read as follows:

2. The department of public safety shall, as soon as is practicable after receiving a written request from ~~the a~~ a person who is no longer 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.

Sec. 175. Section 811.6, subsection 2, Code 2022, is 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 amount paid as funds of the clerk's office for a period of one hundred fifty days from the date of judgment.

Sec. 176. Section 815.7, subsection 5, Code 2022, is amended to read as follows:

5. For appointments made on or after July 1, 2019, through June 30, 2021, the reasonable compensation shall be calculated on the basis of seventy-three dollars per hour for class "A" felonies, sixty-eight dollars per hour for class "B" felonies, and sixty-three dollars per hour for all other cases.

Sec. 177. Section 904.602, subsection 10, Code 2022, is amended to read as follows:

10. Regulations, procedures, and policies that govern the internal administration of the department and the judicial district departments of correctional services under chapter 905, which if released may jeopardize the secure operation of a correctional institution operation or program are confidential unless otherwise ordered by a court. These records include procedures on inmate movement and control;<sub>;</sub> staffing patterns and regulations;<sub>;</sub> emergency plans;<sub>;</sub> internal investigations;<sub>;</sub> equipment use and security;<sub>;</sub> building plans, operation, and security;<sub>;</sub> security procedures for inmate inmates, staff, and visits, visitors; daily operation records;<sub>;</sub> and contraband and medicine control. These records are exempt from the public inspection requirements in section 17A.3 and section 22.2.

Sec. 178. Section 915.38, subsection 3, Code 2022, is amended to read as follows:

3. The court may upon motion of a party admit into evidence the recorded statements of a child, as defined in section 702.5, describing sexual contact performed with or on the child, not otherwise admissible in evidence by statute or court rule if the court determines that the recorded statements substantially comport with the requirements for admission under rule of evidence ~~5.803(24) or 5.804(b)(5)~~ 5.807.

Sec. 179. Section 915.94, Code 2022, is amended to read as follows:

**915.94 Victim compensation fund.**

1. 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 any of the purpose of following purposes:

a. For the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, ~~to~~.

b. To support the sexual assault forensic examiner program established in section 915.46, ~~for~~.

c. 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, and to victims under section 710A.2, ~~for.~~

d. For reimbursement to the Iowa law enforcement academy for domestic abuse and human trafficking training, ~~and for.~~

e. For the support of an automated victim notification system established in section 915.10A.

2. 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.

3. 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.

Sec. 180. 2021 Iowa Acts, chapter 12, is amended by adding the following new section:

NEW SECTION. SEC. 7A. Section 39A.4, subsection 1, paragraph c, subparagraph (9), Code 2021, is amended to read as follows:

(9) As an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress, 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", or section 53.23, subsection 4.

Sec. 181. 2021 Iowa Acts, chapter 86, section 59, is amended by striking the section and inserting in lieu thereof the following:

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~~ or 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. 182. 2021 Iowa Acts, chapter 167, section 5, is amended by striking the section and inserting in lieu thereof the following:

SEC. 5. 2015 Iowa Acts, chapter 139, section 1, subsection 10, paragraph b, as amended by 2017 Iowa Acts, chapter 173, section 11, 2018 Iowa Acts, chapter 1162, section 9, 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>
.....		<u>11,375,000</u>
<u>FY 2022-2023:</u>		

..... \$ 2,000,000

Sec. 183. 2021 Iowa Acts, chapter 177, section 42, is amended to read as follows:

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~~ section 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. 184. 2020 Iowa Acts, chapter 1064, sections 17 and 18, are amended by striking the sections and inserting in lieu thereof the following:

SEC. 17. Section 422.12G, subsection 2, Code 2020, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ revenue and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.

SEC. 18. Section 422.12I, subsection 2, Code 2020, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the foundation fund on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ revenue and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.<sup>1</sup>

Sec. 185. Section 478.16, subsection 1, paragraph b, as enacted by 2020 Iowa Acts, chapter 1121, section 128, is amended to read as follows:

b. “*Electric transmission owner*” means an individual or entity who, as of the effective date of this division of this Act, owns and maintains an electric transmission line that is required for rate-regulated electric utilities, municipal electric utilities, and rural electric cooperatives in this state to provide electric service to the public for compensation.

Sec. 186. REPEAL. Sections 24.18, 148F.9, 152C.5A, 152C.7A, 306.44, and 309.12, Code 2022, are repealed.

DIVISION II  
APPLICABILITY PROVISIONS

Sec. 187. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2021:

1. The section of this Act amending section 15.331C.
2. The section of this Act amending section 321.89.
3. The section of this Act amending 2021 Iowa Acts, chapter 86, section 59.
4. The section of this Act amending 2021 Iowa Acts, chapter 167, section 5.
5. The section of this Act amending 2021 Iowa Acts, chapter 177, section 42.

Sec. 188. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2020:

<sup>1</sup> See chapter 1153, §17 herein

The section of this Act amending section 478.16, subsection 1, paragraph “b”, as enacted by 2020 Iowa Acts, chapter 1121, section 128.

Approved April 21, 2022

## CHAPTER 1022

### GARBAGE PLACED IN PUBLIC AREAS FOR WASTE COLLECTION — LOCAL REGULATION AND PRIVACY EXPECTATIONS — SEARCH AND SEIZURE

S.F. 2296

**AN ACT** relating to a peace officer’s search of garbage placed outside of a person’s residence for waste collection in a publicly accessible area.

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

Section 1. NEW SECTION. **808.16 Exception to search warrant requirement — garbage searches.**

1. It is the public policy of this state that a person has no reasonable expectation of privacy in garbage placed outside of the person’s residence for waste collection in a publicly accessible area.

2. A city or county shall only adopt an ordinance or a regulation concerning waste management and sanitation for the purposes of promoting public health and cleanliness. An ordinance or a regulation adopted by a city or county shall not be construed by a person to create a reasonable expectation of privacy in garbage placed outside of the person’s residence for waste collection in a publicly accessible area.

3. Garbage placed outside of a person’s residence for waste collection in a publicly accessible area shall be deemed abandoned property and shall not be considered to be constitutionally protected papers or effects of the person.

4. A peace officer may conduct a search and may seize garbage placed outside of a person’s residence for waste collection in a publicly accessible area without making an application for a search warrant.

Approved April 21, 2022

## CHAPTER 1023

### CONGENITAL AND INHERITED DISORDERS — SCREENING OF NEWBORNS

S.F. 2345

**AN ACT** relating to the newborn screening.

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

Section 1. Section 136A.2, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “*Congenital and inherited disorders advisory committee*” or “*advisory committee*” means the congenital and inherited disorders advisory committee created in this chapter.

Sec. 2. **NEW SECTION. 136A.3A Congenital and inherited disorders advisory committee established — process for addition of conditions to newborn screening.**

1. A congenital and inherited disorders advisory committee is established to assist the center for congenital and inherited disorders and the department in the development of programs that ensure the availability and access to quality genetic and genomic health care services for all Iowans.

2. The members of the advisory committee shall be appointed by the director and shall include persons with relevant expertise and interest including parent representatives.

3. The advisory committee shall assist the center for congenital and inherited disorders and the department in designating the conditions to be included in the newborn screening and in regularly evaluating the effectiveness and appropriateness of the newborn screening.

4. *a.* Beginning July 1, 2022, the advisory committee shall ensure that all conditions included in the federal recommended uniform screening panel as of January 1, 2022, are included in the newborn screening.

*b.* Within twelve months of the addition of a new condition to the federal recommended uniform screening panel, the advisory committee shall consider and make a recommendation to the department regarding inclusion of the new condition in the newborn screening, including the current newborn screening capacity to screen for the new condition and the resources necessary to screen for the new condition going forward. If the advisory committee recommends inclusion of a new condition, the department shall include the new condition in the newborn screening within eighteen months of receipt of the recommendation.

5. The department shall submit a status report to the general assembly, annually, by December 31, regarding all of the following:

*a.* The current conditions included in the newborn screening.

*b.* Any new conditions currently under consideration or recommended by the advisory committee for inclusion in the newborn screening.

*c.* Any new conditions considered but not recommended by the advisory committee in the prior twelve-month period and the reason for not recommending any such conditions.

*d.* Any departmental request for additional program capacity or resources necessitated by the inclusion of a recommended new condition in the newborn screening.

*e.* Any delay and the reason for the delay by the advisory committee in complying with the specified twelve-month time frame in considering or recommending the inclusion of a new condition in the newborn screening to the department.

*f.* Any delay and the reason for the delay by the department in complying with the specified eighteen-month time frame in including a new condition in the newborn screening following receipt of a recommendation from the advisory committee recommending the inclusion of such condition.

6. The state hygienic laboratory shall establish the newborn screening fee schedule in a manner sufficient to support the newborn screening system of care including laboratory screening costs, short-term and long-term follow-up program costs, the newborn screening developmental fund, and the cost of the department's newborn screening data system.

Sec. 3. Section 136A.5, Code 2022, is amended to read as follows:

**136A.5 Newborn metabolic screening.**

1. All newborns born in this state shall be screened for congenital and inherited disorders in accordance with rules adopted by the department.

2. An attending health care provider shall ensure that every newborn under the provider's care is screened for congenital and inherited disorders in accordance with rules adopted by the department.

3. This section does not apply if a parent objects to the screening. If a parent objects to the screening of a newborn, the attending health care provider shall document the refusal in the newborn's medical record and shall obtain a written refusal from the parent and report the refusal to the department as provided by rule of the department.

Sec. 4. Section 136A.5A, subsections 1 and 4, Code 2022, are amended to read as follows:

1. Each newborn born in this state shall receive a critical congenital heart disease screening by pulse oximetry or other means as determined by rule, in conjunction with the ~~metabolic newborn~~ screening required pursuant to section 136A.5.

4. Notwithstanding any provision to the contrary, the results of each newborn's critical congenital heart disease screening shall only be reported in a manner consistent with the reporting of the results of ~~metabolic newborn~~ screenings pursuant to section 136A.5 if funding is available for implementation of the reporting requirement.

Approved April 21, 2022

## CHAPTER 1024

### COUNTY RULES REQUIRING PERIODIC SEPTIC TANK PUMPING — PENALTIES PROHIBITED

H.F. 728

**AN ACT** relating to noncompliance with rules adopted by a county sanitarian regarding septic tank pumping.

*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 require the payment of a penalty, fine, or fee due to a resident's noncompliance with rules adopted by the county sanitarian regarding periodic septic tank pumping as part of routine maintenance.<sup>1</sup>

Approved April 21, 2022

## CHAPTER 1025

### AIRPORT REGISTRATION AND SITE APPROVAL

H.F. 2124

**AN ACT** relating to airport registration and site approval by the department of transportation.

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

Section 1. Section 328.19, subsection 1, Code 2022, is amended to read as follows:

1. The department shall promulgate rules pursuant to ~~the provisions of~~ chapter 17A governing the issuance by the department of certificates of registration to all airports in this state which are open for use by the public and governing the annual renewal of those certificates. These rules shall require that an airport applying for a certificate of registration or for a renewal shall comply with minimum standards of safety as promulgated by the department, ~~adopt safe air traffic patterns, and demonstrate that such air traffic patterns are safely coordinated with those of all existing airports and approved airport sites in its vicinity before the certificates~~ certificate of registration or certificate of renewal may be

<sup>1</sup> See chapter 1153, §19 herein



issued. Certificates of registration or renewal may be issued subject to any conditions the department deems necessary to carry out the purposes of this section. The department may, after notice and opportunity for hearing as provided in chapter 17A, revoke any certificate of registration or renewal, or may refuse to issue a renewal, when it the department determines that any of the following have occurred:

- ~~a. 1. That there~~ The airport has been an abandonment of the airport as such; abandoned.
- ~~b. 2. That there has been a failure to comply~~ The airport is no longer in compliance with the conditions of the registration or renewal thereof; or.
- ~~e. 3. That because of A change of in~~ physical or legal conditions or circumstances the airport has become made the airport either unsafe or unusable for the aeronautical purposes for which the registration or renewal was issued.

Sec. 2. Section 328.19, subsections 2, 3, 4, and 5, Code 2022, are amended by striking the subsections.

Approved April 21, 2022

## CHAPTER 1026

### HEALTH CARE INSURANCE COVERAGE — AUTISM SPECTRUM DISORDER

#### H.F. 2167

**AN ACT** relating to the definition of autism spectrum disorder for purposes of certain health care coverage, making conforming changes, and including applicability provisions.

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

Section 1. Section 225D.1, subsection 2, Code 2022, is amended to read as follows:

- 2. “Autism” means autism spectrum ~~disorders~~ disorder as defined in section 514C.28.

Sec. 2. Section 321.189, subsection 10, Code 2022, is amended to read as follows:

10. *Autism spectrum disorder status.* A licensee who has an autism spectrum disorder, as defined in section 514C.28, may request that the license be marked to reflect the licensee’s autism spectrum disorder status on the face of the license when the licensee applies for the issuance or renewal of a license. The department may adopt rules pursuant to chapter 17A establishing criteria under which a license may be marked, including requiring the licensee to submit medical proof of the licensee’s autism spectrum disorder status. When a driver’s license is so marked, the licensee’s autism spectrum disorder status shall be noted in the electronic database used by the department and law enforcement to access registration, titling, and driver’s license information. The department, in consultation with the mental health and disability services commission, shall develop educational media to raise awareness of a licensee’s ability to request the license be marked to reflect the licensee’s autism spectrum disorder status.

Sec. 3. Section 321.190, subsection 1, paragraph b, subparagraph (6), Code 2022, is amended to read as follows:

(6) An applicant for a nonoperator’s identification card who has an autism spectrum disorder, as defined in section 514C.28, may request that the card be marked to reflect the applicant’s autism spectrum disorder status on the face of the card when the applicant applies for the issuance or renewal of a card. The department may adopt rules pursuant to chapter 17A establishing criteria under which a card may be marked, including requiring the applicant to submit medical proof of the applicant’s autism spectrum disorder status. The department, in consultation with the mental health and disability services commission,

shall develop educational media to raise awareness of an applicant's ability to request the card be marked to reflect the applicant's autism spectrum disorder status.

Sec. 4. Section 514C.28, subsection 1, Code 2022, is amended to read as follows:

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a group plan established pursuant to chapter 509A for employees of the state providing for third-party payment or prepayment of health, medical, and surgical coverage benefits shall provide coverage benefits to covered individuals under twenty-one years of age for the diagnostic assessment of autism spectrum ~~disorders~~ disorder and for the treatment of autism spectrum ~~disorders~~ disorder.

Sec. 5. Section 514C.28, subsection 2, paragraphs b, c, d, j, and k, Code 2022, are amended to read as follows:

b. "*Autism service provider*" means a person, or group providing treatment of autism spectrum ~~disorders~~ disorder. An autism service provider that provides treatment of autism spectrum ~~disorders~~ disorder that includes applied behavioral analysis shall be certified as a behavior analyst by the behavior analyst certification board or shall be a health professional licensed under chapter 147.

c. "*Autism spectrum ~~disorders~~ disorder*" means ~~any of the pervasive developmental disorders including autistic disorder, Asperger's disorder, and pervasive developmental disorders not otherwise specified. The commissioner, by rule, shall define "autism spectrum disorders" consistent with definitions provided in the most recent edition of the American psychiatric association's diagnostic and statistical manual of mental disorders, as such definitions may be amended from time to time. The commissioner may adopt the definitions provided in such manual by reference~~ a mental health condition that meets the diagnostic criteria for such disorder as published in the most recent edition of the diagnostic and statistical manual of mental disorders as published by the American psychiatric association.

d. "*Diagnostic assessment of autism spectrum ~~disorders~~ disorder*" means medically necessary assessment, evaluations, or tests performed by a licensed physician, licensed physician assistant, licensed psychologist, or licensed registered nurse practitioner to diagnose whether an individual has an autism spectrum disorder.

j. "*Treatment of autism spectrum ~~disorders~~ disorder*" means treatment that is identified in a treatment plan and includes medically necessary pharmacy care, psychiatric care, psychological care, rehabilitative care, and therapeutic care that is one of the following:

(1) Prescribed, ordered, or provided by a licensed physician, licensed physician assistant, licensed psychologist, licensed social worker, or licensed registered nurse practitioner.

(2) Provided by an autism service provider.

(3) Provided by a person, entity, or group that works under the direction of an autism service provider.

k. "*Treatment plan*" means a plan for the treatment of autism spectrum ~~disorders~~ disorder developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in consultation with the patient and the patient's representative.

Sec. 6. Section 514C.28, subsections 3, 7, and 10, Code 2022, are amended to read as follows:

3. Coverage is required pursuant to this section in a maximum benefit amount of not more than thirty-six thousand dollars per year but shall not be subject to any limits on the number of visits to an autism service provider for treatment of autism spectrum ~~disorders~~ disorder. ~~Beginning in 2014, the~~ The commissioner shall, on or before April 1 of each calendar year, publish an adjustment to the maximum benefit required equal to the percentage change in the United States department of labor consumer price index for all urban consumers in the preceding year, and the published adjusted maximum benefit shall be applicable to group policies, contracts, or plans subject to this section that are issued or renewed on or after January 1 of the following calendar year. Payments made under a group plan subject to this section on behalf of a covered individual for treatment of a health condition unrelated to or

distinguishable from the individual's autism spectrum disorder shall not be applied toward any maximum benefit established under this subsection.

7. This section shall not be construed to require coverage by a group plan of any service solely based on inclusion of the service in an individualized education program. Consistent with federal or state law and upon consent of the parent or guardian of a covered individual, the treatment of autism spectrum ~~disorders~~ disorder may be coordinated with any services included in an individualized education program. However, coverage for the treatment of autism spectrum ~~disorders~~ disorder shall not be contingent upon coordination of services with an individualized education program.

10. An insurer may review a treatment plan for treatment of autism spectrum ~~disorders~~ disorder once every six months, subject to its utilization review requirements, including case management, concurrent review, and other managed care provisions. A more or less frequent review may be agreed upon by the insured and the licensed physician or licensed psychologist developing the treatment plan.

Sec. 7. Section 514C.31, subsection 2, paragraphs b and d, Code 2022, are amended to read as follows:

b. "*Autism spectrum disorder*" means ~~a complex neurodevelopmental medical disorder characterized by social impairment, communication difficulties, and restricted, repetitive, and stereotyped patterns of behavior~~ the same as defined in section 514C.28, subsection 2.

d. "*Treatment plan*" means a plan for the treatment of an autism spectrum disorder developed by a licensed physician or licensed psychologist after a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendations of the American academy of pediatrics. "*Treatment plan*" includes supervisory services, subject to the provisions of subsection 5.

#### Sec. 8. APPLICABILITY.

1. The sections of this Act amending section 514C.28 apply to plans established pursuant to chapter 509A for employees of the state that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2023.

2. The section of this Act amending section 514C.31 applies to third-party provider payment contracts, policies, or plans specified in section 514C.31, subsection 1, paragraph "a", or to plans established pursuant to chapter 509A for public employees other than employees of the state, that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2023.

Approved April 21, 2022

## CHAPTER 1027

### FOREIGN VEHICLES — TRANSFER OF OWNERSHIP — INSURANCE CARRIERS

#### H.F. 2341

**AN ACT** relating to the transfer of ownership of certain foreign vehicles.

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

Section 1. Section 321.23, subsection 3, Code 2022, is amended to read as follows:

3. In the event an applicant for registration of a foreign vehicle for which a certificate of title has been issued is able to furnish evidence of being the registered owner of the vehicle to the county treasurer of the owner's residence, although unable to surrender such certificate of title, the county treasurer may issue a registration receipt and plates upon receipt of the required annual registration fee and the fee for new registration but shall not issue a certificate of title thereto. Upon surrender of the certificate of title from the foreign

state, the county treasurer shall issue a certificate of title to the owner, or person entitled thereto, of such vehicle as provided in this chapter. The owner of a vehicle registered under this subsection shall not be required to obtain a certificate of title in this state and may transfer ownership of the vehicle to a motor vehicle dealer licensed under chapter 322 or an insurance carrier authorized to do business in this state if, at the time of the transfer, the certificate of title is held by a secured party and the dealer or insurance carrier, as applicable, has forwarded to the secured party the sum necessary to discharge the security interest pursuant to section 321.48, subsection 1.

Approved April 21, 2022

## CHAPTER 1028

### CONVEYANCE OF REAL PROPERTY — GROUNDWATER HAZARD STATEMENT REQUIREMENTS

H.F. 2343

**AN ACT** relating to the submission of a groundwater hazard statement.

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

Section 1. Section 558.69, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

With each declaration of value submitted to the county recorder under chapter 428A, except as specified in subsection 8A, there shall be submitted a groundwater hazard statement stating all of the following:

Sec. 2. Section 558.69, subsection 3, Code 2022, is amended by striking the subsection.

Sec. 3. Section 558.69, subsections 4, 7, and 8, Code 2022, are amended to read as follows:

4. A buyer of property shall be provided with a copy of the submitted groundwater hazard statement, if required under this section, by the seller.

7. The county recorder shall transmit the groundwater hazard statements to the department of natural resources ~~at times and in a manner directed by the director of the department.~~ Groundwater hazard statements may be transmitted electronically to the department or may be presented to the department through a browser interface provided through the county land record information system. The form and timing of the transmittal shall be determined by the department and the county recorders.

8. The owner of the property is responsible for the accuracy of the information submitted on the groundwater hazard statement. The owner's agent and the preparer of the groundwater hazard statement shall not be liable for the accuracy of information provided by the owner of the property unless the owner's agent or the preparer of the groundwater hazard statement has direct knowledge contrary to the submitted statement. The provisions of this subsection do not limit liability which may be imposed under a contract or under any other law.

Sec. 4. Section 558.69, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. a. If there are no conditions present, as described in subsection 1, then a groundwater hazard statement shall not be submitted. In lieu of the submission of a groundwater hazard statement, any deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed shall include on the first page of the deed, instrument, or writing the following statement:

There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in

Iowa Code section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.

b. The owner of the property is responsible for the accuracy of the statement provided in paragraph “a”.

c. The owner’s agent and the preparer of a statement included pursuant to paragraph “a” shall not be liable for information pertaining to the statement unless the owner’s agent or the preparer has direct knowledge contrary to the included statement.

NEW SUBSECTION. 8B. a. If a required declaration of value is not accompanied by a groundwater hazard statement, if required under this section, or if the first page of the deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed does not include the statement provided in subsection 8A, paragraph “a”, if required under this section, the county recorder shall refuse to record the deed, instrument, or writing.

b. A recording in violation of this subsection shall not be the basis for invalidating the deed, instrument, or writing.

Approved April 21, 2022

## CHAPTER 1029

### IOWA DRUG POLICY COORDINATOR AND ADVISORY COUNCIL

H.F. 2367

**AN ACT** relating to the Iowa drug policy coordinator and the Iowa drug policy advisory council.

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

Section 1. Section 80E.1, subsection 2, paragraphs a and b, Code 2022, are amended to read as follows:

a. Direct the governor’s office of drug control policy, and coordinate and monitor all statewide ~~narcotics~~ drug enforcement efforts, coordinate and monitor all state and federal substance ~~abuse~~ use disorder treatment grants and programs, coordinate and monitor all statewide substance abuse prevention and education programs in communities and schools, and engage in such other related activities as required by law. The coordinator shall work in coordinating the efforts of the department of corrections, the department of education, the Iowa department of public health, the department of public safety, and the department of human services. The coordinator shall assist in the development and implementation of local and community strategies to fight substance abuse, including local law enforcement, education, and treatment activities.

b. Submit an annual report to the governor and general assembly by November 1 of each year concerning the activities and programs of the coordinator and other departments related to drug enforcement, substance ~~abuse~~ use disorder treatment programs, and substance abuse prevention and education programs. The report shall include an assessment of needs with respect to programs related to substance ~~abuse~~ use disorder treatment and ~~narcotics~~ drug enforcement.

Sec. 2. Section 80E.2, subsections 1 and 2, Code 2022, are amended to read as follows:

1. An Iowa drug policy advisory council is established which shall consist of the following ~~fifteen~~ seventeen members:

- a. The drug policy coordinator, who shall serve as chairperson of the council.
- b. The director of the department of corrections, or the director’s designee.
- c. The director of the department of education, or the director’s designee.
- d. The director of the Iowa department of public health, or the director’s designee.

- e. The commissioner of public safety, or the commissioner's designee.
- f. The director of the department of human services, or the director's designee.
- g. The director of the division of criminal and juvenile justice planning in the department of human rights, or the division director's designee.
- h. The state public defender, or the state public defender's designee.
- ~~h.~~ i. A prosecuting attorney.
- ~~i.~~ j. A licensed substance abuse treatment specialist certified alcohol and drug counselor.
- ~~j.~~ k. A certified substance abuse prevention specialist.
- ~~k.~~ l. A substance abuse use disorder treatment program director.
- ~~l.~~ m. A justice of the Iowa supreme court, or judge, as designated by the chief justice of the supreme court.
- ~~m.~~ n. A member representing the Iowa peace officers association.
- ~~n.~~ o. A member representing the Iowa state police association.
- ~~o.~~ p. A member representing the Iowa state sheriffs' and deputies' association.
- q. A police chief.
2. The prosecuting attorney, ~~licensed substance abuse treatment specialist certified alcohol and drug counselor~~, certified substance abuse prevention specialist, substance abuse use disorder treatment program director, member representing the Iowa peace officers association, member representing the Iowa state police association, ~~and the member representing the Iowa state sheriffs' and deputies' association, and the member representing the Iowa police chiefs association~~<sup>1</sup> shall be appointed by the governor, subject to senate confirmation, for four-year terms beginning and ending as provided in section 69.19. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment was made.

Approved April 21, 2022

## CHAPTER 1030

### ACREAGE LIMITATIONS FOR HEMP PRODUCTION

*H.F. 2380*

**AN ACT** relating to acreage limitations for the production of hemp, and including effective date provisions.

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

Section 1. Section 204.2, subsection 5, Code 2022, is amended to read as follows:

5. "Crop site" or "site" means a single contiguous ~~parcel tract~~ tract of agricultural land suitable for the planting, growing, or harvesting of hemp, if the ~~parcel tract~~ tract does not exceed ~~forty~~ three hundred twenty acres.

Sec. 2. Section 204.4, subsection 6, Code 2022, is amended to read as follows:

6. A person may hold any number of licenses at the same time. However, the person shall not hold a legal or equitable interest in a licensed crop site, if the total number of acres of all licensed crop sites in which the person holds all any such ~~interests~~ interest equals more than ~~forty~~ three hundred twenty acres.

<sup>1</sup> See chapter 1153, §6 herein

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

Approved April 21, 2022

## CHAPTER 1031

### COUNTY JOINT 911 SERVICE BOARDS PUBLIC SAFETY ANSWERING POINT COST AND EXPENSE DATA

H.F. 2436

**AN ACT** relating to public safety answering point cost and expense data collected from county joint 911 service boards.

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

Section 1. Section 34A.7A, subsection 5, paragraph a, Code 2022, is amended to read as follows:

a. The program manager, in consultation with the 911 communications council and the auditor of state, shall establish a methodology for determining and collecting ~~comprehensive~~ public safety answering point cost and expense data through the county joint 911 service boards. The methodology shall include the collection of data for ~~all~~ direct costs and expenses related to the operation of a public safety answering point and account for the extent to which identified costs and expenses are compensated for or addressed through 911 surcharges versus other sources of funding.

Approved April 21, 2022

## CHAPTER 1032

### NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2463

**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 7A.3, subsection 1, paragraph h, Code 2022, is amended to read as follows:

h. Director of the department of natural resources.

Sec. 2. Section 9G.1, Code 2022, is amended to read as follows:

#### **9G.1 Records.**

The books and records of the land office shall be so kept as to show and preserve an accurate chain of title from the general government to the purchaser of each smallest subdivision of land; to preserve a permanent record, in books suitably indexed, of all correspondence with any of the departments of the general government in relation to state lands; and to preserve,

by proper records, copies of the original lists furnished by the selecting agents of the state, and of all other papers in relation to such lands which are of permanent interest.

Sec. 3. Section 9G.6, subsection 1, Code 2022, is amended to read as follows:

1. 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 patents, setting forth the appraised value per acre, the name of the 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. If a person is entitled to a patent due to an assignment from the original purchaser, the certificate shall set forth fully the assignment and shall be filed and preserved in the land office.

Sec. 4. Section 10.1, subsection 9, paragraph b, Code 2022, 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~~: a protected series as provided in chapter 489, article 14.

Sec. 5. Section 15.271, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. Facilities and programs are needed where travelers can obtain information about travel and hospitality services, ~~tourism~~ tourist attractions, parks and recreation opportunities, cultural and natural resources, and the state in general.

Sec. 6. Section 15F.403, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. The authority may use not more than five percent of the ~~money~~ moneys in the fund at the beginning of each fiscal year for purposes of administrative costs, technical assistance, and other program support.

Sec. 7. Section 15J.5, subsection 1, paragraph b, subparagraph (2), Code 2022, is amended to read as follows:

(2) For districts established on or after July 1, 2020, the amount of new state sales tax revenue for purposes of paragraph “a” shall be the product of four percent times the remainder of the amount of sales subject to the state sales tax in the district during the quarter from new retail establishments minus the sum of the sales from the corresponding quarter of the twelve-month period determined under section 15J.4, subsection 4, paragraph “b”, subparagraph (1), for new retail establishments identified under section 15J.4, subsection 4, paragraph “b”, subparagraph (1), that were in operation at the end of the quarter.

Sec. 8. Section 16.79A, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. The tax credit is allowed regardless of whether the ~~principle~~ principal agricultural asset is soil, pasture, or a building or other structure used in farming.

Sec. 9. Section 17A.7, subsection 1, Code 2022, is amended to read as follows:

1. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency ~~either~~ shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rulemaking proceedings in accordance with section 17A.4, or adopt a rule if it is not required to be filed according to the procedures of section 17A.4, subsection 1. The agency shall submit the petition and the disposition of the petition to the administrative rules review committee.

Sec. 10. Section 29B.4, subsection 1, Code 2022, is amended to read as follows:

1. ~~Apprehension~~ “Apprehension” is the taking of a person into custody. Any person authorized by this code, or by regulations issued under it, to apprehend persons subject to this code, any marshal of a court-martial appointed pursuant to the provisions of this code,



and any peace officer authorized to do so by law, may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.

Sec. 11. Section 39.28, Code 2022, is amended to read as follows:

**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 this chapter and chapters 39 39A 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 this chapter and chapters 39 39A 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. 12. Section 41.1, subsections 19, 40, and 97, Code 2022, are amended to read as follows:

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 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 the 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.

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 the 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.

Sec. 13. Section 43.114, Code 2022, is amended to read as follows:

**43.114 Time of holding special charter city primary.**

In special charter cities holding a city primary election under the provisions of ~~section 43.112~~ section 43.112, the primary shall be held on the first Tuesday in October of the year in which regular city elections are held.

Sec. 14. Section 44.18, subsection 5, Code 2022, is amended to read as follows:

5. Beginning in January 2011, and each odd-numbered year thereafter, the registrar and the voter registration commission may review the number of voters registered as affiliated with a nonparty political organization. If the number of registrants, including both active and inactive voters, is fewer than ~~150~~ one hundred fifty, the commission shall declare the organization to be dormant for purposes of voter registration and may revise the voter registration form and instructions and electronic voter registration system to remove the organization from the list of nonparty political organizations with which a voter may register as affiliated. However, a change shall not be made to the record of political affiliation of individual registrants unless the registrant requests the change.

Sec. 15. Section 47.3, subsection 1, Code 2022, is amended to read as follows:

1. The costs of conducting a special election called by the governor, the general election, and the primary election held prior to the general election shall be paid by the county.

Sec. 16. Section 73A.21, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. “Division” means the division of labor services of the department of workforce development.

Sec. 17. Section 80D.2, Code 2022, is amended to read as follows:

**80D.2 Personal standards.**

The director of the ~~law enforcement academy~~ with the approval of the ~~law enforcement academy council~~ may establish minimum standards of physical, educational, mental, and moral fitness for members of the reserve force.

Sec. 18. Section 85.67, Code 2022, is amended to read as follows:

**85.67 Administration of fund — special counsel — payment of award.**

1. 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 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.

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. 19. Section 89.3, subsection 5, paragraph a, subparagraph (4), subparagraph division (a), Code 2022, is amended to read as follows:

(a) The owner or user is a participant in good standing in the Iowa occupational safety and health voluntary protection program and has achieved star status within the program, which is administered by the division of labor services in the department of workforce development.

Sec. 20. Section 89.3, subsection 10, Code 2022, is amended to read as follows:

10. An exhibition boiler does not require an annual inspection certificate but special inspections may be requested by the owner or an event's management to be performed by the commissioner. Upon the completion of an exhibition boiler inspection a written condition report shall be prepared by the commissioner regarding the condition of the exhibition boiler's boiler or pressure vessel. This report will be issued to the owner and the management of all events at which the exhibition boiler is to be operated. The event's management is responsible for the decision on whether the exhibition boiler should be operated and shall inform the division of labor services of the event's management's decision. The event's management is responsible for any injuries which result from the operation of any exhibition boiler approved for use at the event by the event's management. A repair symbol, known as the "R" stamp, is not required for repairs made to exhibition boilers pursuant to the rules regarding inspections and repair of exhibition boilers as adopted by the commissioner, pursuant to chapter 17A.

Sec. 21. Section 91A.2, subsection 3, paragraph b, unnumbered paragraph 1, Code 2022, is amended to read as follows:

For the purposes of this chapter, the following persons engaged in agriculture are not employees:

Sec. 22. Section 91C.1, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. The labor services division of the department of workforce development and the Iowa department of public health will work with stakeholders to develop a plan to combine the contractor registration and contractor licensing application process for contractors licensed under chapter 105, to be implemented in time for licensing renewals due July 1, 2017. Effective July 1, 2017, a contractor licensed under chapter 105 shall register as a contractor under this chapter in conjunction with the contractor licensing process. At no cost to the labor services division, the department of public health shall collect both the registration and licensing applications as part of one combined application. The labor commissioner shall design the contractor registration application form to exclude from the division of labor's labor services contractor registration application process those contractors who are also covered by chapter 105. The labor commissioner is authorized to adopt rules as needed to accomplish a merger of the application systems including transitional registration periods and fees.

Sec. 23. Section 91C.9, subsection 1, Code 2022, is amended to read as follows:

1. A contractor registration revolving fund is created in the state treasury. The revolving fund shall be administered by the commissioner and shall consist of moneys collected by

the commissioner as fees. The commissioner shall remit all fees collected pursuant to this chapter to the revolving fund. The moneys in the revolving fund are appropriated to and shall be used by the commissioner to pay the actual costs and expenses necessary to perform the duties of the commissioner and the division of labor services as described in this chapter. All salaries and expenses properly chargeable to the revolving fund shall be paid from the revolving fund.

Sec. 24. Section 96.1A, subsection 16, paragraph g, subparagraph (3), subparagraph division (d), subparagraph subdivision (iii), Code 2022, is amended to read as follows:

(iii) The provisions of subparagraph subdivisions (i) and (ii) of this subparagraph division (d) of this subparagraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

Sec. 25. Section 96.7, subsection 2, paragraph d, subparagraph (2), Code 2022, is amended to read as follows:

(2) (a) The highest benefit cost ratio is the highest of the resulting ratios computed by dividing the total benefits paid, excluding reimbursable benefits paid, during each consecutive twelve-month period, during the ten-year period ending on the computation date, by the total wages, excluding reimbursable employment wages, paid in the four calendar quarters ending nearest and prior to the last day of such twelve-month period; however, the highest benefit cost ratio shall not be less than .02.

(b) If the current reserve fund ratio, divided by the highest benefit cost ratio:

Equals or exceeds	But is less than	The contribution rate table in effect shall be
—	0.3	1
0.3	0.5	2
0.5	0.7	3
0.7	0.85	4
0.85	1.0	5
1.0	1.15	6
1.15	1.30	7
1.30	—	8

(c) “Benefit ratio” means a number computed to six decimal places on July 1 of each year obtained by dividing the average of all benefits charged to an employer during the five periods of four consecutive calendar quarters immediately preceding the computation date by the employer’s average annual taxable payroll.

(d) Each employer qualified for an experience rating shall be assigned a contribution rate for each rate year that corresponds to the employer’s benefit ratio rank in the contribution rate table effective for the rate year from the following contribution rate tables. Each employer’s benefit ratio rank shall be computed by listing all the employers by increasing benefit ratios, from the lowest benefit ratio to the highest benefit ratio and grouping the employers so listed into twenty-one separate ranks containing as nearly as possible four and seventy-six hundredths percent of the total taxable wages, excluding reimbursable employment wages, paid in covered employment during the four completed calendar quarters immediately preceding the computation date. If an employer’s taxable wages qualify the employer for two separate benefit ratio ranks the employer shall be afforded the benefit ratio rank assigned the lower contribution rate. Employers with identical benefit ratios shall be assigned to the same benefit ratio rank.

Benefit Ratio Rank	Approximate Cumulative Taxable Payroll Limit	Contribution Rate Tables							
		1	2	3	4	5	6	7	8
1	4.8%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	9.5%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	14.3%	0.1	0.1	0.1	0.1	0.1	0.0	0.0	0.0
4	19.0%	0.4	0.3	0.3	0.2	0.1	0.1	0.1	0.1
5	23.8%	0.6	0.5	0.4	0.3	0.3	0.2	0.1	0.1
6	28.6%	0.9	0.8	0.6	0.5	0.4	0.3	0.2	0.1
7	33.3%	1.2	1.0	0.8	0.6	0.5	0.4	0.3	0.2
8	38.1%	1.5	1.3	1.0	0.8	0.6	0.5	0.3	0.2
9	42.8%	1.9	1.5	1.2	0.9	0.7	0.6	0.4	0.3
10	47.6%	2.1	1.8	1.4	1.1	0.8	0.6	0.5	0.3
11	52.4%	2.5	2.0	1.6	1.3	1.0	0.7	0.5	0.3
12	57.1%	3.0	2.4	1.9	1.5	1.1	0.9	0.6	0.4
13	61.9%	3.6	2.9	2.4	1.8	1.4	1.1	0.8	0.5
14	66.6%	4.4	3.6	2.9	2.2	1.7	1.3	1.0	0.6
15	71.4%	5.3	4.3	3.5	2.7	2.0	1.6	1.1	0.7
16	76.2%	6.3	5.2	4.1	3.2	2.4	1.9	1.4	0.9
17	80.9%	7.0	6.4	5.2	4.0	3.0	2.3	1.7	1.1
18	85.7%	7.5	7.5	7.0	5.4	4.1	3.1	2.3	1.5
19	90.4%	8.0	8.0	8.0	7.3	5.6	4.2	3.1	2.0
20	95.2%	8.5	8.5	8.5	8.0	7.6	5.8	4.3	2.8
21	100.0%	9.0	9.0	9.0	9.0	8.5	8.0	7.5	7.0

Sec. 26. Section 96.14, subsection 3, paragraph j, Code 2022, is amended to read as follows:

j. The courts of this state shall recognize and enforce liabilities for unemployment contributions, penalties, interest, and benefit overpayments imposed by other states which extend a like comity to this state. The department may sue in the courts of any other jurisdiction which extends such comity to collect unemployment contributions, penalties, interest, and benefit overpayments due this state. The officials of other states which, by statute or otherwise, extend a like comity to this state may sue in the district court to collect for such contributions, penalties, interest, and benefit overpayments. In any such case the director, as agent for and on behalf of any other state, may institute and conduct such suit for such other state. Venue of such proceedings shall be the same as for actions to collect delinquent contributions, penalties, interest, and benefit overpayments due under this chapter. A certificate by the secretary of any such state attesting the authority of such official to collect the contributions, penalties, interest, and benefit overpayments, is conclusive evidence of such authority. The requesting state shall pay the court costs.

Sec. 27. Section 96.14, subsection 8, Code 2022, is amended to read as follows:

8. *Manner of service.* Plaintiff in any such action shall cause the original notice of suit to be served as follows by doing all of the following:

a. ~~By filing~~ Filing a copy of ~~said the~~ original notice of suit with ~~said the~~ secretary of state, together with a fee of four dollars, ~~and,~~

b. ~~By mailing~~ Mailing to the defendant, and to each of the defendants if more than one, within ten days after ~~said filing the~~ notice with the secretary of state, by restricted certified mail addressed to the defendant at the defendant's last known residence or place of abode, a notification of the ~~said filing~~ with the secretary of state.

Sec. 28. Section 96.14, subsection 9, Code 2022, is amended to read as follows:

9. *Notification to nonresident — form.* The notification, provided for in subsection 7, shall be in substantially the following form, ~~to-wit:~~

To ..... (Here insert the name of each defendant and the defendant’s residence or last known place of abode as definitely as known.)

You will take notice that an original notice of suit against you, a copy of which is hereto attached, was duly served upon you at Des Moines, Iowa, by filing a copy of said notice on the ..... day of ..... (month), ..... (year), with the secretary of state of the state of Iowa.

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

.....

Plaintiff.

By .....

Attorney for Plaintiff.

Sec. 29. Section 96.14, subsection 13, Code 2022, is amended to read as follows:

13. *Venue of actions.* Actions against nonresidents as contemplated by this law may be brought in Polk county; or in the county in which such services were performed.

Sec. 30. Section 97A.6, subsection 11, paragraphs b and c, Code 2022, are amended to read as follows:

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~~ or 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~~ or considered payable in lieu of any retirement allowance payable pursuant to this section on account of the same disability.

Sec. 31. Section 97B.50A, subsection 5, paragraphs b and c, Code 2022, are amended to read as follows:

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~~ or 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~~ or considered payable in lieu of any retirement allowance payable pursuant to this section on account of the same disability.

Sec. 32. Section 99G.36, subsection 3, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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~~ is guilty of the following:

Sec. 33. Section 100.31, subsection 3, Code 2022, is amended to read as follows:

3. The state fire marshal or the fire marshal’s deputies shall cause each public or private school, college, or university to be inspected at least once every two years to determine whether each school meets the fire safety standards of this Code and is free from other fire hazards. Provided, however, that cities which employ fire department inspectors shall cause such inspections to be made.

Sec. 34. Section 125.92, subsection 2, Code 2022, is amended to read as follows:

2. Render informed consent, except for treatment provided pursuant to sections 125.81 and 125.91. If the person is incompetent, treatment may be consented to by the person’s next of kin or guardian notwithstanding the person’s refusal. If the person refuses treatment which in the opinion of the chief medical officer is necessary, or if the person is incompetent and

the next of kin or guardian refuses to consent to the treatment or no next of kin or guardian is available, the facility may petition a court of appropriate jurisdiction for approval to treat the person.

Sec. 35. Section 135.107, subsection 2, paragraph d, Code 2022, is amended to read as follows:

d. Cooperate with the center for agricultural ~~health and safety~~ and health established under section 262.78, the center for health effects of environmental contamination established under section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

Sec. 36. Section 135C.3, subsection 2, Code 2022, is amended to read as follows:

2. A licensed intermediate care facility for persons with mental illness shall provide an organized twenty-four-hour program of services commensurate with the needs of its residents and under the immediate direction of a licensed registered nurse, who has had at least two years of recent experience in a chronic or acute psychiatric setting. Medical and nursing ~~service~~ services must be provided under the direction of either a house physician or an individually selected physician. Surgery or obstetrical care shall not be provided within the facility. An admission to the intermediate care facility for persons with mental illness must be based on a physician's written order certifying that the individual being admitted requires no greater degree of nursing care than the facility to which the admission is made is licensed to provide and is capable of providing.

Sec. 37. Section 147C.1, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~§1209 ch. 1209~~ and 10 U.S.C. ~~§1211 ch. 1211~~.

Sec. 38. Section 217.15, Code 2022, is amended to read as follows:

**217.15 Administrator of division of administration.**

The administrator of the division of administration shall be qualified in the general field of governmental administration with special training and experience in the areas of competitive bidding, contract letting, accounting, and budget preparation.

Sec. 39. Section 218.31, Code 2022, 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 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 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. 40. Section 218.44, Code 2022, is amended to read as follows:

**218.44 Wages paid to dependent — deposits.**

If wages are paid to a resident pursuant to section 218.42, the administrator in control of an institution listed in section 218.1 may pay all or any part of the wages directly to any dependent of the resident. The administrator may also deposit the wages to the account of such the resident, or may so deposit part 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 the resident.

Sec. 41. Section 225C.25, Code 2022, is amended to read as follows:

**225C.25 Short title.**



~~Sections 225C.25 through~~ This section and sections 225C.26, 225C.28A, and 225C.28B shall be known as “the bill of rights and service quality standards of persons with an intellectual disability, developmental disabilities, brain injury, or chronic mental illness”.

Sec. 42. Section 225C.29, Code 2022, is amended to read as follows:

**225C.29 Compliance.**

Except for a violation of section 225C.28B, subsection 2, the sole remedy for violation of a rule adopted by the commission to implement sections ~~225C.25 through~~ 225C.25, 225C.26, 225C.28A, and 225C.28B shall be by a proceeding for compliance initiated by request to the division pursuant to chapter 17A. Any decision of the division shall be in accordance with due process of law and is subject to appeal to the Iowa district court pursuant to sections 17A.19 and 17A.20 by any aggrieved party. Either the division or a party in interest may apply to the Iowa district court for an order to enforce the decision of the division. Any rules adopted by the commission to implement sections ~~225C.25 through~~ 225C.25, 225C.26, 225C.28A, and 225C.28B do not create any right, entitlement, property or liberty right or interest, or private cause of action for damages against the state or a political subdivision of the state or for which the state or a political subdivision of the state would be responsible. Any violation of section 225C.28B, subsection 2, shall solely be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection 3, paragraph “g”.

Sec. 43. Section 225C.42, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. An analysis of the extent to which payments enabled children to remain in their homes. The analysis shall include but is not limited to all of the following items concerning children affected by the payments: ~~the~~

- (1) ~~The~~ number and percentage of children who remained with their families; ~~the~~
- (2) ~~The~~ number and percentage of children who returned to their home from an out-of-home placement and the type of placement from which the children returned; ~~and the~~
- (3) ~~The~~ number of children who received an out-of-home placement during the period and the type of placement.

Sec. 44. Section 230.6, subsection 1, Code 2022, is amended to read as follows:

1. If the administrator concurs with a certified determination of residency concerning the patient, the administrator shall cause the patient either to be transferred to a state hospital for persons with mental illness at the expense of the state, or to be transferred, with approval of the court as required by chapter 229, to the place of foreign residence.

Sec. 45. Section 232.37, subsection 1, Code 2022, is amended to read as follows:

1. After a petition has been filed the court shall set a time for an adjudicatory hearing and, unless the parties named in subsection 2 voluntarily appear, shall issue a summons requiring the child to appear before the court at a time and place stated and requiring the person who has custody or control of the child to appear before the court and to bring the child with the person at that time. The summons shall attach a copy of the petition and shall give notification of the right to counsel provided for in section 232.11.

Sec. 46. Section 249.3, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Is receiving either of the following:

(1) Care in a licensed adult foster home, boarding home or custodial home, as defined by section 135C.1, or in another type of protective living arrangement as defined by the department; ~~or~~

(2) Nursing care in the person’s own home, certified by a physician as being required, so long as the cost of the nursing care does not exceed standards established by the department.

Sec. 47. Section 256.9, subsection 64, Code 2022, is amended to read as follows:

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 to the Constitution of the United States which shall be used by school districts to provide training pursuant to section 279.75.

Sec. 48. Section 261.113, subsection 13, paragraph c, unnumbered paragraph 1, Code 2022, is amended to read as follows:

“*Service commitment area*” means a city in Iowa 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~~ the city meets any of the following conditions:

Sec. 49. Section 262.78, subsection 1, Code 2022, is amended to read as follows:

1. The board of regents shall establish a center for agricultural ~~health and safety and health~~ health at the university of Iowa. The center shall be a joint venture by the university of Iowa and Iowa state university of science and technology. The center shall establish farm health and safety programs designed to reduce the incidence of disabilities suffered by persons engaged in agriculture which results from disease or injury. The university of Iowa is primarily responsible for the management of agricultural health and injury programs at the center. Iowa state university of science and technology is primarily responsible for the management of the agricultural safety programs of the center.

Sec. 50. Section 263.17, subsection 7, Code 2022, is amended to read as follows:

7. The center shall cooperate with the center for rural health and primary care, established under section 135.107, the center for agricultural ~~health and safety and health~~ established under section 262.78, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

Sec. 51. Section 309.48, subsection 1, Code 2022, is amended to read as follows:

1. The annual accruing secondary road ~~funds (naming funds, naming the year)~~ year, of which the certificate is anticipatory.

Sec. 52. Section 321.14, Code 2022, is amended to read as follows:

**321.14 Seizure of documents and plates.**

The department is ~~hereby~~ authorized to take possession of any registration card, certificate of title, permit, or registration plate, certificate of inspection or any inspection document or form, upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.

Sec. 53. Section 329.6, subsection 1, Code 2022, is amended to read as follows:

1. If any municipality owning or controlling an airport adjacent to which there is an airport hazard area ~~shall fail fails or refuse refuses~~, within sixty days after a demand is 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 the~~ the 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~~. The provisions of section 329.4, subsections 3 through 9, shall apply to such actions provided, however, that ~~such the~~ the municipality shall be joined as a party defendant in ~~any such the~~ the action.

Sec. 54. Section 357.1B, subsection 3, Code 2022, is amended to read as follows:

3. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under this chapter and chapter 358, the term “*benefited water district*” includes a combined water and sanitary district where applicable.

Sec. 55. Section 390.1, subsection 10, Code 2022, is amended to read as follows:

10. “*Participant*” means a city, electric cooperative, or privately owned utility company, which is a party to a joint agreement.

Sec. 56. Section 403.16, subsection 6, Code 2022, is amended to read as follows:

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, the action affects all or a substantial portion of the properties included or planned to be included in such a project, or the action promotes the public purposes of such project. 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. 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 an 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 the vote or votes were decisive in the passage of the ordinance or resolution.

Sec. 57. Section 422.1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The provisions of this chapter are ~~herein~~ classified and designated as follows:

Sec. 58. Section 422.16, subsection 9, Code 2022, is amended to read as follows:

9. The amount of any overpayment of the individual income tax liability of the employee taxpayer, nonresident, or other person which may result from the withholding and payment of withheld tax by the employer or withholding agent to the department under subsections 1 and 12, as compared to the individual income tax liability of the employee taxpayer, nonresident, or other person properly and correctly determined under the provisions of ~~section~~ sections 422.4, to and including section through 422.15, this section, and sections 422.16A through 422.25, may be credited against any income tax or installment thereof then due the state of Iowa and any balance of one dollar or more shall be refunded to the employee taxpayer, nonresident, or other person with interest in accordance with section 421.60, subsection 2, paragraph "e". Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, and only if the application is filed within twelve months after the due date of the return. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by warrants drawn by the director of the department of administrative services, or an authorized employee of the department, and the taxpayer's return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

Sec. 59. Section 422.16, subsection 12, paragraph a, Code 2022, 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 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. 60. Section 422.25, subsection 4, paragraph a, Code 2022, is amended to read as follows:

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.

Sec. 61. Section 441.7, Code 2022, is amended to read as follows:

**441.7 Special examination.**

1. If the conference board fails to appoint an assessor from the list of individuals on the register, the conference board shall request permission from the director of revenue to hold a special examination in the particular city or county in which the vacancy has occurred. Permission may be granted by the director of revenue after consideration of factors such as the availability of candidates in that particular city or county.

2. The director of revenue shall conduct no more than one special examination for each vacancy in an assessing jurisdiction. The examination shall be conducted by the director of revenue as provided in section 441.5, except as otherwise provided in this section. The examining board shall give notice of holding the examination for assessor by posting a written notice in a conspicuous place in the county courthouse in the case of county assessors or in the city hall in the case of city assessors, stating that at a specified date, an examination for the position of assessor will be held at a specified place. Similar notice shall be given at the same time by one publication of the notice in three newspapers of general circulation in the case of a county assessor, or in case there are not three such newspapers in a county, then in newspapers which are available, or in one newspaper of general circulation in the city in the case of city assessor.

3. The conference board of the city or county in which a special examination is held shall reimburse the department of revenue for all expenses incurred in the administration of the examination, to be paid for by the respective city or county assessment expense fund. Following the administration of this special examination, the director of revenue shall certify to the examining board a new list of candidates eligible to be appointed as assessor and the examining board and conference board shall proceed in accordance with the provisions of section 441.6.

Sec. 62. Section 441.48, subsection 1, Code 2022, is amended to read as follows:

1. Before the department of revenue ~~shall adjust~~ adjusts the valuation of any class of property by any such percentage, the department shall first serve ten days' notice by mail, on the county auditor of the county whose valuation is proposed to be adjusted.

Sec. 63. Section 453A.22, Code 2022, is amended to read as follows:

**453A.22 Revocation — suspension — civil penalty.**

1. If a person holding a permit issued by the department under this subchapter, including a retailer permit for railway car, has willfully violated section 453A.2, the department shall revoke the permit upon notice and hearing. If the person violates any other provision of this subchapter, or a rule adopted under this subchapter, or is substantially delinquent in the payment of a tax administered by the department or the interest or penalty on the tax, or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department, the department may revoke

the permit issued to the person, after giving the permit holder an opportunity to be heard upon ten days' written notice stating the reason for the contemplated revocation and the time and place at which the person may appear and be heard. The hearing before the department may be held at a site in the state as the department may direct. The notice shall be given by mailing a copy to the permit holder's place of business as it appears on the application for a permit. If, upon hearing, the department finds that the violation has occurred, the department may revoke the permit.

2. If a retailer or employee of a retailer has violated section 453A.2 or section 453A.36, subsection 6, the department or local authority, or the alcoholic beverages division of the department of commerce following transfer of the matter to the alcoholic beverages division of the department of commerce pursuant to section 453A.2, subsection 6, in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in subsection 1 as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen days.

b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars or the retailer's permit shall be suspended for a period of thirty days. The retailer may select its preference in the penalty to be applied under this paragraph.

c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of thirty days.

d. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of sixty days.

e. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

3. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.5 at the time of the violation. A retailer may assert only once in a four-year period the bar under this subsection against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

~~4. Reserved.~~

~~5. 4.~~ If a permit is revoked a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the issuing authority.

~~6. 5.~~ Notwithstanding subsection ~~5 4~~, if a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

~~7. 6.~~ The department or local authority shall report the suspension or revocation of a retail permit under this section to the alcoholic beverages division of the department of commerce within thirty days of the suspension or revocation of the retail permit.

~~8. 7.~~ For the purposes of this section, "retailer" means retailer as defined in sections 453A.1 and 453A.42 and "retail permit" includes permits issued to retailers under subchapter I or subchapter II of this chapter.

Sec. 64. Section 453A.23, subsection 4, Code 2022, is amended to read as follows:

4. The provisions of section 453A.22, subsections 1 and ~~5~~ of section 453A.22 4, shall apply to the revocation of such permit and the issuance of a new one.

Sec. 65. Section 455B.145, subsection 2, paragraph b, Code 2022, is amended to read as follows:

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 subchapter II, or rules adopted ~~thereunder~~ under this subchapter II, and whether the local program is being enforced. The burden of proof shall be upon the political subdivision.

Sec. 66. Section 455B.174, subsections 1 and 3, Code 2022, are amended to read as follows:

1. Conduct investigations of alleged water pollution or of alleged violations of this part 1 of subchapter III, chapter 459, subchapter III, chapter 459A, or chapter 459B, or any rule adopted or any permit issued pursuant ~~thereto to this part 1 of subchapter III, chapter 459, subchapter III, chapter 459A, or chapter 459B,~~ 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 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 subchapter III or chapter 459, subchapter III, or of any rule or standard established or permit issued pursuant ~~thereto~~ to this part 1 of subchapter III or chapter 459, subchapter III.

Sec. 67. Section 455B.261, unnumbered paragraph 1, Code 2022, is amended to read as follows:

As used in this part 4 of subchapter III, unless the context otherwise requires:

Sec. 68. Section 455B.381, subsection 4, Code 2022, is amended to read as follows:

4. "*Hazardous condition*" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this subchapter IV, a site which is a hazardous waste or hazardous substance disposal site as defined in section 455B.411, subsection 4, is a hazardous condition.

Sec. 69. Section 456A.24, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Acquire by purchase, condemnation, lease, agreement, gift, and devise lands or waters suitable for the purposes enumerated in this subsection, and rights-of-way to those lands and waters, and to maintain the lands and waters for the following purposes, ~~to wit:~~

Sec. 70. Section 462A.4, Code 2022, is amended to read as follows:

**462A.4 Operation of unnumbered vessels prohibited.**

~~Every~~ Except as provided in sections 462A.6 and 462A.6A, every vessel ~~except as provided in sections 462A.6 and 462A.6A~~ on the waters of this state under the jurisdiction of the commission shall be numbered. A person shall not operate, maintain, or give permission for the operation or maintenance of any vessel on such waters unless the vessel is numbered in accordance with this chapter or in accordance with applicable federal laws or in accordance with a federally approved numbering system of another state and unless the certificate of number awarded to the vessel is in full force and effect.

Sec. 71. Section 462A.82, subsection 1, Code 2022, 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. A title tax is not required on these transactions.

Sec. 72. Section 468.49, subsection 1, Code 2022, is amended to read as follows:

1. A classification of land for drainage, erosion, or flood control purposes, when finally adopted, shall remain the basis of all future assessments for the purpose of the district unless revised by the board in the manner provided for reclassification. However, where land included in said classification has been destroyed, in whole or in part, by the erosion of a river, or where additional right-of-way has been subsequently taken for drainage purposes, the land which has been so eroded and carried away by the action of a river or which has been taken for additional right-of-way, may be removed by the board from the district as classified, without any reclassification, and no assessment shall thereafter be made on the land so removed. Any deficiency in assessment existing as the result of said action of the board shall be spread by it over the balance of lands remaining in said district in the same ratio as was fixed in the classification of the lands, payable at the next taxing period.

Sec. 73. Section 476.23, subsection 4, Code 2022, is amended to read as follows:

4. If not inconsistent with the provisions of this subchapter, all of the following apply:

a. All rights of municipal corporations under chapter 364 to grant a person a franchise to erect, maintain, and operate plants and systems for electric light and power within the corporate boundaries, and rights acquired by franchise or agreement shall be preserved in these municipal corporations;

b. All rights of city utilities under the city code shall be preserved in these city utilities;

c. All rights of city utilities and joint electric utilities under chapter 390 shall be preserved in these city utilities and joint electric utilities; and

d. All rights of cities under chapter 6B are preserved. However, prior to the institution of condemnation proceedings, the city shall obtain a certificate of authority from the board in accordance with this subchapter and the board's determination of price under this subchapter shall be conclusive evidence of damages in these condemnation proceedings.

Sec. 74. Section 478.15, subsection 1, Code 2022, is amended to read as follows:

1. Any person, company, or corporation having secured a franchise as provided in this chapter, shall thereupon be vested with the right of eminent domain to such extent as the utilities board may approve, prescribe and find to be necessary for public use, not exceeding one hundred feet in width for right-of-way and not exceeding one hundred sixty acres in any one location, in addition to right-of-way, for the location of electric substations to carry out the purposes of said franchise; provided however, that where two hundred ~~K-V~~ kilovolt lines or higher voltage lines are to be constructed, the person, company, or corporation may apply to the board for a wider right-of-way not to exceed two hundred feet, and the board may for good cause extend the width of such right-of-way for such lines to the person, company, or corporation applying for the same. The burden of proving the necessity for public use shall be on the person, company, or corporation seeking the franchise. A homestead site, cemetery, orchard, or schoolhouse location shall not be condemned for the purpose of erecting an electric substation. If agreement cannot be made with the private owner of lands as to damages caused by the construction of said transmission line, or electric substations, the same proceedings shall be taken as provided for taking private property for works of internal improvement.

Sec. 75. Section 478.23, Code 2022, is amended to read as follows:

**478.23 Prior franchises — legislative control.**

Any such franchise heretofore granted under previously existing law shall not be abrogated by the provisions of this chapter, but all such franchises and all franchises granted under the provisions of this chapter shall be subject to further legislative control.

Sec. 76. Section 479.3, Code 2022, is amended to read as follows:

**479.3 Conditions attending operation.**

No pipeline company shall construct, maintain, or operate any pipeline or lines under, along, over, or across any public or private highways, grounds, waters, or streams of any kind in this state except in accordance with the provisions of this chapter.

Sec. 77. Section 479.5, subsections 1 and 2, Code 2022, are amended to read as follows:

1. A pipeline company doing business in this state shall file with the board its verified petition asking for a permit to construct, maintain, and operate its pipeline or lines along, over, or across the public or private highways, grounds, waters, and streams of any kind of this state. Any pipeline company now owning or operating a pipeline in this state shall be issued a permit by the board upon supplying the information as provided for in section 479.6.

2. A pipeline company doing business in this state and proposing to engage in underground storage of gas within this state shall file with the board its verified petition asking for a permit to construct, maintain, and operate facilities for the underground storage of gas to include the construction, placement, maintenance, and operation of machinery, appliances, fixtures, wells, pipelines, and stations necessary for the construction, maintenance, and operation of the gas underground storage facilities.

Sec. 78. Section 479.5, subsection 4, paragraph b, Code 2022, is amended to read as follows:

b. The notice shall set forth the name of the applicant; the applicant's principal place of business; the general description and purpose of the proposed project; the general nature of the right-of-way desired; the possibility that the right-of-way may be acquired by condemnation if approved by the utilities board; a map showing the route of the proposed project; a description of the process used by the utilities board in making a decision on whether to approve a permit including the right to take property by eminent domain; that the landowner has a right to be present at such meeting and to file objections with the board; and a designation of the time and place of the meeting. The notice shall be served by certified mail with return receipt requested not less than thirty days previous to the time set for the meeting, and shall be published once in a newspaper of general circulation in the county. The publication shall be considered notice to landowners whose residence is not known and to each person in possession of or residing on the property provided a good faith effort to notify can be demonstrated by the pipeline company.

Sec. 79. Section 479.32, Code 2022, is amended to read as follows:

**479.32 Rehearing — judicial review.**

Rehearing procedure for any person, company, or corporation aggrieved by the action of the board in granting or failing to grant a permit under the provisions of this chapter shall be as provided in section 476.12. Judicial review may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

Sec. 80. Section 479.34, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A person seeking to acquire an easement or other property interest for the construction, maintenance, or operation of a pipeline shall:

Sec. 81. Section 481A.30, Code 2022, is amended to read as follows:

**481A.30 Entire shipment contraband.**

In the shipping of fish, game, animals, birds, or furs, whenever a container includes one or more fish, game, animals, birds, or furs that are contraband, the entire contents of the container shall be deemed contraband, and shall be seized by the director or the director's officers.

Sec. 82. Section 481A.58, Code 2022, is amended to read as follows:

**481A.58 Trapping birds or poisoning animals.**

No person except those acting under the authority of the director shall capture or take, or attempt to capture or take, any game bird with any trap, snare, or net, any game bird, nor shall any person use any poison, or any medicated or poisoned food, or any other substance for the killing, capturing, or taking of any game bird or animal.



Sec. 83. Section 481A.120, Code 2022, is amended to read as follows:

**481A.120 Hunting from aircraft or snowmobiles prohibited.**

A person, either singly or as one of a group of persons, shall not intentionally kill or wound, attempt to kill or wound, or pursue any animal, fowl, or fish from or with an aircraft in flight or from or with any self-propelled vehicles designed for travel on snow or ice which utilize sled type runners, or skis, or an endless belt tread, or ~~wheel~~ wheels, or any combination thereof, and which are commonly known as snowmobiles.

Sec. 84. Section 483A.9, Code 2022, is amended to read as follows:

**483A.9 Blanks.**

The director shall provide blanks for, and determine the method, means, and requirements of issuing licenses including the issuance of, licenses by electronic means.

Sec. 85. Section 504.1703, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Except as provided in subsection 2, the repeal of a statute by 2004 Iowa Acts, ch. 1049, does not affect any of the following:

Sec. 86. Section 509.2, subsection 7, Code 2022, 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 through 10 ~~following~~ if applicable.

Sec. 87. Section 514J.101, Code 2022, is amended to read as follows:

**514J.101 Purpose — applicability.**

The purpose of this chapter is to provide uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination made by a health carrier as required by the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, which amends the Public Health Service Act and adopts, in part, ~~new~~ 42 U.S.C. §300gg-19, and to address issues which are unique to the external review process in this state.

Sec. 88. Section 523A.601, subsection 4, Code 2022, is amended to read as follows:

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 be 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. 89. Section 537.2510, subsection 2, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2022, is amended to read as follows:

The amount of rebate shall be determined by applying the rate of finance charge which was required to be disclosed in the transaction pursuant to section 537.3201, according to the actuarial method.;

Sec. 90. Section 537.3606, subsection 6, Code 2022, is amended to read as follows:

6. Every consumer rental purchase agreement shall contain immediately above or adjacent to the place for the signature of the lessee, a clear, conspicuous, printed or typewritten notice in substantially the following language:

NOTICE TO LESSEE — READ BEFORE SIGNING

{a} [1] Do not sign this before you read the entire agreement including any writing on the reverse side, even if otherwise advised.

{b} [2] Do not sign this if it contains any blank spaces.

~~{e}~~ [3] You are entitled to an exact copy of any agreement you sign.

~~{d}~~ [4] You have the right to exercise any early buy-out option as provided in this agreement. Exercise of this option may result in a reduction of your total cost to acquire ownership under this agreement.

~~{e}~~ [5] If you elect to make weekly rather than monthly payments and exercise your purchase option, you may pay more for the leased property.

Sec. 91. Section 543D.2, subsection 9, Code 2022, is amended to read as follows:

9. A ~~“certified real estate appraiser”~~ “Certified real estate appraiser” means a person who develops and communicates real estate appraisals and who holds a current, valid certificate for appraisals of types of real estate which may include residential, commercial, or rural real estate, as may be established under this chapter.

Sec. 92. Section 544A.13, subsection 1, paragraph c, Code 2022, is amended to read as follows:

c. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee’s profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

Sec. 93. Section 544A.17, subsection 3, Code 2022, is amended to read as follows:

3. Superintendents, inspectors, supervisors, and building trades craftspersons while performing their customary duties.

Sec. 94. Section 544A.18, subsection 4, Code 2022, is amended to read as follows:

4. Warehouses and commercial buildings not more than one story in height, and not exceeding ten thousand square feet in gross floor area; commercial buildings not more than two stories in height and not exceeding six thousand square feet in gross floor area; and light industrial buildings.

Sec. 95. Section 554.2106, subsection 1, Code 2022, is amended to read as follows:

1. In this Article unless the context otherwise requires ~~“contract”~~ “contract” and ~~“agreement”~~ “agreement” are limited to those relating to the present or future sale of goods. “Contract for sale” includes both a present sale of goods and a contract to sell goods at a future time. A ~~“sale”~~ “sale” consists in the passing of title from the seller to the buyer for a price (section 554.2401). A ~~“present sale”~~ “present sale” means a sale which is accomplished by the making of the contract.

Sec. 96. Section 554.12107, Code 2022, is amended to read as follows:

**554.12107 Federal reserve regulations and operating circulars.**

Regulations of the board of governors of the federal reserve system and operating circulars of the federal reserve banks as of July 1, 1991, supersede any inconsistent provision of this ~~article~~ Article to the extent of the inconsistency.

Sec. 97. Section 556E.6, Code 2022, 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 section and sections 556E.3 through 556E.5, 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 through 556E.5, 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. 98. Section 590.2, Code 2022, is amended to read as follows:

**590.2 Notice of hearing in probate.**

In all instances prior to January 1, 1964, where the clerk of the district court of any county failed to publish notice of the time fixed for hearing of the probate of any will filed in such county as required by section 11865 of the Code [1924 to through 1939, inclusive], and section 633.20, Codes 1946 to through 1962, inclusive, but did publish a notice of the time fixed for such hearing signed by the clerk and addressed to whom it may concern in a daily or weekly newspaper printed in the county where the will was filed, such notice of time fixed for the hearing of the probate of such will is hereby legalized and shall have the same force and effect as though the same had been published in strict conformity with the requirements of said section.

Sec. 99. Section 591.16, subsection 2, Code 2022, is amended to read as follows:

2. This section 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 the effective date of this section April 3, 1964.

Sec. 100. Section 600A.9, subsection 1, Code 2022, is amended to read as follows:

1. Subsequent to the hearing on termination of parental rights under this chapter, the juvenile court shall make a finding of facts and shall do one of the following:

a. Order the petition ~~dismissed; or,~~ dismissed.

b. Order the petition granted. The juvenile court shall appoint a guardian and a custodian or a guardian only. An order issued under this paragraph shall include the finding of facts. Such finding shall specify the factual basis for terminating the parent-child relationship and shall specify the ground or grounds upon which the termination is ordered.

Sec. 101. Section 633.448, Code 2022, 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.

Sec. 102. Section 709.15, subsection 4, paragraph c, Code 2022, is amended to read as follows:

c. This subsection only applies to an offense under paragraph "a", subparagraph (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 paragraph "a", subparagraph (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. 103. Section 716.14, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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:

Sec. 104. Section 904.805, subsections 2 and 3, Code 2022, are amended to read as follows:

2. Receive, investigate, and take appropriate action upon any complaints from potential purchasers of Iowa state industries products or services regarding lack of cooperation by

Iowa state industries with public bodies and officers who are listed in section 904.807, and with other potential purchasers.

3. Establish, transfer, and close industrial operations as deemed advisable to maximize opportunities for gainful work for inmates and to adjust to actual or potential market demand for particular products or services.

Sec. 105. Section 904.812, Code 2022, is amended to read as follows:

**904.812 Restriction on goods made available.**

Effective July 1, 1978, and notwithstanding any other provisions of this subchapter, goods made available by Iowa state industries shall be restricted to items, materials, supplies, and equipment which are formulated or manufactured by Iowa state industries and shall not include goods, materials, supplies, or equipment which are merely purchased by Iowa state industries for repacking or resale except with approval of the state director when such repacking for resale items are directly related to product lines.

Sec. 106. 2021 Iowa Acts, chapter 101, section 1, is amended to read as follows:

SEC. 1. Section 708.7, Code 2021, is amended by adding the following new subsection:

**NEW SUBSECTION. 07.** A person injured by a violation of ~~section~~ subsection 1, paragraph “a”, subparagraph (4), may bring a civil action against the person whose conduct violated ~~section~~ subsection 1, paragraph “a”, subparagraph (4).

Sec. 107. 2021 Iowa Acts, chapter 143, section 40, is amended to read as follows:

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 the 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 ~~geographic~~ geological 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. 108. 2021 Iowa Acts, chapter 143, section 41, is amended by striking the section and inserting in lieu thereof the following:

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 geological 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.

Sec. 109. 2021 Iowa Acts, chapter 165, section 126, is amended to read as follows:

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~~ utilities 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. 110. 2021 Iowa Acts, chapter 183, section 5, is amended to read as follows:

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 subsection.

## DIVISION II RETROACTIVE APPLICABILITY PROVISIONS

Sec. 111. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2021:

1. The section of this Act amending 2021 Iowa Acts, chapter 101, section 1.
2. The section of this Act amending 2021 Iowa Acts, chapter 143, section 40.
3. The section of this Act amending 2021 Iowa Acts, chapter 143, section 41.
4. The section of this Act amending 2021 Iowa Acts, chapter 183, section 5.

Sec. 112. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2022:

The section of this Act amending 2021 Iowa Acts, chapter 165, section 126.

Approved April 21, 2022

## CHAPTER 1033

### JUDGES — RESIDENCY REQUIREMENTS, NOMINATION AND APPOINTMENT PROCESS, AND RESIGNATIONS

*H.F. 2481*

**AN ACT** relating to judicial selection, including the nominees to the court of appeals, and the appointments, resignations, and residency requirements of district judges, district associate judges, associate juvenile judges, and associate probate judges.

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

Section 1. Section 46.14, subsection 1, Code 2022, is amended to read as follows:

1. Each judicial nominating commission shall carefully consider the individuals available for judge, and within sixty days after receiving notice of a vacancy shall certify to the governor and the chief justice the proper number of nominees, in alphabetical order. Such nominees shall be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation. Nominees shall be members of the bar of Iowa, shall be residents of the state or district of the court or a county contiguous with the district to which they are nominated, and shall be of such age that they will be able to serve an initial and one regular term of office to which they are nominated before reaching the age of seventy-two years. ~~Nominees for district judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the district judicial nominating commission.~~ Absence of a commissioner or vacancy upon the commission shall not invalidate a nomination. The chairperson of the commission shall promptly certify the names of the nominees, in alphabetical order, to the governor and the chief justice by sending by electronic mail the certification to the governor and chief justice or the governor's and chief justice's designees on the day of the nomination.

Sec. 2. Section 46.14A, Code 2022, is amended to read as follows:

**46.14A Court of appeals — nominees.**

Vacancies in the court of appeals shall be filled by appointment by the governor from a list of nominees submitted by the state judicial nominating commission. ~~Three~~ Five nominees shall be submitted for each vacancy. Nominees to the court of appeals shall have the qualifications prescribed for nominees to the supreme court.

Sec. 3. Section 602.2301, subsection 2, Code 2022, is amended to read as follows:

2. Notwithstanding sections 602.6304, 602.7103B, and 633.20B, the chief justice may order ~~any county magistrate appointing commission~~ the state commissioner of elections to delay, for budgetary reasons, publicizing the notice the sending of a notification to the governor that a vacancy in the office of a vacancy for a district associate judgeship judge, associate juvenile judgeship judge, or associate probate judgeship judge has occurred or will occur.

Sec. 4. Section 602.6201, subsection 2, Code 2022, is amended to read as follows:

2. A district judge must be a resident of the judicial election district or a resident of a county contiguous with the judicial election district in which appointed and retained before assuming office and must be a resident of the judicial election district during the entire term of office. Subject to the provision for reassignment of judges under section 602.6108, a district judge shall serve in the district of the judge's residence while in office, regardless of the number of judgeships to which the district is entitled under the formula prescribed by the supreme court in subsection 3.

Sec. 5. Section 602.6302, subsection 2, Code 2022, is amended to read as follows:

2. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission or commissions and the governor no later than May 31 of the year in which the substitution is to take effect. A copy of the order shall also be sent to the state court administrator.

Sec. 6. Section 602.6303, subsection 2, Code 2022, is amended to read as follows:

2. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission or commissions and the governor no later than May 31 of the year in which the substitution is to take effect. The order shall designate the county of appointment for each magistrate. A copy of the order shall also be sent to the state court administrator.

Sec. 7. Section 602.6304, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**602.6304 Appointment and resignation of district associate judges.**

1. The district associate judges authorized by sections 602.6301 and 602.6302 shall be appointed by the governor from persons nominated by the district judicial nominating commission in the same manner as district judges under chapter 46.

2. A district associate judge who seeks to resign from the office of district associate judge shall notify in writing the governor, the chief judge of the judicial district, and the state commissioner of elections as to the district associate judge's intention to resign and the effective date of the resignation.

3. When a vacancy occurs or will occur within one hundred twenty days in the office of the district associate judge, the state commissioner of elections shall forthwith so notify the governor. The governor shall call a meeting of the commission within ten days after such notice. If the governor fails to do so, the chief justice shall call such meeting.

Sec. 8. Section 602.6305, subsections 2 and 3, Code 2022, are amended to read as follows:

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment ~~a resident of the judicial election district in which the vacancy exists,~~ licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. ~~An applicant for district associate judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing~~

~~commission. A nominee to the office of district associate judge must reside in the judicial election district to which the nominee is nominated or in a contiguous county to the judicial election district to which the nominee is nominated.~~

3. A district associate judge must be a resident of the judicial election district in which the office is held before assuming office and during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Sec. 9. Section 602.6502, Code 2022, is amended to read as follows:

**602.6502 Prohibitions to appointment.**

A member of a county magistrate appointing commission shall not be appointed to the office of magistrate, ~~and shall not be nominated for or appointed to the office of district associate judge, office of associate juvenile judge, or office of associate probate judge.~~ A member of the commission shall not be eligible to vote for the appointment or nomination of a family member, current law partner, or current business partner. For purposes of this section, “family member” means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Sec. 10. Section 602.7103B, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**602.7103B Appointment and resignation of full-time associate juvenile judges.**

1. Full-time associate juvenile judges shall be appointed by the governor from persons nominated by the district judicial nominating commission in the same manner as district judges under chapter 46.

2. A full-time associate juvenile judge who seeks to resign from the office of full-time associate juvenile judge shall notify in writing the governor, the chief judge of the judicial district, and the state commissioner of elections as to the full-time associate judge’s intention to resign and the effective date of the resignation.

3. When a vacancy occurs or will occur within one hundred twenty days in the office of a full-time associate juvenile judge, the state commissioner of elections shall forthwith so notify the governor. The governor shall call a meeting of the commission within ten days after such notice. If the governor fails to do so, the chief justice shall call such meeting.

Sec. 11. Section 602.7103C, subsections 2 and 3, Code 2022, are amended to read as follows:

2. A person does not qualify for appointment to the office of full-time associate juvenile judge unless the person is at the time of appointment ~~a resident of the county in which the vacancy exists,~~ licensed to practice law in Iowa, and will be able, measured by the person’s age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. ~~An applicant for full-time associate juvenile judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission~~ A nominee to the office of full-time associate juvenile judge must reside in the judicial election district to which the nominee is nominated or in a contiguous county to the judicial election district to which the nominee is nominated.

3. A full-time associate juvenile judge must be a resident of ~~a county~~ the judicial election district in which the office is held before assuming office and during the entire term of office. A full-time associate juvenile judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Sec. 12. Section 633.20B, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**633.20B Appointment and resignation of full-time associate probate judges.**

1. Full-time associate probate judges shall be appointed by the governor from persons nominated by the district judicial nominating commission in the same manner as district judges under chapter 46.

2. A full-time associate probate judge who seeks to resign from the office of full-time associate probate judge shall notify in writing the governor, the chief judge of the judicial district, and the state commissioner of elections as to the full-time associate probate judge's intention to resign and the effective date of the resignation.

3. When a vacancy occurs or will occur within one hundred twenty days in the office of a full-time associate probate judge, the state commissioner of elections shall forthwith so notify the governor. The governor shall call a meeting of the commission within ten days after such notice. If the governor fails to do so, the chief justice shall call such meeting.

Sec. 13. Section 633.20C, subsections 2 and 3, Code 2022, are amended to read as follows:

2. A person does not qualify for appointment to the office of full-time associate probate judge unless the person is at the time of appointment ~~a resident of the county in which the vacancy exists~~, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. ~~An applicant for full-time associate probate judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission~~ A nominee to the office of full-time associate probate judge must reside in the judicial election district to which the nominee is nominated or in a contiguous county to the judicial election district to which the nominee is nominated.

3. A full-time associate probate judge must be a resident of ~~a county~~ the judicial election district in which the office is held before assuming office and during the entire term of office. A full-time associate probate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Approved April 21, 2022

## CHAPTER 1034

### VETERANS TRUST FUND — INVESTMENT AND USE OF FUNDS

#### H.F. 2501

**AN ACT** relating to the investment and use of funds in the veterans trust fund.

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

Section 1. Section 12B.10, subsection 6, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *n.* Investments by the veterans trust fund established in section 35A.13.

Sec. 2. Section 12B.10C, subsection 4, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* The veterans trust fund established in section 35A.13.

Sec. 3. Section 35A.13, subsection 3, Code 2022, is amended to read as follows:

3. Moneys credited to the trust fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. ~~Moneys in the trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the trust fund by the end of that fiscal year.~~ Moneys in the trust fund may also be used for cemetery grant development purposes provided that any moneys so allocated, except for moneys used for department of administrative services expenditures related to the grant, are returned to the trust fund upon receipt of federal funds received for such purposes.



Sec. 4. Section 35A.13, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *a.* Notwithstanding subsection 4, moneys in the fund, except so much of the fund as may be necessary to be kept on hand for the making of disbursements under this section, shall be invested by the treasurer of state, in consultation with the commission and the public retirement systems committee established by section 97D.4, in any investments authorized for the Iowa public employees' retirement system in section 97B.7A, including common stock, and subject to the requirements of chapters 12F, 12H, and 12J, and the earnings therefrom shall be credited to the fund. The treasurer of state may execute contracts and agreements with investment advisors, consultants, and investment management and benefit consultant firms in the administration of investments of moneys in the fund.

*b.* Investment management expenses shall be charged to the investment income of the fund and there is appropriated to the treasurer of state from the investment income of the fund an amount required for the investment management expenses.

*c.* For purposes of this subsection, investment management expenses are limited to the following:

(1) Fees for investment advisors, consultants, and investment management and benefit consultant firms hired by the treasurer of state in administering the investments of the fund.

(2) Fees and costs for safekeeping fund assets.

(3) Costs for performance and compliance monitoring, and accounting for fund investments.

(4) Any other costs necessary to prudently invest or protect the assets of the fund.

*d.* The commission, the public retirement systems committee established by section 97D.4, and the treasurer of state, and their employees, are not personally liable for claims based upon an act or omission of the person performed in the discharge of the person's duties concerning the veterans trust fund, except for acts or omissions which involve malicious or wanton misconduct.

Sec. 5. Section 35A.13, subsection 4, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

4. *a.* For each fiscal year that the balance of the trust fund on July 1 is below fifty million dollars, the interest and earnings on moneys in the fund and the first five hundred thousand dollars transferred pursuant to section 99G.39 from the lottery fund are appropriated to the commission to be used to achieve the purposes of subsection 6. Moneys appropriated to the commission under this paragraph that remain unencumbered or unobligated at the end of the fiscal year shall revert to the fund.

*b.* For each fiscal year that the balance of the trust fund on July 1 is above fifty million dollars but the balance of the fund was below fifty million dollars on July 1 of the previous fiscal year, moneys transferred pursuant to section 99G.39 from the lottery fund are appropriated to the commission to be used to achieve the purposes of subsection 6. Moneys appropriated to the commission under this paragraph that remain unencumbered or unobligated at the end of the fiscal year shall revert to the fund.

*c.* For each fiscal year that the balance of the trust fund on July 1 is above fifty million dollars and the balance of the fund was above fifty million dollars on July 1 of the previous fiscal year, moneys equal to the net income the fund received in the previous fiscal year are appropriated to the commission to be used to achieve the purposes of subsection 6. Moneys appropriated to the commission under this paragraph that remain unencumbered or unobligated at the end of the fiscal year shall revert to the fund. For the purposes of this paragraph, "income" means moneys credited to the veterans trust fund pursuant to subsection 2 and moneys transferred pursuant to section 99G.39.

*d.* Notwithstanding paragraphs "a", "b", and "c", moneys credited to the war orphans educational assistance account shall be expended as provided in subsection 7.

Sec. 6. Section 97D.4, subsection 3, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0g.* Consult with the treasurer of state and the commission of veterans affairs in accordance with section 35A.13, subsection 3A.

Approved April 21, 2022

## CHAPTER 1035

### SALE OF TRAVEL INSURANCE

*H.F. 2540*

**AN ACT** relating to the sale of travel insurance.

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

Section 1. NEW SECTION. **515K.1 Short title.**

This chapter shall be known and may be cited as the “*Travel Insurance Model Act*”.

Sec. 2. NEW SECTION. **515K.2 Definitions.**

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

1. “*Aggregator site*” means an internet site that provides access to information regarding insurance products, including product and insurer information, that is obtained from more than one insurer for use by consumers in comparison shopping.

2. “*Blanket travel insurance*” means a policy of travel insurance issued to any eligible group that provides coverage for specific classes of persons as defined in the policy, with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.

3. “*Cancellation fee waiver*” means a contractual agreement between a supplier of travel services and the supplier’s customers to waive some or all of the nonrefundable cancellation fee provisions of the supplier’s underlying travel contract with or without regard to the reason for cancellation or to the form of reimbursement. A cancellation fee waiver shall not be considered insurance.

4. “*Commissioner*” means the commissioner of insurance.

5. “*Designated responsible producer*” means an employee of a limited lines travel insurance producer who is a licensed individual insurance producer and who is designated by the limited lines travel insurance producer as the individual responsible for compliance with the travel insurance laws and regulations applicable to the limited lines travel insurance producer and the limited lines travel insurance producer’s registrants.

6. “*Eligible group*” means two or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, including but not limited to any of the following:

a. An entity engaged in the business of providing travel or travel services, including but not limited to a tour operator, a lodging provider, a vacation property owner, a hotel, a resort, a travel club, a travel agency, a property manager, a cultural exchange program, and a common carrier or the operator, owner, or lessor of a means of transportation of passengers including but not limited to an airline, a cruise line, a railroad, a steamship company, and a public bus carrier, where with regard to any particular travel or type of travel or travelers, all members or customers have a common exposure to risk attendant to such travel.

b. A college, school, or other institution of learning, covering students, teachers, employees, and volunteers of the college, school, or other institution of learning.

c. An employer, covering any group of employees, volunteers, contractors, and members of the employer’s board of directors; and all dependents and guests of an employee, a volunteer, a contractor, or a member of the employer’s board of directors.

d. A sports team, sports camp, or a sponsor of a sports team or sports camp, covering participants, members, campers, employees, officials, supervisors, or volunteers of the sports team, sports camp, or the sponsor of a sports team or sports camp.

e. A religious, charitable, recreational, educational, or civic organization, covering any group of members, participants, or volunteers of the religious, charitable, recreational, educational, or civic organization or a branch thereof.

f. A financial institution, a financial institution vendor, or a parent holding company, trustee, agent of, or agent designated by, one or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors, or purchasers.

g. An incorporated or unincorporated association, including a labor union, that has a common interest, a constitution, and bylaws; and that is organized and maintained in good faith for a purpose other than obtaining insurance for the members or participants of the association.

h. A trust or a trustee of a fund established, created, or maintained for the benefit of and covering members, employees, or customers, and that is subject to the commissioner permitting the use of a trust and the premium tax provisions under section 515K.8, of one or more associations meeting the requirements under paragraph "g".

i. An entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers.

j. A volunteer fire department, ambulance or rescue organization, first aid organization, civil defense organization, and similar volunteer organizations.

k. A preschool, or a day care facility for children or adults.

l. An organization for senior citizens.

m. An automobile or truck rental or leasing company that covers a group of individuals who may become renters, lessees, or passengers as defined by an individual's travel status on the rented or leased automobile or truck. The common carrier, the operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company is the policyholder under a policy to which this chapter applies.

n. Any other group, as determined by the commissioner by rule, that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, and for which issuance of a travel insurance policy is not contrary to the public interest.

7. "*Fulfillment materials*" means documentation sent to the purchaser of a travel protection plan that confirms the purchase and that provides details of the travel protection plan coverage and the travel assistance services.

8. "*Group travel insurance*" means travel insurance that is issued to an eligible group.

9. "*Limited lines travel insurance producer*" means any of the following:

a. A licensed managing general agent or a licensed third-party administrator.

b. A licensed insurance producer, including a licensed limited lines producer.

c. A travel administrator.

10. "*Offer and disseminate*" means to provide general information regarding travel insurance or a travel protection plan, including a description of the coverage and price, and to process an application and collect premiums for travel insurance or a travel protection plan.

11. "*Primary certificate holder*" means an individual who has elected and purchased travel insurance under a group policy.

12. "*Primary policyholder*" means an individual who has elected and purchased individual travel insurance.

13. "*Travel administrator*" means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on, residents of this state in connection with travel insurance. "*Travel administrator*" shall not include a person whose only actions that would otherwise cause the person to be considered a travel administrator are any of the following:

a. A person that works for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator.

b. A person that is an insurance producer and who sells insurance or is engaged in administrative and claims-related activities within the scope of the person's producers license.

c. A person that is a travel retailer that offers and disseminates travel insurance and that is registered under the license of a limited lines travel insurance producer.

d. An individual who adjusts or settles claims in the normal course of the individual's practice or employment as an attorney and who does not collect charges or premiums in connection with insurance coverage.

e. A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.

14. "*Travel assistance services*" means a non-insurance, non-insurance-related service for which a consumer is not indemnified based on a fortuitous event and for which provision of the service does not result in the transfer or shifting of risk that constitutes the business of insurance, including but not limited to any of the following services:

- a. Security advisories.
- b. Destination information.
- c. Vaccination and immunization information services.
- d. Travel reservation services.
- e. Entertainment planning.
- f. Activity and event planning.
- g. Translation assistance.
- h. Emergency messaging.
- i. International legal and medical referrals.
- j. Medical case monitoring.
- k. Coordination of transportation arrangements.
- l. Emergency cash transfer assistance.
- m. Medical prescription replacement assistance.
- n. Passport and travel document replacement assistance.
- o. Lost luggage assistance.
- p. Concierge services.
- q. Any other service furnished in connection with planned travel.

15. a. "*Travel insurance*" means insurance coverage for personal risks incident to planned travel including all of the following:

- (1) Interruption or cancellation of a trip or event.
- (2) Loss of baggage or personal effects.
- (3) Damage to an accommodation or to a rental vehicle.
- (4) Sicknes, accident, disability, or death occurring during travel.
- (5) Emergency evacuation.
- (6) Repatriation of remains.
- (7) Any other contractual obligation to indemnify or pay a specified amount to a traveler upon a determinable contingency related to travel as approved by the commissioner.

b. "*Travel insurance*" shall not include a major medical plan that provides comprehensive medical protection for a traveler for a trip that lasts longer than six months, including a traveler who works or resides overseas as an expatriate, or any other product that requires a specific insurance producer license.

16. "*Travel protection plan*" means a product that provides one or more of any of the following:

- a. Travel insurance.
- b. Travel assistance services.
- c. Cancellation fee waivers.

17. "*Travel retailer*" means a business entity that makes, arranges, or offers planned travel and that may offer and disseminate travel insurance as a service to the business's customers on behalf of and under the direction of a limited lines travel insurance producer.

Sec. 3. NEW SECTION. **515K.3 Licensing and registration — limited lines travel insurance producers and travel retailers.**

1. *a.* The commissioner may issue a limited lines travel insurance producer license to a person that has filed an application for a limited lines travel insurance producer license in the form and manner prescribed by the commissioner.

*b.* A limited lines travel insurance producer must be licensed to sell, solicit, or negotiate travel insurance through a licensed insurer. A person shall not act as a limited lines travel insurance producer, or as a travel retailer, unless the person is licensed as a limited lines travel insurance producer or is registered as a travel retailer.

2. A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer's license only if all of the following conditions are satisfied:

*a.* The travel retailer or the limited lines travel insurance producer provides all of the following to a purchaser of travel insurance:

(1) A description of the material terms, or the actual material terms, of the travel insurance coverage.

(2) A description of the claim filing process.

(3) A description of the review and cancellation process.

(4) The identity of, and the contact information for, the insurer and the limited lines travel insurance producer.

*b.* (1) Beginning on the date of licensure, a limited lines travel insurance producer shall establish and maintain a register, in the form and manner prescribed by the commissioner, of each travel retailer that offers travel insurance on behalf of the limited lines travel insurance producer. The register shall include all of the following information:

(*a.*) The name, address, and contact information of each travel retailer.

(*b.*) The name, address, and contact information of an officer or other individual who directs or controls each travel retailer's operations.

(*c.*) Each travel retailer's federal tax identification number.

(2) A limited lines travel insurance producer shall submit the register under subparagraph (1) to the commissioner upon the commissioner's reasonable request, and shall certify that the register complies with 18 U.S.C. §1033.

(3) Provisions under Title XIII, subtitle 1, that are applicable to the suspension or revocation of a resident insurance producer's license, or to the imposition of penalties on a resident insurance producer, shall be applicable to limited lines travel insurance producers and travel retailers.

*c.* The limited lines travel insurance producer has a designated responsible producer.

*d.* The designated responsible producer, president, secretary, treasurer, and any other officer or individual who directs or controls the limited lines travel insurance producer's insurance operations has complied with all fingerprinting requirements applicable to insurance producers in this state.

*e.* The limited lines travel insurance producer has paid all licensing fees required by state law.

*f.* The limited lines travel insurance producer requires each employee and each authorized representative of the travel retailer who offers and disseminates travel insurance to successfully complete a training program that, at a minimum, educates each employee and each authorized representative on the details of each type of insurance offered by the travel retailer, ethical sales practices, and all disclosures that are required to be made to prospective purchasers.

3. A travel retailer that offers and disseminates travel insurance shall make brochures or other written materials that have been approved by the travel insurer available to prospective purchasers. The brochures or other written materials shall, at a minimum, do all of the following:

*a.* Provide the name, address, and telephone number of the insurer and the limited lines travel insurance producer.

*b.* Explain that the purchase of travel insurance by the prospective purchaser is not required in order to purchase any other product or service from the travel retailer.

*c.* Explain that a travel retailer that is not licensed as an insurance producer is only permitted to provide general information about travel insurance offered by the travel retailer, including a description of the coverage and price; however, the travel retailer is not qualified or authorized to answer technical questions about the terms and conditions of the travel

insurance, or to evaluate the adequacy of the prospective purchaser's existing insurance coverage.

4. A travel retailer's employee or authorized representative who is not licensed as an insurance producer shall not do any of the following:

a. Evaluate or interpret the technical terms, benefits, or conditions of travel insurance offered to a prospective purchaser.

b. Evaluate or provide advice on a prospective purchaser's existing insurance coverage.

c. Represent themselves as a licensed insurer, a licensed insurance producer, or as an insurance expert.

5. Notwithstanding any other provision of law to the contrary, a travel retailer whose insurance-related activities and the insurance-related activities of the travel retailer's employees and authorized representatives are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer in compliance with this chapter, shall be authorized to receive related compensation if the travel retailer is included in the register maintained by the limited lines travel insurance producer under subsection 2, paragraph "b".

6. As an insurer's designee, a limited lines travel insurance producer shall be responsible for the acts of each travel retailer that offers and disseminates travel insurance under the limited lines travel insurance producer's license and shall use reasonable means to ensure that each travel retailer complies with this chapter.

7. A person that is licensed as an insurance producer in a major line of authority shall be authorized to sell, solicit, and negotiate travel insurance. A property and casualty insurance producer shall not be required to become appointed by an insurer in order to sell, solicit, or negotiate travel insurance.

#### Sec. 4. **NEW SECTION. 515K.4 Travel protection plans.**

A travel protection plan may be offered in this state at one price for all features included in the travel protection plan if all of the following are true:

1. The travel protection plan clearly discloses to the purchaser, at or prior to the time of purchase, that the travel protection plan includes, as applicable, travel insurance, travel assistance services, and cancellation fee waivers.

2. A purchaser is provided with an opportunity at or prior to the time of purchase to obtain additional details regarding each feature and the cost of each feature.

3. The fulfillment materials provided to the purchaser do all of the following:

a. Describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers included in the travel protection plan.

b. Include, as applicable, travel insurance disclosures and the contact information for all persons providing travel assistance services and cancellation fee waivers.

#### Sec. 5. **NEW SECTION. 515K.5 Sales and marketing practices.**

1. All persons offering travel insurance to residents of this state shall be subject to sections 507B.3 and 507B.4, except as otherwise provided in this section. In the event of a conflict between this chapter and another provision under Title XIII, subtitle 1, regarding the sale and marketing of travel insurance and travel protection plans, this chapter shall control.

2. a. Any document provided to a prospective purchaser prior to the prospective purchaser's purchase of travel insurance, including but not limited to sales, advertising, and marketing materials, shall be consistent with the travel insurance policy, including but not limited to forms, endorsements, policies, rate filings, and certificates of insurance.

b. If a travel insurance policy or a travel insurance certificate contains any preexisting condition exclusion, a prospective purchaser shall, any time prior to the time of purchase, be provided an opportunity to learn more about the preexisting condition exclusion. Any preexisting condition exclusion information shall also be included in the travel insurance policy or travel insurance certificate fulfillment materials.

c. The fulfillment materials and the information described in section 515K.3, subsection 2, paragraph "a", subparagraphs (1) through (4) shall be provided to a primary policyholder or to a primary certificate holder as soon as practicable following the policyholder's or the certificate holder's purchase of a travel protection plan. Unless an insured has either started a

covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least fifteen days following the date of delivery of the travel protection plan's fulfillment materials by postal mail, or ten days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail. For purposes of this paragraph, "delivery" means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

d. An insurer shall disclose in the policy documentation and fulfillment materials provided to the purchaser of travel insurance whether the travel insurance is primary or secondary to any other applicable insurance coverage.

e. If travel insurance is marketed directly to consumers through an insurer's internet site, or by another person via an aggregator site, it shall not be an unfair trade practice or other violation of law for the insurer or the other person to provide an accurate summary or short description of the available insurance coverage, if all provisions of each available travel insurance policy are accessible to consumers via electronic means.

3. No person shall offer, solicit, or negotiate travel insurance or a travel protection plan on an individual or group basis through use of a negative option or an opt out that requires a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form when the consumer purchases a trip.

4. It shall be an unfair trade practice pursuant to section 507B.3 and section 507B.4 to do any of the following:

a. Offer or sell a travel insurance policy that, due to an exclusion or other provisions in the policy, cannot result in payment of any claim made by any insured under the policy.

b. Market blanket travel insurance coverage as no cost coverage.

5. If a consumer's travel destination is located in a jurisdiction that mandates specific insurance coverage, it shall not be an unfair trade practice to require that the consumer, as a condition of purchasing a travel package, select one of the following options:

a. Purchase of the coverage required by the destination jurisdiction through either the travel retailer or the limited lines travel insurance producer that provides the travel package.

b. Agree to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to the consumer's departure.

**Sec. 6. NEW SECTION. 515K.6 Travel administrators.**

1. Notwithstanding any provision of Title XIII, subtitle 1, to the contrary, a person shall not act as, or represent itself as, a travel administrator for travel insurance in this state unless the person meets at least one of the following requirements:

a. The person is a licensed property and casualty insurance producer in this state.

b. The person is in compliance with all laws and regulations that are applicable to managing general agents in this state.

c. The person is in compliance with all laws and regulations that are applicable to third-party administrators in this state.

2. An insurer shall be responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer, and for ensuring that the travel administrator maintains all records related to the insurer and makes the records available to the commissioner upon request of the commissioner.

**Sec. 7. NEW SECTION. 515K.7 Rates, forms, eligibility, and underwriting.**

1. Notwithstanding any provision of Title XIII, subtitle 1, to the contrary, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance provided that travel insurance that provides coverage for sickness, accident, disability or death occurring during travel, either exclusively, or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

2. Travel insurance may be issued in the form of an individual insurance policy, a group travel insurance policy, or a blanket travel insurance policy.

3. Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, provided that the standards also meet the state's underwriting standards for the line of insurance.

**Sec. 8. NEW SECTION. 515K.8 Tax on gross premiums.**

1. An insurer that offers travel insurance shall pay tax on gross premiums, as provided in section 432.1, on travel insurance premiums paid by any of the following:

- a. A primary policyholder who is a resident of this state.
- b. A primary certificate holder who is a resident of this state.
- c. A blanket travel insurance policyholder that is a resident of this state, or that has the policyholder's principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in this state for eligible blanket group members, subject to any apportionment rules that apply to the insurer across multiple taxing jurisdictions, or that permit the insurer to allocate premiums on an apportioned basis in a reasonable and equitable manner in those taxing jurisdictions.

2. An insurer that offers travel insurance shall do all of the following:

- a. Document the state of residence or the state of the principal place of business of the primary policyholder or primary certificate holder.
- b. Report as premiums only the amount allocable to travel insurance, and not report any amounts received from travel assistance services or cancellation fee waivers.

**Sec. 9. NEW SECTION. 515K.9 Applicability.**

1. This chapter shall apply to travel insurance that covers any resident of this state, and travel insurance that is sold, solicited, negotiated, or offered in this state, and to any travel insurance policy or certificate that is delivered or issued for delivery in this state. This chapter shall not apply to cancellation fee waivers or to travel assistance services except as expressly provided in this chapter.

2. All applicable provisions of Title XIII, subtitle 1, shall apply to travel insurance except that specific provisions of this chapter shall supersede any general provisions of Title XIII, subtitle 1, that are otherwise applicable to travel insurance.

**Sec. 10. NEW SECTION. 515K.10 Rules.**

The commissioner may adopt rules pursuant to chapter 17A as necessary to implement and administer this chapter.

Approved April 21, 2022

## CHAPTER 1036

### STUDENT PHYSICAL EXAMINATIONS AND HEALTH SCREENINGS — SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INNOVATION ZONE SCHOOLS

*S.F. 2080*

**AN ACT** relating to the administration of certain physical examinations and student health screenings by school districts, charter schools, or innovation zone schools.

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

Section 1. Section 256E.7, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* Be subject to and comply with section 279.76 relating to physical examinations and health screenings in the same manner as a school district.



Sec. 2. Section 256F.4, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* Be subject to and comply with section 279.76 relating to physical examinations and health screenings in the same manner as a school district.

Sec. 3. NEW SECTION. **279.76 Health screenings — prohibition.**

1. Each school district is prohibited from administering or conducting an invasive physical examination of a student, or a student health screening that is not required by state or federal law, without first acquiring the written consent of the student’s parent or guardian. This section applies only to a minor child in the direct care of a parent or guardian, and does not apply to an emancipated minor or a minor who is not residing with the parent or guardian.

2. This section shall not be construed to prohibit a school district from conducting health screenings in emergent care situations or from cooperating in a child abuse assessment commenced in accordance with section 232.71B.

3. For purposes of this section:

*a.* “*Emergent care situation*” means a sudden or unforeseen occurrence or onset of a medical or behavioral condition that could result in serious injury or harm to a student or others in the event immediate medical attention is not provided. “*Emergent care situation*” includes the need to screen a student or others for symptoms or exposures during an outbreak or public health event of concern as designated by the department of public health.

*b.* “*Invasive physical examination*” means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

*c.* “*Student health screening*” means an intentionally planned, periodic process to identify if students may be at risk for a health concern and to determine if a referral for an in-depth assessment is needed to consider appropriate health services. “*Student health screening*” does not include an episodic, individual screening done in accordance with professional licensed practice.

Approved May 2, 2022

## CHAPTER 1037

### LAND SURVEYING — TERMS USED TO DESCRIBE DISTANCES AND LOCATIONS

#### *S.F. 2233*

**AN ACT** relating to terms used in the context of land surveying.

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

Section 1. Section 355.5, subsection 4, Code 2022, is amended to read as follows:

4. Distances shall be shown in decimal feet in accordance with the federal definition of the U.S. survey a foot at the time the survey is performed. ~~Distance measurements shall refer to the horizontal plane.~~

Sec. 2. Section 355.16, Code 2022, is amended to read as follows:

**355.16 Iowa plane coordinate system defined.**

The Iowa plane coordinate system may be used for the purpose of conducting official surveys, as defined by the United States national geodetic survey or a successor agency. ~~As used in this subchapter, unless the context otherwise requires section, “Iowa plane coordinate system” or “coordinate system” means the system of plane coordinates established by the United States national ocean survey, or the United States national geodetic survey, or a successor agency, for defining and stating the geographic positions or locations of points~~

on the surface of the earth within the state of Iowa that is in use at the time the survey is performed.

Sec. 3. REPEAL. Sections 355.17, 355.18, and 355.19, Code 2022, are repealed.

Approved May 2, 2022

## CHAPTER 1038

### ORGANIZATION OF MULTIPLE HOUSING COOPERATIVES

*S.F. 2310*

**AN ACT** relating to multiple housing cooperatives, including by providing for the conversion to a cooperative under the Iowa cooperative associations Act and merger with a limited liability company.

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

Section 1. Section 489.102, subsection 6, Code 2022, is amended to read as follows:

6. “*Domestic cooperative*” means an entity organized on a cooperative basis under chapter 497, 498, or 499, a cooperative organized under chapter 499A, or a cooperative organized under chapter 501 or 501A.

Sec. 2. Section 501A.102, subsections 10 and 26, Code 2022, are amended to read as follows:

10. “*Domestic cooperative*” means a cooperative association or other cooperative organized under this chapter or chapter 497, 498, 499, 499A, or 501.

26. “*Traditional cooperative*” means a cooperative or cooperative association organized under chapter 497, 498, 499, 499A, or 501.

Approved May 2, 2022

## CHAPTER 1039

### PUBLIC RECORDS — FEES FOR EXAMINATION AND COPYING

*S.F. 2322*

**AN ACT** relating to the assessment of fees when a person requests examination and copying of public records.

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

Section 1. Section 22.3, Code 2022, is amended to read as follows:

#### **22.3 Supervision — fees.**

1. The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian’s authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. ~~Fulfillment~~ Although fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses to be incurred in fulfilling the request and, the lawful custodian shall make every reasonable

effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce. In the event expenses are necessary, such estimated expenses shall be reasonable and communicated to the requester upon receipt of the request. A person may contest the reasonableness of the custodian's expenses as provided for in this chapter. The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for the examination and copying of the records, but if it is impracticable to do the examination and copying of the records in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for the examination and copying.

2. All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information. However, a county recorder shall not charge a fee for the examination and copying of public records necessary to complete and file claims for benefits with the Iowa department of veterans affairs or the United States department of veterans affairs.

Approved May 2, 2022

## CHAPTER 1040

### REAL ESTATE BROKERAGE SERVICES — REAL ESTATE TEAMS — DISPLAY OF LICENSEE, BROKERAGE, AND TEAM NAMES

*S.F. 2324*

**AN ACT** relating to the designation of real estate teams and the display of real estate licenses, and including applicability provisions.

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

Section 1. Section 543B.5, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 019.** “*Real estate team*” means two or more licensees assigned to the same broker working together to provide real estate brokerage services and representing themselves to the public as a team.

#### **Sec. 2. NEW SECTION. 543B.25 Display of brokerage.**

An individual licensee or real estate team shall conspicuously display the name of the brokerage immediately preceding or immediately following the individual licensee's name or real estate team name in any advertising or information made available to the public.

Sec. 3. APPLICABILITY. This Act applies to displays of advertising or information by an individual licensee or a real estate team on or after December 31, 2022.

Approved May 2, 2022

## CHAPTER 1041

### ATHLETE AGENTS — PROHIBITED CONDUCT

H.F. 364

**AN ACT** relating to prohibited conduct by athlete agents and making penalties applicable.

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

Section 1. Section 9A.114, Code 2021, is amended to read as follows:

**9A.114 Prohibited conduct.**

~~1. An athlete agent, with the intent to influence a student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete, to enter into an agency contract, shall not intentionally take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:~~

~~a. 1. Give a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, materially false or misleading information or make a materially false promise or representation with the intent to influence the athlete, parent, or guardian to enter into an agency contract.~~

~~b. 2. Furnish anything of value to the a student athlete before the athlete enters into the contract, or another individual, if doing so may result in loss of the athlete's eligibility to participate in the athlete's sport, unless all of the following actions are taken:~~

~~c. Furnish anything of value to an individual other than the athlete or another registered athlete agent.~~

~~2. An athlete agent shall not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:~~

~~a. The agent notifies the athletic director of the educational institution at which the athlete is enrolled, or at which the agent has reasonable grounds to believe the athlete intends to enroll, prior to the next scheduled athletic event in which the athlete may participate and not later than seventy-two hours after furnishing the thing of value.~~

~~b. The student athlete or, if the athlete is a minor, a parent or guardian of the athlete, acknowledges to the agent in a record that receipt of the thing of value may result in the loss of the athlete's eligibility to participate in the athlete's sport.~~

~~a. 3. Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency agreement unless registered under this chapter.~~

~~b. 4. Fail to create, or retain, or to permit inspection of the records required by section 9A.113.~~

~~e. 5. Fail to register when required by section 9A.104.~~

~~d. 6. Provide materially false or misleading information in an application for registration or renewal of registration.~~

~~e. 7. Predate or postdate an agency contract.~~

~~f. 8. Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete before the athlete, parent, or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible result in the loss of the athlete's eligibility to participate as a student athlete in that in the athlete's sport.~~

~~9. Encourage another individual to take any of the actions described in subsections 1 through 8 on behalf of the agent.~~

10. Encourage another individual to assist any other individual in taking in any of the actions described in subsections 1 through 8 on behalf of the agent.

Approved May 2, 2022

## CHAPTER 1042

### DOMESTIC ABUSE AND SEXUAL ABUSE PROTECTIVE ORDERS — CONSENT AGREEMENTS

H.F. 825

**AN ACT** relating to consent agreements for domestic abuse and sexual abuse protective orders.

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

Section 1. Section 236.5, subsection 1, paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The court may grant a protective order ~~or approve a consent agreement~~ which may contain but is not limited to any of the following provisions:

Sec. 2. Section 236.5, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The court may approve a consent agreement which may contain but is not limited to any of the provisions specified in subsection 1, paragraph “b”, without a finding the defendant has engaged in domestic abuse.

Sec. 3. Section 236A.7, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Upon a finding that the defendant has engaged in sexual abuse, the court may grant a protective order ~~or approve a consent agreement~~ which may contain but is not limited to any of the following provisions:

Sec. 4. Section 236A.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The court may approve a consent agreement without a finding that the defendant has engaged in sexual abuse, which may contain but is not limited to any of the provisions specified in subsection 1.

Approved May 2, 2022

## CHAPTER 1043

### SEXUAL ABUSE — CONDITIONS FOR POST-ARREST RELEASE — INITIAL APPEARANCE REQUIRED

H.F. 2079

**AN ACT** relating to post-arrest release after an initial appearance for persons taken into custody or arrested for certain sexual abuse offenses and no-contact orders.

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

Section 1. Section 664A.3, subsection 2, Code 2022, is amended to read as follows:

2. Notwithstanding chapters 804 and 805, a person taken into custody pursuant to section 236.11 or 236A.12 or arrested pursuant to section 236.12, 709.2, 709.3, or 709.4 may be released on bail or otherwise only after initial appearance before a magistrate as provided in chapter 804 and the rules of criminal procedure or section 236.11 or 236A.12, whichever is applicable.

Approved May 2, 2022

## CHAPTER 1044

### FORFEITURE OF BAIL — NOTICE

*H.F. 2097*

**AN ACT** relating to forfeiture of bail.

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

Section 1. Section 811.6, subsection 1, Code 2022, is amended to read as follows:

1. A defendant released pursuant to this chapter shall appear at arraignment, trial, judgment, or such other proceedings where the defendant's appearance is required. If the defendant fails to appear at the time and place when the defendant's personal appearance is lawfully required, or to surrender in execution of the judgment, the court must direct an entry of the failure to be made of record, and the undertaking of the defendant's bail, or the money deposited, is thereupon forfeited. As a part of the entry, except as provided in rule of criminal procedure 2.72, the court shall direct the clerk of the district court of the county to give ~~ten~~ thirty days' notice in writing to the defendant and the defendant's sureties to appear and show cause, if any, why judgment should not be entered for the amount of bail. If such appearance is not made, judgment shall be entered by the court. If appearance is made, the court shall set the case down for immediate hearing as an ordinary action.

Approved May 2, 2022

## CHAPTER 1045

### STATE ANNUAL COMPREHENSIVE FINANCIAL REPORT

*H.F. 2126*

**AN ACT** relating to the comprehensive financial report of the state and including effective date provisions.

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

Section 1. Section 8.53, Code 2022, is amended to read as follows:

#### **8.53 GAAP deficit — GAAP implementation.**

For the fiscal year beginning July 1, 1996, and each succeeding fiscal year, the governor shall recommend in the governor's budget and the general assembly shall provide funds to eliminate the GAAP deficit of the general fund of the state, as reported in the state's ~~comprehensive~~ annual comprehensive financial report issued during the prior fiscal year,

either through the appropriation of specific funds to correct a GAAP adjustment or by setting funds aside in a special account in an amount equal to the GAAP deficit.

Sec. 2. Section 8A.111, subsection 5, Code 2022, is amended to read as follows:

5. ~~A comprehensive~~ An annual comprehensive financial report as required under section 8A.502, subsection 8.

Sec. 3. Section 8A.502, subsection 8, Code 2022, is amended to read as follows:

8. *Accounts.* To keep the central budget and proprietary control accounts of the general fund of the state and special funds, as defined in section 8.2, of the state government. Upon elimination of the state deficit under generally accepted accounting principles, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year, the recognition of revenues received and expenditures paid and transfers received and paid within the time period required pursuant to section 8.33 shall be in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense. For each fiscal year, the financial position and results of operations of the state shall be reported in ~~a comprehensive~~ an annual comprehensive financial report prepared in accordance with generally accepted accounting principles, as established by the governmental accounting standards board.

Sec. 4. Section 8A.504, subsection 1, paragraph c, Code 2022, is amended to read as follows:

c. “*Public agency*” means a board, commission, department, including the department of administrative services, or other administrative office or unit of the state of Iowa or any other state entity reported in the Iowa ~~comprehensive~~ annual comprehensive financial report, or a political subdivision of the state, or an office or unit of a political subdivision. “*Public agency*” does include the clerk of the district court as it relates to the collection of a qualifying debt. “*Public agency*” does not include the general assembly or the governor.

Sec. 5. Section 421.17, subsection 27, paragraph a, Code 2022, is amended to read as follows:

a. To establish, administer, and make available a centralized debt collection capability and procedure for the use by any state agency or local government entity including, but not limited to, the department of revenue, along with other boards, commissions, departments, and any other entity reported in the Iowa ~~comprehensive~~ annual comprehensive financial report, to collect delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state. The department’s collection facilities shall only be available for use by other state agencies or local government entities for their discretionary use when resources are available to the director and subject to the director’s determination that use of the procedure is feasible. The director shall prescribe the appropriate form and manner in which this information is to be submitted to the office of the department. The obligations or indebtedness must be delinquent and not subject to litigation, claim, appeal, or review pursuant to the appropriate remedies of each state agency or local government entity.

Sec. 6. Section 423.1, subsection 57, Code 2022, is amended to read as follows:

57. “*State agency*” means an authority, board, commission, department, instrumentality, or other administrative office or unit of this state, or any other state entity reported in the Iowa ~~comprehensive~~ annual comprehensive financial report, including public institutions of higher education.

Sec. 7. 2020 Iowa Acts, chapter 1064, section 16, subsection 1, paragraph b, is amended to read as follows:

b. “*Public agency*” means a board, commission, department, including the department of revenue, or other administrative office or unit of the state of Iowa or any other state entity reported in the Iowa ~~comprehensive~~ annual comprehensive financial report, or a political subdivision of the state, or an office or unit of a political subdivision. “*Public agency*” does

include the clerk of the district court as it relates to the collection of a qualifying debt. “Public agency” does not include the general assembly or office of the governor.

Sec. 8. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing 2020 Iowa Acts, chapter 1064, other than transitional rules:

The section of this Act amending 2020 Iowa Acts, chapter 1064.

Approved May 2, 2022

## CHAPTER 1046

### STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM — NONPUBLIC RECORDS

H.F. 2154

**AN ACT** relating to release of certain records maintained by the statewide fire and police retirement system.

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

Section 1. Section 411.5, subsection 6, paragraph b, Code 2022, is amended to read as follows:

b. (1) The system shall maintain records, including but not limited to names, addresses, ages, and lengths of service, salaries and wages, contributions, designated beneficiaries, benefit amounts, if applicable, and other information pertaining to members as necessary in the administration of this chapter, as well as the names, addresses, and benefit amounts of beneficiaries. For the purpose of obtaining these facts, the system shall have access to the records of the participating cities and the cities shall provide such information upon request. ~~Member and beneficiary records containing personal information are not public records for the purposes of chapter 22. However, summary~~

(2) The following records maintained under this chapter are not public records for the purposes of chapter 22:

(a) Records containing social security numbers.

(b) Records specifying amounts accumulated in members’ accounts and supplemental accounts.

(c) Records containing names or addresses of members or their beneficiaries.

(d) Records containing amounts of payments to members or their beneficiaries.

(e) Records containing financial or commercial information that relates to the investment of retirement system funds if the disclosure of such information could result in a loss to the retirement system or to the provider of the information.

(3) Summary information concerning the demographics of the members and general statistical information concerning the system is subject to chapter 22, as well as aggregate information by category.

Sec. 2. Section 411.5, subsection 6, paragraph d, Code 2022, is amended by striking the paragraph.

Approved May 2, 2022



**CHAPTER 1047****PRENEED SELLERS AND PURCHASE AGREEMENTS FOR CEMETERY MERCHANDISE,  
FUNERAL MERCHANDISE, AND FUNERAL SERVICES***H.F. 2155*

**AN ACT** relating to preneed sellers and purchase agreements for cemetery merchandise, funeral merchandise, and funeral services, providing penalties, and including applicability provisions.

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

Section 1. Section 523A.207, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**523A.207 Transfer of preneed purchase agreements — sale of a business or business assets.**

1. A purchase agreement shall not be sold or transferred as part of the sale of a business, or of the assets of a business, until the seller of the business has provided all of the following to the buyer of the business:

- a. A copy of the most recent annual report filed with the commissioner by the seller.
- b. The aggregate amount of any interest income withdrawn to date from trust accounts pursuant to section 523A.201, subsection 8.
- c. Copies of all purchase agreements to be assumed by the buyer.
- d. A list of the purchase agreements provided under paragraph “c” that includes all of the following:

- (1) The name of the purchaser and the name of the seller of each purchase agreement.
- (2) The total dollar amount of each purchase agreement.
- (3) The date each purchase agreement was executed.
- (4) Whether each purchase agreement is guaranteed, nonguaranteed, or mixed, and affirm or deny one hundred percent trusting of any guaranteed items and specify the lesser amount or percentage placed in trust, if applicable.

e. A list of insurance policies that are applicable to the purchase agreements provided under paragraph “c”. The list shall identify the purchase agreement to which each insurance policy applies, the named policyholder on each insurance policy, and the face amount of each insurance policy.

f. A list of trust fund beneficiaries and the amount in trust for each beneficiary.

g. A list that identifies and describes any items of presold merchandise that are not fully funded with insurance or trust funds in compliance with this chapter, and the amount or percentage that is either unfunded or underfunded.

2. a. The seller of a business shall file a disclosure with the commissioner that contains the information required under subsection 1, paragraphs “d” and “e”, at least thirty calendar days prior to the date of the transfer of any purchase agreements to the buyer.

b. If the seller fails to file the disclosure required under paragraph “a”, the commissioner may suspend the buyer’s preneed seller’s license, the seller’s preneed seller’s license, and the license of any sales agent authorized to sell for the buyer or seller until the disclosure is filed. In addition, the commissioner may assess a penalty against the buyer or seller in an amount up to one hundred dollars for each calendar day that the disclosure remains unfiled. The commissioner shall allow a thirty-day grace period after the date that a purchase agreement is sold or transferred before the commissioner suspends the preneed seller’s license of the buyer, seller, or of a sales agent authorized to sell for the buyer or seller, or assesses a penalty against the buyer or seller. Upon good cause, the commissioner may issue an order waiving the disclosure requirement.

3. All records maintained by the commissioner under this section shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection or copying except upon prior written approval of either the commissioner or the attorney general, or if sought by the preneed seller to whom the records relate. Such records shall be privileged and confidential in a judicial or administrative proceeding except for any of the following:

- a. An action commenced by the commissioner.
- b. An administrative proceeding brought by the division.
- c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.
- d. An action brought by the division or the attorney general to recover moneys from embezzlement, misappropriation, or misuse of trust funds.

Sec. 2. Section 523A.401, subsection 4, Code 2022, is amended to read as follows:

4. ~~The premiums of any new insurance policy shall be fully paid~~ If a preneed funeral purchase agreement contains a provision stating that the agreement will be funded by the purchase of a new insurance policy, the insurance producer who sells the insurance policy that will fund the purchase agreement shall require that any payment made by the purchaser shall be made payable only to the insurance company designated in the purchase agreement. The insurance producer shall remit the insurance policy application and the premium made payable to the insurance company designated in the purchase agreement to the insurance company within thirty calendar days after execution of the purchase agreement or, with respect to a purchase agreement that provides for periodic payments, the premiums shall be paid directly by the purchaser to the insurance company issuing that issues the insurance policy.

Sec. 3. Section 523A.402, subsection 4, Code 2022, is amended to read as follows:

4. ~~The premiums of any new annuity shall be fully paid~~ If a preneed funeral purchase agreement contains a provision stating that the agreement will be funded by the purchase of a new annuity, the insurance producer who sells the annuity that will fund the purchase agreement shall require that any payment made by the purchaser shall be made payable only to the insurance company designated in the purchase agreement. The insurance producer shall remit the annuity application and the premium made payable to the insurance company designated in the purchase agreement to the insurance company within thirty calendar days after execution of the purchase agreement or, with respect to a purchase agreement that provides for periodic payments, the premiums shall be paid directly by the purchaser to the insurance company issuing that issues the annuity.

Sec. 4. **NEW SECTION. 523A.505 Duty to disclose.**

1. A sales agent, and any person who owns at least five percent of a preneed seller business, shall have an ongoing duty to disclose to the commissioner all felony crimes and those misdemeanor-level crimes involving dishonesty or false statement for which the sales agent or person has been found guilty, or for which the sales agent or person has pled guilty or no contest. Such disclosure shall be made to the commissioner within thirty calendar days of the date that the sales agent or person has been found guilty by a court of competent jurisdiction, or of the date the sales agent or person pleads not <sup>1</sup> guilty or no contest.

2. A sales agent, and any person who owns at least five percent of a preneed seller business, shall have an ongoing duty to disclose to the commissioner all liens and judgments over twenty thousand dollars that have been entered against the sales agent or person, and all bankruptcy petitions that have been filed by the sales agent or person. Such disclosure shall be made to the commissioner within thirty calendar days of the date on which the lien or judgment is entered, or of the date on which the sales agent or person files a petition for bankruptcy.

Sec. 5. **NEW SECTION. 523A.506 Business continuity planning.**

A preneed seller shall establish, implement, and maintain written procedures relating to business continuity and succession planning. The business continuity and succession plan shall be based upon the specific facts and circumstances of the preneed seller's business model including the size of the preneed seller's business, the types of services provided, and the number of physical locations established and maintained by the preneed seller. The plan must provide for all of the following:

<sup>1</sup> See chapter 1153, §53 herein

1. The protection, secure backup, and recovery of the preneed seller's business records.
2. Alternative forms of communication to ensure timely notice of all of the following to customers, key personnel, employees, vendors, and service providers:
  - a. A significant business interruption.
  - b. The death or unavailability of key personnel.
  - c. A disruption of service.
  - d. The cessation of business activities.
3. Reassignment of key duties to qualified individuals in the event of the death or unavailability of key personnel.
4. Minimization and mitigation of service disruptions and negative impacts to clients that may result from a significant business interruption.

**Sec. 6. NEW SECTION. 523A.605 Allocation of growth or interest.**

If a purchase agreement funded by insurance proceeds under section 523A.401 or by annuity proceeds under section 523A.402 includes nonguaranteed merchandise or services, the purchaser, beneficiary, or the beneficiary's estate shall receive a credit for, and the benefit of, any growth in death benefits that is at least equal to the percentage of the total price under the purchase agreement that is attributable to the nonguaranteed merchandise or services.

**Sec. 7.** Section 523A.807, subsection 3, unnumbered paragraph 1, Code 2022, 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, 523A.502, ~~or 523A.502A~~, 523A.505, or 523A.605, or any rule adopted pursuant thereto, the commissioner may order any or all of the following:

**Sec. 8. APPLICABILITY.** The following applies to purchase agreements sold or transferred as part of the sale of a business, or the assets of a business, on or after July 1, 2022: The section of this Act amending section 523A.207.

Approved May 2, 2022

## CHAPTER 1048

### HEALTH CARE FACILITY VIOLATIONS — PENALTIES

*H.F. 2172*

**AN ACT** relating to violations by a health care facility.

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

**Section 1.** Section 135C.36, subsection 5, Code 2022, is amended to read as follows:

5. If a facility self-identifies a deficient practice prior to an on-site visit inspection, there has been no complaint filed with the department related to that specific deficient practice, and the facility corrects such practice prior to an inspection, no citation shall be issued or fine assessed pursuant to subsection 2 or 3 except for those penalties arising pursuant to section 135C.33; ~~481 IAC 57.12(2)(d), 481 IAC 57.12(3), 481 IAC 57.15(5), 481 IAC 57.25(1), 481 IAC 57.39, 481 IAC 57.11(3) and (7), 481 IAC 57.16(3), 481 IAC 57.32, 481 IAC 57.34(1), 481 IAC 58.11(3), 481 IAC 58.14(5), 481 IAC 58.19(2)(a), 481 IAC 58.19(2)(h), 481 IAC 58.28(1)(a), 481 IAC 58.43, 481 IAC 62.9(5), 481 IAC 62.15(1)(a), 481 IAC 62.19(2)(c), 481 IAC 62.19(7), 481 IAC 62.23(23)-(25), 481 IAC 63.11(2)(d), 481 IAC 63.11(3), 481 IAC 63.23(1)(a), 481 IAC 63.37, 481 IAC 63.8(3), 481 IAC 63.27, 481 IAC 63.29(1), 481 IAC 64.4(9), 481 IAC 64.33, 481 IAC 64.33(2), 481 IAC 64.34, 481 IAC 65.9(5), 481 IAC 65.15, or 481 IAC 65.25(3)-(5)~~ 481 IAC

65.25(3) and (4), or the successor to any of such rules; or 42 C.F.R. §483.420(d), 42 C.F.R. §483.460(c)(4), or 42 C.F.R. §483.470(j), or the successor to any of such federal regulations.

Approved May 2, 2022

## CHAPTER 1049

### CONTROLLED SUBSTANCES — SCHEDULED SUBSTANCES — PRESCRIPTION MONITORING PROGRAM

H.F. 2201

**AN ACT** relating to controlled substances, including amending the controlled substance schedules and information collection and reporting requirements under the Iowa prescription monitoring program, and including effective date provisions.

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

#### DIVISION I

#### CONTROLLED SUBSTANCE SCHEDULES — PRECURSOR SUBSTANCES REPORTING

Section 1. Section 124.204, subsection 2, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *bt.* N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide.

Other name: beta-methyl fentanyl.

NEW PARAGRAPH. *bu.* N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide.

Other names: beta'-Phenyl fentanyl, 3-phenylpropanoyl fentanyl.

NEW PARAGRAPH. *bv.* N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide.<sup>1</sup> Other names: 2'-Fluoro ortho-fluorofentanyl, 2'-fluoro 2-fluorofentanyl.

NEW PARAGRAPH. *bw.* N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide.

Other name: 4'-Methyl acetyl fentanyl.

NEW PARAGRAPH. *bx.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide.

Other names: ortho-Fluorobutyryl fentanyl, 2-fluorobutyryl fentanyl.

NEW PARAGRAPH. *by.* N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide.

Other names: ortho-Methyl acetylfentanyl, 2-methyl acetylfentanyl.

NEW PARAGRAPH. *bz.* 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide. Other names: ortho-Methyl methoxyacetyl fentanyl, 2-methyl methoxyacetyl fentanyl.

NEW PARAGRAPH. *ca.* N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide. Other names: para-Methylfentanyl, 4-methylfentanyl.

NEW PARAGRAPH. *cb.* N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide. Other names: Phenyl fentanyl, benzoyl fentanyl.

NEW PARAGRAPH. *cc.* N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide. Other names: Thiofuranyl fentanyl, 2-thiofuranyl fentanyl, thiophene fentanyl.

NEW PARAGRAPH. *cd.* Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate. Other name: fentanyl carbamate.

NEW PARAGRAPH. *ce.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide. Other name: ortho-Fluoroacryl fentanyl.

NEW PARAGRAPH. *cf.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other name: ortho-Fluoroisobutyryl fentanyl.

<sup>1</sup> According to Act, the phrase "N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide" probably intended

NEW PARAGRAPH. *cg.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide. Other name: para-Fluoro furanyl fentanyl.

NEW PARAGRAPH. *ch.* N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide. Other name: valeryl fentanyl.

NEW PARAGRAPH. *ci.* N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide.<sup>2</sup> Other name: para-methoxybutyryl fentanyl.<sup>3</sup>

NEW PARAGRAPH. *cj.* N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other name: para-Chloroisobutyryl fentanyl.

NEW PARAGRAPH. *ck.* N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide.<sup>4</sup> Other name: Isobutyryl fentanyl.

NEW PARAGRAPH. *cl.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide. Other name: cyclopentanyl<sup>5</sup> fentanyl.

NEW PARAGRAPH. *cm.* N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine. Other name: isotonitazene.

Sec. 2. Section 124.204, subsection 4, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *bs.* methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Other names: 4F-MDMB-BINACA, 4F-MDMB-BUTINACA.

NEW PARAGRAPH. *bt.* 1-(4-methoxyphenyl)-N-methylpropan-2-amine.<sup>6</sup> Other names: para-methoxymethamphetamine, PMMA.

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

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

NEW PARAGRAPH. *bw.* 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, or SGT-78.

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

NEW PARAGRAPH. *by.* 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide. Other name: 5F-CUMYL-P7AICA.

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

Sec. 3. Section 124.204, subsection 6, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* 4,4'-Dimethylaminorex. Other names: 4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine.

Sec. 4. Section 124.204, subsection 7, paragraph b, Code 2022, is amended to read as follows:

**b.** A hemp product as provided in chapter 204 with a maximum tetrahydrocannabinol concentration, inclusive of any isomers, derivatives, and analogs, whether naturally occurring or synthesized, that does not exceed three-tenths of one percent on a dry weight basis.

Sec. 5. Section 124.204, subsection 9, paragraphs a, h, i, j, k, l, n, o, p, q, and r, Code 2022, are amended by striking the paragraphs.

<sup>2</sup> According to Act; the phrase "N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide" probably intended

<sup>3</sup> According to Act; the phrase "para-methoxybutyryl fentanyl" probably intended

<sup>4</sup> According to Act; the phrase "N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide" probably intended

<sup>5</sup> See chapter 1153, §7, 20, 21 herein

<sup>6</sup> According to Act; the phrase "1-(4-methoxyphenyl)-N-methylpropan-2-amine" probably intended

Sec. 6. Section 124.204, subsection 9, paragraph x, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

x. 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazole-2-one. Other names: broporphine, 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2H-benzimidazol-2-one.

Sec. 7. Section 124.206, subsection 2, paragraph a, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

a. 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, naltrexone, and samidorphan, and their respective salts, but including the following:<sup>7</sup>

Sec. 8. Section 124.210, subsection 6, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. Serdexmethylphenidate.

Sec. 9. Section 124.212, subsection 5, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperine-4-carbonyl)pyridine-2-yl)-benzamide].

Sec. 10. Section 124B.2, subsection 1, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. ae. 3,4-MDP-2-P methyl glycidate (PMK glycidate) and its optical and geometric isomers.

NEW PARAGRAPH. af. 3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid) and its salts, optical and geometric isomers, and salts of isomers.

NEW PARAGRAPH. ag. Alpha-phenylacetoacetamide (APAA) and its optical isomers.

Sec. 11. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

## DIVISION II IOWA PRESCRIPTION MONITORING PROGRAM

Sec. 12. Section 124.555, unnumbered paragraph 1, Code 2022, is amended to read as follows:

An advisory council shall be established to provide oversight to the board and the program and to comanage program activities. ~~The board and advisory council shall jointly adopt rules specifying the duties and activities of the advisory council and related matters.~~

Sec. 13. Section 124.555, subsection 1, Code 2022, is amended to read as follows:

1. The council shall consist of ~~eight~~ members appointed by the ~~governor~~ board. The members shall include ~~three at least one licensed pharmacists pharmacist, four physicians~~ one physician licensed under chapter 148, and one licensed prescribing practitioner who is not a physician, and other members as determined by the board. The board shall adopt rules in accordance with chapter 17A on matters pertaining to the council membership, including the terms of appointment and quorum. The ~~governor~~ board shall solicit recommendations for council members from Iowa health professional licensing boards, associations, and societies. The license of each member appointed to and serving on the advisory council shall be current and in good standing with the professional's licensing board.

<sup>7</sup> See chapter 1153, §16, 20, 21 herein

Sec. 14. Section 124.555, subsection 3, paragraph e, Code 2022, is amended to read as follows:

e. ~~One physician and one pharmacist member of the council shall include in their duties the responsibility for monitoring~~ Monitoring and ensuring that patient confidentiality, best interests, and civil liberties are at all times protected and preserved during the existence of the program.

Approved May 2, 2022

## CHAPTER 1050

### INSURANCE HOLDING COMPANY SYSTEMS — FINANCIAL REPORTING

*H.F. 2217*

**AN ACT** relating to financial reporting by insurance holding company systems.

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

Section 1. Section 511.8, subsection 22, paragraph b, subparagraph (2), Code 2022, is amended to read as follows:

(2) Be between an insurer and a conduit and be collateralized by cash or obligations which are eligible under subsection 1, 2, 3, 5, 19, or 24, are deposited with a custodian bank as defined in subsection 21, and are held under a written agreement with the custodian bank that complies with subsection 21 and provides for the proceeds of the collateral, subject to the terms and conditions of the applicable collateral or other credit support agreement, to be remitted to the legal reserve deposit of the company or association and to vest in the state in accordance with section 508.18 whenever proceedings under that section are instituted. Paragraphs “c”, “d”, and “e” of this subsection are not applicable to investments in financial instruments used in hedging transactions eligible pursuant to this subparagraph. As used in this subparagraph, “conduit” means a person within an insurer’s insurance holding company system, as defined in section 521A.1, ~~subsection 7~~, which aggregates hedging transactions by other persons within the insurance holding company system and replicates them with counterparties.

Sec. 2. Section 521A.1, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. “*Group capital calculation instructions*” means the most recent instructions adopted by the NAIC group capital calculation working group or its successor, and as published or amended by the NAIC in accordance with procedures adopted by the NAIC.

NEW SUBSECTION. 9A. “*Liquidity stress test framework*” means the most recent NAIC liquidity stress test framework, initially adopted in 2020, for life insurers meeting the scope criteria, and as published or amended by the NAIC in accordance with procedures adopted by the NAIC.

NEW SUBSECTION. 9B. “NAIC” means the national association of insurance commissioners.

NEW SUBSECTION. 10A. “*Reciprocal jurisdiction*” means the same as described in section 521B.102, subsection 6, paragraph “a”, subparagraph (1).

NEW SUBSECTION. 11A. “*Scope criteria*” means the thresholds detailed in the NAIC liquidity stress test framework that are used to establish the life insurer entities that are subject to a liquidity stress test for a specific data year.

Sec. 3. Section 521A.3, subsection 2, paragraph a, subparagraph (12), Code 2022, is amended to read as follows:

(12) An agreement by the person required to file the statement referred to in subsection 1 that the person will provide the annual enterprise risk report specified in section 521A.4, subsection 12, for so long as control exists.

Sec. 4. Section 521A.4, subsections 3 and 12, Code 2022, are amended to read as follows:

3. *Materiality*. Information need not be disclosed on the registration statement filed pursuant to subsection 2 if the information is not material for the purposes of ~~this section~~ subsections 1 through 12. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments or guarantees involving one-half of one percent or less of an insurer's admitted assets as of the next preceding December 31, are not material for purposes of ~~this section~~ subsections 1 through 12.

12. *Enterprise risk report*. The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report. The report shall, to the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the ~~national association of insurance commissioners~~ NAIC.

Sec. 5. Section 521A.4, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 12A. *Group capital calculation*.

a. The ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation. The calculation must be completed in accordance with the group capital calculation instructions, and must be filed with the lead state commissioner of the insurance holding company system as determined by the procedures in the most recent financial analysis handbook published by the NAIC. As permitted by the group capital calculation instructions, the lead state commissioner may allow a controlling person, other than the ultimate controlling person, to file the group capital calculation. The following insurance holding company systems are exempt from filing the group capital calculation:

(1) An insurance holding company system that has only one insurer within its holding company structure, that only writes business and is only licensed in its domestic state, and that assumes no business from any other insurer.

(2) An insurance holding company system that is required to perform a group capital calculation specified by the federal reserve board, if the board is able to share the calculation with the lead state commissioner pursuant to the terms of applicable information sharing agreements. The exemption shall not apply if the board does not share the calculation with the lead state commissioner.

(3) An insurance holding company system whose non-United States group-wide supervisor is located within a reciprocal jurisdiction that recognizes the United States' state regulatory approach to group supervision and group capital.

(4) An insurance holding company system that meets all of the following criteria:

(a) The system provides information to a lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the group-wide supervisor who has determined such information is satisfactory to allow the lead state to comply with the group supervision approach as detailed in the most recent financial analysis handbook published by the NAIC.

(b) The system's non-United States' group-wide supervisor that is not in a reciprocal jurisdiction recognizes and accepts, as established by the commissioner by rule, the group capital calculation as the world-wide group capital assessment for United States' insurance groups that operate in that jurisdiction.

b. Notwithstanding paragraph "a", subparagraphs (3) and (4), a lead state commissioner, after any necessary consultation with appropriate supervisors or officials, shall require the United States' operations of any non-United States-based insurance holding company system



to file a group capital calculation if the lead state commissioner deems it appropriate for prudential oversight and solvency monitoring purposes, or for ensuring the competitiveness of the insurance marketplace.

c. Notwithstanding paragraph “a”, the lead state commissioner shall have the discretion to exempt the ultimate controlling person of an insurer subject to registration from the annual group capital calculation filing requirement, or to allow a limited group capital filing or report in accordance with criteria as established by the commissioner by rule.

d. If the lead state commissioner determines that an insurance holding company system no longer satisfies the criteria for exemption under paragraph “a”, subparagraphs (1) through (4), the insurance holding company system shall file the group capital calculation at the next annual filing date, unless for reasonable grounds shown is granted an extension by the lead state commissioner.

NEW SUBSECTION. 12B. Liquidity stress test.

a. The ultimate controlling person of every insurer subject to registration, and that meets the scope criteria, shall file the results of a liquidity stress test for each data year that the insurer is subject to the liquidity stress test framework. The filing shall be made to the lead state insurance commissioner of the insurance holding company system as determined by the procedures in the applicable financial analysis handbook published by the NAIC.

b. Any change to the NAIC liquidity stress test framework, or to the data year for which the scope criteria is to be measured, shall be effective on January 1 of the calendar year immediately following the calendar year that the change to the liquidity stress test framework or the data year is adopted by the NAIC.

c. An insurer that meets at least one threshold of the scope criteria shall be subject to the liquidity stress test framework for the specified data year unless the lead state insurance commissioner, in consultation with the NAIC financial stability task force or its successor, determines that the insurer shall be exempt from the liquidity stress test framework for that data year. An insurer that does not meet at least one threshold of the scope criteria for a specified data year may be subject to the liquidity stress test framework if the lead state insurance commissioner, in consultation with the NAIC financial stability task force or its successor, determines that the insurer shall be subject to the liquidity stress test framework for that data year.

d. The performance of, and filing of the results from, a specific year’s liquidity stress test shall comply with all the following:

(1) The liquidity stress test framework instructions and reporting template applicable to the corresponding data year.

(2) The determinations made by the lead state insurance commissioner, in conjunction with the NAIC’s financial stability task force or its successor, that are provided within the liquidity stress test framework.

Sec. 6. Section 521A.7, subsection 1, Code 2022, is amended to read as follows:

1. a. All information, documents, and copies thereof obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 521A.6 or 521A.6A, and all information reported or provided to the commissioner pursuant to sections 521A.4, 521A.5, 521A.6A, and 521A.6B, ~~shall be given confidential treatment~~ shall be considered a confidential record and be recognized and protected as a trade secret pursuant to section 22.7, shall not be subject to subpoena, shall not be subject to discovery or admissible in evidence in a private civil action, and shall not be made public by the commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event the commissioner may publish all or any part thereof in such manner as the commissioner may deem appropriate. However, the commissioner is authorized to use the information, documents, or copies obtained by, disclosed to, or reported or provided to the commissioner as described in this subsection, in the furtherance of any regulatory or legal action brought as a part of the commissioner’s official duties.

b. Notwithstanding paragraph “a”, the commissioner shall maintain the confidentiality and shall not publish any of the following submitted to the commissioner pursuant to section 521A.4, subsection 12A:

(1) Group capital calculations.

(2) Group capital ratios produced within the group capital calculation.

(3) Any group capital information received from an insurance holding company supervised by the federal reserve board or any United States’ group-wide supervisor.

c. Notwithstanding paragraph “a”, the commissioner shall maintain the confidentiality and shall not publish any of the following submitted to the commissioner pursuant to section 521A.4, subsection 12B:

(1) Liquidity stress test results and supporting documentation.

(2) Any liquidity stress test information received from an insurance holding company supervised by the federal reserve board or any non-United States’ group-wide supervisor.

Sec. 7. Section 521A.7, subsection 3, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

3. In order to assist in the performance of the commissioner’s duties, the commissioner:

a. May share documents, materials, or other information, including confidential, privileged, and trade secret documents, materials, or information subject to subsection 1, with other state, federal, and international regulatory agencies, the NAIC, any third-party consultants designated by the commissioner, state, federal, and international law enforcement authorities, including members of any supervisory college described in section 521A.6A, if the recipient provides a written attestation that states all of the following:

(1) That the recipient shall maintain the confidentiality, privileged, or trade secret status of the document, material, or other information.

(2) That the recipient has the legal authority to maintain the confidentiality, privileged, or trade secret status of the document, material, or other information.

b. Notwithstanding paragraph “a”, the commissioner may only share confidential and privileged documents, materials, or information filed or submitted pursuant to section 521A.4, subsection 12, with the commissioner of a state that has statutes or regulations substantially similar if the commissioner provides a written attestation that the documents, material, or information shall not be disclosed.

c. May receive documents, materials, or information, including otherwise confidential, privileged, proprietary, or trade secret documents, materials, or information from the NAIC and its affiliates and subsidiaries, regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential, privileged, proprietary, or trade secret any document, material, or information received with either notice or the understanding that it is confidential, privileged, proprietary, or trade secret under the laws of the jurisdiction that is the source of the document, material, or information.

d. Shall enter into a written agreement with the NAIC, and any third-party consultant designated by the commissioner, that governs sharing and the use of information provided pursuant to this chapter, that is consistent with this subsection, and that does all the following:

(1) Specifies procedures and protocols regarding the confidentiality and security of information shared pursuant to this chapter with the NAIC or a third-party consultant designated by the commissioner, including procedures and protocols for the NAIC sharing the information with other state, federal, or international regulators. The agreement must provide that the recipient of the information shared by the NAIC or a third-party consultant designated by the commissioner shall provide a written attestation that states all of the following:

(a) That the recipient shall maintain the confidentiality, privileged, or trade secret status of the information.

(b) That the recipient has the legal authority to maintain the confidentiality, privileged, or trade secret status of the information.

(2) Specifies that ownership of all information shared pursuant to this chapter with the NAIC or a third-party consultant designated by the commissioner remains with the

commissioner, and the NAIC's or third-party consultant's use of the information is subject to the direction of the commissioner.

(3) Prohibits the NAIC or a third-party consultant designated by the commissioner from storing the information shared pursuant to this chapter in a permanent database after the underlying analysis is completed. This prohibition shall not apply to filings and supporting documentation made pursuant to section 521A.4, subsection 12A.

(4) Requires prompt notice be given by the NAIC or a third-party consultant designated by the commissioner to an insurer whose confidential information is the possession of the NAIC or the consultant pursuant to this chapter and that is subject to a request or subpoena to the NAIC or the consultant for disclosure or production.

(5) Requires the NAIC or a third-party consultant designated by the commissioner to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or the consultant may be required to disclose confidential information about the insurer that had been shared with the NAIC or consultant pursuant to this chapter.

(6) Requires notification to an insurer of the identity of a third-party consultant designated by the commissioner that is in possession of the results of the insurer's liquidity stress test or any supporting documentation filed pursuant to section 521A.4, subsection 12B.

Sec. 8. Section 521A.7, subsection 6, Code 2022, is amended to read as follows:

6. Documents, materials, or other information in the possession or control of the ~~national association of insurance commissioners~~ NAIC or a third-party consultant designated by the commissioner pursuant to this chapter shall be confidential by law and privileged, shall not be subject to chapter 22, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

Sec. 9. NEW SECTION. 521A.7A **Announcements to the public — prohibition.**

1. a. The group capital calculation and all supporting documentation filed pursuant to section 521A.4, subsection 12A, and the liquidity stress test results and all supporting documentation filed pursuant to section 521A.4, subsection 12B, shall be designated as regulatory tools utilized for the purpose of assessing group risks, and capital adequacy and group liquidity risks, respectively, and shall not be construed as a means to rank insurers or insurance holding company systems.

b. Except as otherwise required under this chapter, an insurer, broker, or other person engaged in the business of insurance shall be prohibited from making an announcement to the public. For purposes of this subsection, "*announcement to the public*" means the use, directly or indirectly, of any print media, broadcast media, electronic media, subscription internet site, internet site available to the public, or any other means to make a representation or statement related to any of the following:

(1) (a) An insurer's or an insurer group's filings made under section 521A.4, subsection 12A, including a group capital calculation and any supporting documentation.

(b) Any component derived from an insurer's or an insurer group's group capital calculation or supporting documentation filed under subparagraph division (a).

(c) Any comparison of an insurer's or an insurer group's group capital calculation, group capital ratio, or other metric calculated or derived from the insurer's or insurer group's filings under subparagraph division (a).

(2) (a) An insurer's or an insurer group's filings made under section 521A.4, subsection 12B, including the result of the liquidity stress test and any supporting documentation.

(b) Any component derived from the results of an insurer's or an insurer group's group liquidity stress test or supporting documentation filed under subparagraph division (a).

(c) Any comparison of an insurer's or an insurer group's liquidity stress test or other metric calculated or derived from the insurer's or insurer group's filings under subparagraph division (a).

2. If an insurer or an insurer group is able to demonstrate to the commissioner with substantial proof the material falsity or inappropriateness of an announcement made to the public under subsection 1, paragraph "b", by an insurer, broker, or other person engaged in the business of insurance, the insurer or insurer group may publish an announcement in a written publication if the sole purpose of the announcement is to rebut the materially false

or inappropriate announcement made to the public by the insurer, broker, or other person engaged in the business of insurance.

Approved May 2, 2022

## CHAPTER 1051

### IOWA COUNCIL ON HOMELESSNESS

H.F. 2258

**AN ACT** relating to the membership, procedures, and functions of the Iowa council on homelessness.

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

Section 1. Section 16.2D, subsection 1, Code 2022, is amended to read as follows:

1. A council on homelessness is created consisting of ~~thirty-eight voting~~ twenty members, eleven of whom are voting members and nine of whom are nonvoting members. At all times, at least one voting member shall be a member of a minority group.

Sec. 2. Section 16.2D, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. ~~(1) Twenty-six~~ Eleven voting members ~~of from~~ the general public appointed to two-year staggered terms by the governor in consultation with the nominating committee under subsection 4, ~~paragraph "a"~~.

~~(2) Voting members~~ Members from the general public may include but are not limited to the following types of individuals and representatives of the following programs: homeless or formerly homeless individuals and their family members, youth shelters, faith-based organizations, local homeless service providers, emergency shelters, transitional housing providers, family and domestic violence shelters, private business, local government, veterans or veteran organizations, and community-based organizations.

~~(2) (3) Five~~ Two of the ~~twenty-six voting~~ eleven members selected from the general public shall be individuals who are homeless, formerly homeless, or family members of homeless or formerly homeless individuals.

~~(3) One of the twenty-six members selected from the general public shall be a representative of the Iowa state association of counties.~~

~~(4) One of the twenty-six members selected from the general public shall be a representative of the Iowa league of cities.~~

Sec. 3. Section 16.2D, subsection 2, paragraph b, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

b. Nine nonvoting agency director members consisting of all of the following:

(1) The director of the department of education or the director's designee.

(2) The director of human services or the director's designee.

(3) The attorney general or the attorney general's designee.

(4) The director of public health or the director's designee.

(5) The director of the department on aging or the director's designee.

(6) The director of the department of corrections or the director's designee.

(7) The director of the department of workforce development or the director's designee.

(8) The executive director of the Iowa finance authority or the executive director's designee.

(9) The director of the department of veterans affairs or the director's designee.

Sec. 4. Section 16.2D, subsection 3, Code 2022, is amended by striking the subsection.

Sec. 5. Section 16.2D, subsection 4, paragraph a, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

a. The council shall annually elect five members to a nominating committee, at least two of whom shall be nonvoting members and at least two of whom shall be voting members. The governor shall appoint members of the general public to the council from names the nominating commission submits to the governor.

Sec. 6. Section 16.2D, subsection 6, paragraphs a and b, Code 2022, are amended by striking the paragraphs and inserting in lieu thereof the following:

a. Seven voting members of the council shall constitute a quorum. Any action taken by the council shall require the affirmative vote of a majority of the quorum. The majority shall not include any member who has a conflict of interest and a statement by a member who asserts a conflict of interest shall be conclusive for this purpose.

b. The council shall annually elect a chairperson and vice chairperson from the membership of the council, and other officers as determined by the council.

Sec. 7. Section 16.2D, subsection 8, paragraphs d and e, Code 2022, are amended by striking the paragraphs.

Sec. 8. Section 16.2D, subsection 9, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

9. The council shall file a point-in-time report on homelessness in Iowa with the governor and the general assembly on or before December 1 of each year.

Sec. 9. TRANSITION — APPOINTMENT AND TERM OF MEMBERS ON THE IOWA COUNCIL ON HOMELESSNESS. Notwithstanding any provision of section 16.2D, Code 2022, and any provision to the contrary as enacted in this Act, the terms of all members from the general public serving on the Iowa council of homelessness on July 1, 2022, shall terminate as of that date. The governor shall appoint eleven members of the general public to the council from names submitted by a nominating committee comprised of the nine agency director members on the council. It is the intent of the general assembly that the governor should appoint at least eight members from the general public whose terms terminated on July 1, 2022, in the interest of maintaining institutional knowledge on the council. All new general public members shall be appointed by not later than September 1, 2022, with five members appointed to terms ending June 30, 2023, and six members appointed to terms ending June 30, 2024. All terms beginning on or after July 1, 2023, shall be subject to the provision of this Act amending section 16.2D, subsection 2, paragraph “a”.

Approved May 2, 2022

## CHAPTER 1052

### EMPLOYMENT AND INSURANCE COVERAGE PROTECTION FOR MEMBERS OF THE CIVIL AIR PATROL OR COAST GUARD

*H.F. 2300*

**AN ACT** relating to protections for certain members of the military concerning employment and insurance coverage and making penalties applicable.

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

Section 1. Section 29A.43, subsections 2 and 4, Code 2022, are amended to read as follows:

2. An officer or enlisted person of the national guard or organized reserves of the armed forces of the United States, any member of the civil air patrol, 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, while performing duties as a member of the civil air patrol pursuant to section 29A.3A, 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, any member of the civil air patrol, or any regular, reserve, or auxiliary member of the United States coast guard in the line of duty.

4. The protections provided for in this section shall apply with equal force to members of the national guard of another state, an organized reserve unit in another state, any regular, reserve, or auxiliary member of the United States coast guard in another state, or a civil air patrol unit in another state who are employed in this state.

Approved May 2, 2022

## CHAPTER 1053

### ELECTRONIC DELIVERY OF INSURANCE NOTICES AND DOCUMENTS

*H.F. 2330*

**AN ACT** relating to electronic delivery of certain insurance notices and documents.

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

Section 1. Section 505B.1, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. *a.* For purposes of this subsection:

(1) “*Covered employee*” or “*employee*” means an individual participating in a group health plan who is entitled to notices and documents and who is an employee of the sponsor or policyholder of the group health plan.

(2) “*Covered person*” or “*person*” means an individual participating in a group health plan who is entitled to notices and documents.

(3) “*Smart device*” means an electronic device that combines a cell phone with a hand-held computer and that offers internet access, and text or electronic mail capabilities.

*b.* Notwithstanding any provision of this section to the contrary, a sponsor or policyholder of a group health plan may consent to notices and documents delivered by electronic means, unless there is a federal requirement for a specific mode of delivery, on behalf of the sponsor or policyholder’s covered employees and covered persons. For such consent to be effective, the sponsor or policyholder shall do all of the following:

(1) (a) Assign each covered employee for whom consent is being given an electronic mail address for employment-related purposes at which the employee may receive or access notifications regarding posted notices and documents delivered by electronic means, or require each employee for whom consent is being given to provide the sponsor or

policyholder with an electronic mail address or a smart device number at which the employee may receive or access notifications regarding posted notices and documents delivered by electronic means.

(b) Require each covered person, or a covered employee on behalf of a covered person, to provide the sponsor or policyholder with an electronic mail address or a smart device number at which the person may receive or access notifications regarding notices and documents delivered by electronic means.

(2) Prior to delivery by electronic means of notices and documents to covered employees and covered persons, the sponsor or policyholder shall provide a notification in paper form to each employee and each person for whom consent is being given that does all of the following:

(a) Notifies the employee or person that notices and documents for the group health plan will be posted to an internet site to which the employee or person will have reasonable access.

(b) Confirms the electronic mail address or smart device number to which notifications regarding notices and documents will be delivered by electronic means to the employee or person.

(c) Provides instructions for accessing notices or documents on the internet site described in subparagraph (2), subparagraph division (a).

(d) Provides the time period during which a specific type of notice or document delivered by electronic means will remain accessible.

(e) Advises the employee or person that a paper form of a notice or document may be requested and will be provided free of charge, and the process to request a paper form.

(f) Advises the employee or person of the right to opt out of delivery by electronic means and the process to exercise that right.

(3) Provides notice to each impacted covered employee and each impacted covered person each time a notice or document is posted on the internet site described in subparagraph (2), subparagraph division (a). The notice may be delivered by electronic means to the covered employee's or covered person's electronic mail address or smart device number and shall include all of the following:

(a) A prominent statement that important information regarding the group health plan has been posted on the internet site.

(b) The name of, or a description of, the notice or document.

(c) The internet site address or the hyperlink at which the notice or document may be accessed.

(d) A statement of the recipient's right to request the notice or document in paper form, free of charge, and the process to exercise that right.

(e) A statement of the recipient's right to opt out of delivery by electronic means and to receive documents in paper form free of charge.

(f) The time period during which the notice or document will remain accessible on the internet site.

(g) A telephone number for the insurer or the group health plan administrator.

Approved May 2, 2022

## CHAPTER 1054

### PARI-MUTUEL WAGERING — HORSE RACING PURSE MONEYS DISTRIBUTION — RACE HORSE AFTERCARE ORGANIZATION ASSISTANCE FUND

*H.F. 2378*

**AN ACT** relating to pari-mutuel wagering, concerning distribution of horse racing purse moneys and establishing a fund for certain race horse organizations.

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

Section 1. Section 99D.7, subsection 5, paragraph c, subparagraph (2), Code 2022, is amended to read as follows:

(2) Of the purse moneys designated for thoroughbred racing, ~~two~~ four percent shall be distributed to an organization representing owners of thoroughbred race horses for the purpose of paying the annual operating expenses of the organization and for the promotion and marketing of Iowa-bred horses. The organization receiving such purse moneys shall complete and provide to the commission an annual audit and accounting of the allocation of such moneys.

Sec. 2. NEW SECTION. 99D.27A Iowa race horse aftercare organization assistance fund.

1. An Iowa race horse aftercare organization assistance fund is created in the state treasury under the control of the racing and gaming commission.

2. The fund shall consist of fines collected by the commission under this chapter and such other moneys deposited in the fund.

3. Moneys in the fund shall be distributed, under the sole control of the commission, to organizations, exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code, that are dedicated to race horse aftercare subject to the requirements of this section.

4. The commission shall determine the method by which moneys in the fund shall be distributed, with priority given to organizations primarily involved in rehabilitation, retraining, and rehoming of former race horses that raced in the state of Iowa that have governing boards comprised of pari-mutuel industry occupational license holders. Moneys shall only be distributed to organizations shown to have been in existence for a minimum of three years. The distribution decisions of the commission shall be final.

5. Members of the commission, employees of the commission, and any individual that the commission had assist in the distribution determination shall be held harmless against any claim of liability made by any person or organization arising out of the distribution of the moneys from the fund by the commission.

6. Section 8.33 does not apply to moneys in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Approved May 2, 2022

## CHAPTER 1055

### CHILD WELFARE — FOSTER CARE — COURT APPOINTED SPECIAL ADVOCATES

*H.F. 2390*

**AN ACT** relating to child welfare, including provisions relating to foster care and the child advocacy board.

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

Section 1. Section 232.2, subsection 9, Code 2022, is amended to read as follows:

9. “*Court appointed special advocate*” means a person duly certified by the child advocacy board created in section 237.16 for participation in the court appointed special advocate program and appointed by the court to ~~represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding~~ carry out duties pursuant to section 237.24.



Sec. 2. Section 237.15, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 4A. "Fictive kin" means an adult person who is not a relative of a child but who has an emotionally positive significant relationship with the child or the child's family.

Sec. 3. Section 237.16, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. The department and the department of inspections and appeals shall jointly develop written protocols detailing the responsibilities of each department with regard to children under the purview of the state board. The protocols shall be reviewed by the departments on an annual basis.

Sec. 4. Section 237.17, Code 2022, is amended to read as follows:

**237.17 Foster care registry.**

1. The state board shall establish a registry of the placements of all children receiving foster care. ~~The department~~ agency responsible for the placement shall notify the state board of each placement ~~within five working days of the department's notification of the placement in accordance with written protocols adopted pursuant to section 237.16, subsection 4.~~ The notification to the state board shall include information identifying the child receiving foster care and placement information for that child.

2. ~~Within thirty days of the placement or two days after the dispositional hearing the~~ The agency responsible for the placement shall submit the case permanency plan and all case permanency plan revisions to the state board a local board in accordance with written protocols adopted pursuant to section 237.16, subsection 4. All subsequent revisions of the case permanency plan shall be submitted when the revisions are developed.

Sec. 5. Section 237.18, Code 2022, is amended to read as follows:

**237.18 Duties of state board.**

The state board shall:

1. Review the activities and actions of local boards and the court appointed special advocate program.

2. Adopt rules pursuant to chapter 17A to:

a. Establish a recordkeeping system for the files of local ~~review~~ boards including individual case reviews.

b. Accumulate data and develop an annual report regarding children ~~in foster care~~ served by the state board. The report shall include:

(1) ~~Personal data~~ Data regarding the total number of days of foster care provided and the characteristics of the children receiving foster care.

(2) The number of placements of children in foster care.

~~(3) The frequency and results of court reviews.~~

c. Evaluate the ~~judicial and administrative data collected on foster care by local boards and court appointed special advocates,~~ and disseminate the data to the governor, ~~the supreme court, the chief judge of each judicial district, the department, and child-placing agencies,~~ and the state court administrator for dissemination to the supreme court and the chief judge of each judicial district.

d. Establish mandatory training programs for members of the state ~~and local review boards including an initial training program and periodic in-service training programs~~ board. Training shall focus on, but not be limited to, the following:

(1) ~~The history, philosophy and role of the juvenile court in the child protection system~~ The duties of the state board.

(2) ~~Juvenile court procedures under the juvenile justice act~~ The duties of local boards.

(3) ~~The foster care administrative review process of the department of human services~~ The duties of court appointed special advocates.

(4) ~~The role and procedures of the citizen's foster care review system~~ Applicable child welfare laws and practices that influence the work of local boards and court appointed special advocates.

~~(5) The Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96-272.~~

~~(6) The purpose of case permanency plans, and the type of information that will be available in those plans.~~

~~(7) The situations where the goals of either reuniting the child with the child's family or adoption would be appropriate.~~

~~(8) The legal processes that may lead to foster care placement.~~

~~(9) The types and number of children involved in those legal processes.~~

~~(10) The types of foster care placement available, with emphasis on the types and number of facilities available on a regional basis.~~

~~(11) The impact of specific physical or mental conditions of a child on the type of placement most appropriate and the kind of progress that should be expected in those situations.~~

~~e. Establish a mandatory training program and procedures for the local review board boards consistent with the provisions of section 237.20.~~

~~f. Establish grounds and procedures for removal of a local review board member.~~

~~g. f. Establish procedures and protocols for administering the court appointed special advocate program in accordance with subsection 7 6.~~

~~3. Assign the cases of children receiving foster care to the appropriate local boards.~~

~~4. Assist local boards in reviewing cases of children receiving foster care, as provided in section 237.20.~~

~~5. 4. Employ appropriate staff in accordance with available funding. The board shall coordinate with the department of inspections and appeals regarding administrative functions of the board.~~

~~6. 5. In conjunction with the legislative services agency and in consultation with the department of human services, supreme court, and private foster care providers, develop and maintain Maintain an evaluation program regarding citizen foster care review programming. The evaluation program shall be designed to evaluate the effectiveness of citizen reviews in improving case permanency planning and meeting case permanency planning goals, identify the amount of time children spend in foster care placements, and identify problem issues in the foster care system. The state board shall submit an annual evaluation report to the governor and the general assembly.~~

~~7. 6. Administer the court appointed special advocate program, including but not limited to performance of all of the following:~~

~~a. Establish standards for the program, including but not limited to standards for selection and screening of volunteers, preservice training, ongoing continuing education, and assignment and supervision of volunteers. Identifying information concerning a court appointed special advocate, other than the advocate's name, shall not be considered to be a public record under chapter 22.~~

~~b. Implement the court appointed special advocate program in additional areas of the state as deemed necessary to effectuate its purpose including but not limited to employing court appointed special advocate program staff as available funding provides.~~

~~c. Promote adherence to the national guidelines for state and local court appointed special advocate programs.~~

~~d. Issue an annual report of the court appointed special advocate program for submission to the general assembly, the governor, and the supreme court.~~

~~e. Employ appropriate court appointed special advocate program staff in accordance with available funding. The state board shall coordinate with the department of inspections and appeals the performance of the administrative functions of the state board.~~

~~8. 7. Receive gifts, grants, or donations made for any of the purposes of the state board's programs and disburse and administer the funds received in accordance with the terms of the donor and under the direction of program staff. The funds received shall be used according to any restrictions attached to the funds and any unrestricted funds shall be retained and applied to the applicable program budget for the next succeeding fiscal year.~~

~~9. 8. Make recommendations to the general assembly, the department, to child-placing agencies, the governor, and the state court administrator for dissemination to the supreme court, and the chief judge of each judicial district, and to the judicial branch. The recommendations shall include but are not limited to identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of~~

children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph “b”.

Sec. 6. Section 237.19, Code 2022, is amended to read as follows:

**237.19 Local citizen foster care review boards.**

1. The state board shall establish local citizen foster care review boards to review cases of children receiving foster care. The department shall discontinue its foster care review process for those children reviewed by local boards as local boards are established and operating. The state board shall select a minimum of five members and two alternate a maximum of seven members to serve on each local board ~~in consultation with the chief judge of each judicial district.~~ The actual number of local boards needed and established shall be determined by the state board. The members of each local board shall ~~consist of persons of,~~ to the extent possible, reflect the various social, economic, racial, and ethnic groups and various occupations of their district. A person employed by the state board, or the department, ~~the department of inspections and appeals, or the district court, or an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board.~~ The state board shall provide the names of the members of the local boards to the department.

2. Vacancies on a local board shall be filled in the same manner as original appointments. ~~The members shall not receive per diem but shall receive reimbursement for actual and necessary expenses incurred in their duties as members.~~

3. A local board member shall be required to pass a background check and complete requirements as established by the state board prior to taking an oath of confidentiality to serve on a local board.

4. A local board member shall be required to receive periodic continuing education during each term of service as established by the state board.

Sec. 7. Section 237.20, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Review the case of each child receiving foster care assigned to ~~the a~~ a local board by the state board in accordance with written protocols adopted pursuant to section 237.16, subsection 4, to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. The timing and frequency of a review of each case by a local board shall take into consideration the permanency goals, placement setting, and frequency of any court reviews of the case.

Sec. 8. Section 237.20, subsection 1, paragraph a, subparagraph (2), Code 2022, is amended to read as follows:

(2) The efforts of the agency responsible for the placement of the child to locate and provide services to the child’s biological or adoptive parents of the child, legal guardians, or fictive kin providing the majority of a child’s daily food, lodging, and support.

Sec. 9. Section 237.20, subsection 1, paragraphs b, c, and d, Code 2022, are amended to read as follows:

b. ~~The review shall include issues pertaining to the case permanency plan and shall not include issues that do not pertain to the case permanency plan.~~ A person notified pursuant to subsection 4 shall either attend the review or submit testimony a statement as requested by the local board or in accordance with a written protocol jointly developed by the state board and the department. ~~Oral testimony~~ Statements may, upon the request of ~~the testifier~~ an interested party or upon motion of the local board, be given in a private setting ~~when to do so would facilitate the presentation of evidence.~~ Statements may be made in written, oral, or electronic form. Local board questions reviews shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

c. A person who gives an oral testimony statement has the right to representation by counsel at the review.

d. An agency or individual providing services to the child shall submit testimony statements as requested by the local board. ~~The testimony may be written or oral, or may be a tape~~

~~recorded telephone call.~~ Written testimony or recorded statements from other interested parties may also be considered by the board in its review.

Sec. 10. Section 237.20, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Submit to the appropriate court and the department within fifteen days after the review under subsection 1, the findings and recommendations of the review. The local board shall ensure that the most recent report is available for a court hearing. The report ~~to the court~~ shall include information regarding the case permanency plan and the progress in attaining the permanency goals. The report shall not include issues that do not pertain to the case permanency plan. The findings and recommendations shall include the proposed date of the next review by the local board. The local board shall notify the persons specified in subsection 4 of the findings and recommendations.

Sec. 11. Section 237.20, subsection 4, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) An intervenor.

Sec. 12. Section 237.21, subsection 2, Code 2022, is amended to read as follows:

2. Information and records relating to a child receiving foster care and to the child's family shall be provided to a court appointed special advocate, a local board, or the state board by the department, the department's agent, or child-care a child placement agency receiving purchase of service funds from the department contracted by the department upon request by the court appointed special advocate or either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child, ~~if the information and records are not obtainable elsewhere,~~ to a local board or ~~the state board~~ court appointed special advocate upon request by either the local board or court appointed special advocate. If confidential information and records are distributed to individual members in advance of a meeting of ~~the state board or a local board,~~ the information and records shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure. If confidential information and records are distributed to a court appointed special advocate or court appointed special advocate program staff, the information shall be confidential and the court appointed special advocate and court appointed special advocate program staff shall take appropriate steps to prevent unauthorized disclosure.

Sec. 13. Section 237.21, subsection 4, Code 2022, is amended to read as follows:

4. A court appointed special advocate may disclose case-related observations and recommendations to the agency assigned by the court to supervise the case, to the county attorney, or to the child's legal representative or guardian ad litem, or at a local board meeting. Case-related observations and recommendations about a child and the child's parent or about a child and the child's legal guardian may also be disclosed to the parent or guardian to which the observations and recommendations pertain or to such parent or guardian's legal representative.

Sec. 14. Section 237.22, Code 2022, is amended to read as follows:

**237.22 Case permanency plan.**

The agency responsible for the placement of the child shall create a case permanency plan. The plan shall In addition to requirements stated in section 232.2, subsection 4, the plan shall also include, but not be limited to:

~~1. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.~~

2. 1. Time frames to meet the stated permanency goal and short-term objectives.

3. ~~The type and appropriateness of the placement and services to be provided to the child.~~

4. 2. The care and services that will be provided to the child, biological parents, the child's fictive kin, and foster parents.

5. ~~How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.~~

6. 3. The efforts to place the child with a relative or fictive kin.
7. 4. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out of state.

Sec. 15. NEW SECTION. **237.24 Court appointed special advocates.**

1. A court appointed special advocate shall receive notice of all depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed.
2. The duties of a court appointed special advocate with respect to a child, unless otherwise enlarged or circumscribed by a court or juvenile court with jurisdiction over the child after a finding of good cause, shall include all of the following:
- a. Conducting in-person interviews with the child every thirty days, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child as needed, if authorized by counsel.
  - b. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.
  - c. Interviewing any person providing medical, mental health, social, educational, or other services to the child.
  - d. Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the court appointed special advocate is appointed.
  - e. Attending any depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed for the purpose of supporting the child and advocating for the child's protection.
  - f. Assisting the transition committee in the development of a transition plan if the child's case permanency plan calls for the development of a transition plan.
  - g. (1) Submitting a written report to the juvenile court and to each of the parties identified in section 237.21, subsection 4, prior to each court hearing unless otherwise ordered by the court.  
(2) The report shall include but not be limited to the identified strengths of the child and the child's family, concerns identified by the court appointed special advocate, the court appointed special advocate's recommendations regarding the child's placement, and other recommendations the court appointed special advocate believes are in the child's best interests.
  - h. Submitting periodic reports to the court or juvenile court with jurisdiction over a child and interested parties detailing the child's situation as long as the child remains under the jurisdiction of the court or juvenile court.
  - i. Filing other reports as ordered by a court or juvenile court.

Approved May 2, 2022

## CHAPTER 1056

### HEALTH BENEFIT PLANS AND HEALTH CARE REIMBURSEMENT — PRIOR AUTHORIZATION

*H.F. 2399*

**AN ACT** relating to reimbursement for health care services provided after receipt of a prior authorization, and including applicability provisions.

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

Section 1. NEW SECTION. **514F.8 Prior authorizations — reimbursement.**

1. For purposes of this section:
- a. "Covered person" means a policyholder, subscriber, enrollee, or other individual participating in a health benefit plan.

b. “Facility” means the same as defined in section 514J.102.

c. “Health benefit plan” means the same as defined in section 514J.102.

d. “Health care professional” means the same as defined in section 514J.102.

e. “Health care provider” means a health care professional or a facility.

f. “Health care services” means services provided by a health care provider for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease. “Health care services” includes the provision of durable medical equipment. “Health care services” does not include prescription drugs or dental care services as that term is defined in section 514J.102.

g. “Health carrier” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the 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” does not include 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.

h. “Prior authorization” means a determination by a utilization review organization that a specific health care service proposed by a health care provider for a covered person is medically necessary or medically appropriate, and the determination is made prior to the provision of the health care service to the covered person, and, if applicable, includes a utilization review organization’s requirement that a covered person or a health care provider notify the utilization review organization prior to receiving or providing a specific health care service.

i. “Utilization review” means the same as defined in section 514F.4, subsection 3.

j. “Utilization review organization” means an entity that performs utilization review, including a health carrier that meets the requirements established for accreditation set by the utilization review accreditation commission or the national committee on quality assurance and that performs utilization review for the health carrier’s health benefit plans.

2. a. A utilization review organization shall not revoke, or impose a limitation, condition, or restriction on, a prior authorization after the date on which a health care provider provides a health care service to a covered person per the prior authorization.

b. A health carrier shall reimburse a health care provider at the contracted reimbursement rate for a health care service provided by the health care provider to a covered person per a prior authorization.

c. Paragraphs “a” and “b” shall not apply in any of the following circumstances:

(1) The health care provider or the covered person committed fraud, waste, or abuse.

(2) The health care provider or the covered person provided inaccurate information that the utilization review organization relied on for the utilization review organization’s prior authorization determination.

(3) On the date that the health care service was provided by the health care provider to the covered person per the prior authorization, the health care service was no longer a benefit covered by the covered person’s health benefit plan.

(4) On the date that the health care service was provided by the health care provider to the covered person per the prior authorization, the health care provider was no longer contracted with the health carrier that provides the covered person’s health benefit plan.

(5) The health care provider failed to meet the health carrier’s requirements related to timely filing of claims for submission of a claim for the health care service provided by the health care provider to the covered person per the prior authorization.

(6) Due to coordination of benefits, the health carrier does not have liability for a claim for the health care service provided by the health care provider to the covered person per a prior authorization.

(7) On the date that the health care service was provided by the health care provider to the covered person per the prior authorization, the covered person was no longer a participant in the health benefit plan in which the covered person participated on the date that the prior authorization was received by the health care provider.

3. A prior authorization for a specific health care service for a covered person shall be valid for the specific health care service for not less than ninety days from the date that the covered person's health care provider receives the prior authorization from a utilization review organization, provided that during the ninety days the covered person remains a participant in the same health benefit plan in which the covered person participated on the date the prior authorization was received by the health care provider.

4. The commissioner may adopt rules pursuant to chapter 17A as necessary to administer this chapter.

Sec. 2. **APPLICABILITY.** This Act applies January 1, 2023, to health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after that date.

Approved May 2, 2022

## CHAPTER 1057

### MANUFACTURE, DELIVERY, OR POSSESSION WITH INTENT TO MANUFACTURE OR DELIVER HEROIN — PENALTIES

*H.F. 2462*

**AN ACT** relating to penalties for the manufacture, delivery, or possession with the intent to manufacture or deliver heroin.

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

Section 1. Section 124.401, subsection 1, paragraph a, subparagraph (1), Code 2022, is amended to read as follows:

(1) More than one ~~kilogram~~ hundred grams of a mixture or substance containing a detectable amount of heroin.

Sec. 2. Section 124.401, subsection 1, paragraph b, subparagraph (1), Code 2022, is amended to read as follows:

(1) More than ~~one hundred~~ five grams but not more than one ~~kilogram~~ hundred grams of a mixture or substance containing a detectable amount of heroin.

Sec. 3. Section 124.401, subsection 1, paragraph c, subparagraph (1), Code 2022, is amended to read as follows:

(1) ~~One hundred~~ Five grams or less of a mixture or substance containing a detectable amount of heroin.

Approved May 2, 2022

**CHAPTER 1058****BUSINESS CORPORATIONS — COMMUNICATIONS, RECORDS, AND SHAREHOLDERS' LISTS — MISCELLANEOUS CHANGES***H.F. 2469*

**AN ACT** relating to corporations by providing for the use of electronic mail and other electronic transmissions, and shareholders' lists.

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

**DIVISION I  
SHAREHOLDER NOTICES, LISTS, AND RECORDS**

Section 1. Section 490.140, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 12A. "Electronic mail" means an electronic transmission directed to a unique electronic mail address.

NEW SUBSECTION. 12B. "Electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox, commonly referred to as the "local part" of the address, and a reference to an internet domain, commonly referred to as the "domain part" of the address, whether or not displayed, to which electronic mail may be sent or delivered.

Sec. 2. Section 490.141, Code 2022, is amended to read as follows:

**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 a notice or other communication by electronic transmissions transmission must be in accordance with this section. If the methods of delivery are impracticable, a notice or other communication from a corporation 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 registered 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 490.1621 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 from a corporation to a shareholder may be delivered by electronic mail to the electronic mail address for a shareholder required to be included in the record of shareholders maintained pursuant to section 490.1601, subsection 4, unless the shareholder has previously notified the corporation in writing that the shareholder objects to receiving notices and other communication by electronic mail. Any notice or other communication may be delivered to a shareholder by another form of electronic transmission if consented to by the shareholder or if authorized by subsection 10. Any notice or other communication from the corporation to any other person may be delivered by electronic transmission if consented to by the recipient or if authorized by subsection 10.

~~5. Any consent given under this subsection 4 or subsection 10 may be revoked with respect to future notices or communications by the person who consented by giving written or electronic notice to the person to whom the consent was delivered. Any such consent is deemed revoked~~

5. A notice or other communication shall no longer be delivered to an electronic mail address or other electronic transmission address pursuant to subsection 4, 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~~ receives notice from the information processing system into which such notice or other communication was entered that two consecutive notices or other communications given by electronic transmission have not been delivered to the electronic mail address or other electronic transmission address to which such notice or other communication was directed.

~~b. Such inability notice of nondelivery becomes known to the secretary, or an assistant secretary or to the transfer agent, or other another person responsible for the giving of notice notices or other communications for the corporation; provided, however, that the inadvertent failure to treat such inability as a revocation recognize such notice of nondelivery as a cessation of authority to provide a shareholder with notice by electronic mail or other electronic transmission shall not invalidate any meeting or other action.~~

6. Unless otherwise agreed between the sender and the recipient, ~~an a notice or other communication by 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 directed to any of the following:~~

~~(1) In the case of a shareholder, the electronic mail address for the shareholder required to be included in the record of shareholders maintained pursuant to section 490.1601, subsection 4, or other electronic transmission address at which the shareholder has consented to receive notice or other communications by electronic transmission.~~

~~(2) In the case of any other recipient, the electronic transmission address at which the recipient has consented to receive notice or other communications by 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~~ included in the corporation's record of shareholders maintained by the corporation under pursuant to section 490.1601, subsection 4.

(2) A director's residence or usual place of business.

(3) The domestic or registered foreign corporation's principal office.

b. If mailed by United States mail postage prepaid and correctly addressed to a shareholder at the shareholder's address included in the record of shareholders pursuant to section 490.1601, subsection 4, 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, at the address included in the corporation's records 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. §§~~7001-7001~~ 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~~ chapter to a shareholder, ~~such~~ the notice need not be given if the corporation is not permitted to deliver notice by electronic transmission pursuant to subsections 4 and 5 and 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~~ included in the record of shareholders maintained pursuant to section 490.1601, subsection 4, 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~~ included in the record of shareholders maintained pursuant to section 490.1601, subsection 4, and have been returned undeliverable or could not be delivered.

(3) No address has been provided to the corporation by or on behalf of a shareholder and the corporation has not otherwise obtained an address for the shareholder that the corporation believes is reliable.

*b.* ~~If~~ In addition, if any such shareholder ~~shall deliver~~ to which this subsection applies delivers 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. 3. Section 490.720, Code 2022, is amended to read as follows:

**490.720 Shareholders' list List of shareholders for meeting.**

1. After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all ~~its~~ the shareholders who are entitled to notice of a ~~the~~ 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~~ the shareholders who are entitled to vote at the meeting. ~~A~~ The list must be arranged by voting group, and within each voting group by class or series of shares, and ~~show~~ contain the address of, and number and class or series of shares held by, each shareholder. ~~Nothing contained in this subsection shall require and, if the notice or other communications regarding the meeting has been or will be sent by the corporation to include on such list the a shareholder by electronic mail address or other electronic contact information of a transmission, the electronic mail or other electronic transmission address of that shareholder.~~

2. *a.* The ~~shareholders'~~ list for of shareholders entitled to 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~~ list of shareholders for notice shall be made available at ~~via~~ any of the following:

(1) ~~The~~ At 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~~ On a reasonably accessible electronic network, provided that the information required to gain access to such list is provided with the notice of the meeting. The list of shareholders entitled to vote shall be similarly available for inspection promptly after the record date for voting. 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 of shareholders, during regular business hours and at the shareholder's expense, during the period it is available for inspection. A corporation may satisfy the shareholder's right to copy a list of shareholders by furnishing a copy in the manner described in section 490.1603, subsection 2. A shareholder and the shareholder's agent or attorney who inspects or is furnished a copy of a list of shareholders under this subsection or under subsection 3 or who copies the list under this subsection may use the information on that list only for purposes related to the meeting and its subject matter and must keep the information on that list confidential.

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 adjournment, and any shareholder, or the shareholder's agent or attorney, is entitled to inspect the list at any time during the meeting ~~or~~ and any adjournment. If the meeting is to be held solely by means of remote communication, then such list shall also be ~~open to~~ available for such inspection during the meeting and any adjournment on a reasonably accessible electronic network, and the information required to access such list shall be provided with the notice of the meeting. The corporation may satisfy its obligation to make such list available for inspection during a meeting by furnishing a copy of the list in the manner described in section 490.1603, subsection 2, to the shareholders prior to the meeting.

4. If the corporation refuses to allow a shareholder, or the shareholder's agent or attorney, to inspect a ~~shareholders' list of shareholders~~ before or at the meeting or any adjournment, 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 of shareholders~~ does not affect the validity of action taken at the meeting.

Sec. 4. Section 490.1601, subsection 4, Code 2022, is amended to read as follows:

4. A corporation shall maintain a record of its current shareholders in alphabetical order by class or series of shares showing the address of ~~of, and the number and class or series of shares held by,~~ each shareholder to which notices and other communications from the corporation are to be sent, and which shall include the number and class or series of shares held by each such 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~~ In addition, if a shareholder has provided an electronic mail address to the corporation or has consented to receive notices or other communications by electronic mail or other electronic transmission, the record of shareholders shall include the electronic mail or other electronic transmission address of the shareholder if notices or other communications are being delivered by the corporation to the shareholder at such electronic mail or other electronic transmission address pursuant to section 490.141, subsection 4. An electronic mail address of a shareholder shall be deemed to be provided by a shareholder if the electronic mail address is contained in a communication to the corporation by or on behalf of the shareholder unless the communication expressly indicates that the electronic mail address shall not be used to deliver notices or other communications.

## DIVISION II GRAMMATICAL CHANGES

Sec. 5. Section 490.140, subsection 57, Code 2022, is amended to read as follows:

57. "United States" includes a district, authority, bureau, commission, department, and any other agency of the United States.

Sec. 6. Section 490.143, subsection 1, paragraph e, subparagraph (2), Code 2022, is amended to read as follows:

(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.

Sec. 7. Section 490.1704, subsection 4, Code 2022, is amended to read as follows:

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~~ section 490.202, subsection 2, paragraphs “d” and “e”.

### DIVISION III TERMINOLOGY CHANGES

Sec. 8. Section 490.120, subsection 5, Code 2022, is amended to read as follows:

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~~ registration required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

Sec. 9. Section 490.401, subsection 2, paragraphs c and e, Code 2022, are amended to read as follows:

c. The name of a registered foreign corporation ~~registered to do business in this state~~ or an alternate name adopted by a registered foreign corporation ~~registered to do business in this state~~ because its corporate name is unavailable.

e. The name of a foreign nonprofit corporation ~~registered~~ authorized to do business in this state or an alternate name adopted by a foreign nonprofit corporation ~~registered~~ authorized to conduct activities in this state because its real name is unavailable.

Sec. 10. Section 490.401, subsection 4, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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~~ registered to ~~transact~~ do 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:

Sec. 11. Section 490.748, subsection 3, Code 2022, is amended to read as follows:

3. The district court may appoint an individual or domestic or registered 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.

Sec. 12. Section 490.922, subsection 5, Code 2022, is amended to read as follows:

5. If the domesticating corporation is a registered 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. 13. Section 490.1511, subsection 4, Code 2022, is amended to read as follows:

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.

Sec. 14. Section 490.1621, subsection 4, Code 2022, is amended to read as follows:

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~~ registered to do business in this state. 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.

Sec. 15. Section 496C.20, subsection 3, Code 2022, is amended to read as follows:

3. The ~~certificate of authority~~ foreign registration statement of a foreign professional corporation may be revoked by the secretary of state as provided in the Iowa business corporation Act, chapter 490, if the foreign professional corporation fails to comply with any provision of this chapter.

Approved May 2, 2022

## CHAPTER 1059

### FLOOD RECOVERY FUND MONEYS — USE OF INTEREST

*H.F. 2515*

**AN ACT** relating to authorized uses of interest earned on funds in the flood recovery fund and including effective date provisions.

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

Section 1. Section 418.16, subsection 5, Code 2022, is amended to read as follows:

5. 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 in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. The department may use the interest earned on moneys in the fund for reimbursement of actual expenses of voting board members under section 418.6 and for costs incurred by the department to administer the flood mitigation program and to provide assistance to the flood mitigation board and program applicants under section 418.7.

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

Approved May 2, 2022

## CHAPTER 1060

### INDIGENT DEFENSE — APPOINTMENT OF COUNSEL

*H.F. 2516*

**AN ACT** relating to the appointment of counsel for indigent persons by the court in certain cases.

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

Section 1. Section 815.10, subsection 1, paragraph b, Code 2022, is amended to read as follows:

*b.* An indigent person is entitled to the appointment of one attorney in all cases, except that the court may appoint two attorneys in class “A” felony cases ~~the court may appoint two attorneys~~ and in cases where an assistant state public defender from the wrongful convictions division of the office of the state public defender enters an appearance after a private attorney has been appointed to represent the indigent person. However, in a class “A” felony case, a person who is represented by a privately retained attorney or by an attorney who has agreed to represent the person is not entitled to have an attorney appointed to represent the person based upon the indigence of the person.

Approved May 2, 2022

## CHAPTER 1061

STATE AND LOCAL TAXATION — DEPARTMENT OF REVENUE RECORDS, DUTIES, AND PROCEDURES — ASSESSMENT, COLLECTION, CALCULATION, AND REFUNDS OF TAXES — DEBT COLLECTION — PROPERTY ASSESSMENT APPEAL BOARD SALARIES

*H.F. 2552*

**AN ACT** relating to state and local finances and the duties and procedures of the department of revenue by providing for electronic filing, communications, and records, modifying transfer tax remittances, the assessment of property, the collection of debt, the refunds of certain fuel taxes, and the taxation of pass-through entities, reducing inheritance taxes for unknown heirs, establishing salaries, providing for a fee, making appropriations, and providing penalties, and including effective date, applicability, and retroactive applicability provisions.

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

### DIVISION I RECORD RETENTION

Section 1. Section 422.68, subsections 3 and 4, Code 2022, are amended to read as follows:

3. *a.* ~~The director may shall destroy useless records and returns, reports, and communications records of any taxpayer filed with or kept by the department after those returns, records, reports, or communications have been in the custody of the department for a period of not less than three years or such time as the director prescribes by rule. However, after the accounts of a person have been examined by the director and the amount of tax and penalty due have been finally determined, the director may order the destruction of any records previously filed by that taxpayer, notwithstanding the fact that those records have been in the custody of the department for a period less than three years. These records and documents shall be destroyed in the manner prescribed by the director by the end of the calendar year following the year in which the record is determined by the department to be useless.~~

*b.* (1) A taxpayer or the department may request that a specific record be retained beyond the useful life of the record.

(2) The director shall have the discretion to approve or deny a request made pursuant to subparagraph (1).

*c.* Notwithstanding paragraph “a”, the department may retain any of the following:

(1) A record that no longer contains personally identifiable information of a specific taxpayer.

(2) A record described in section 17A.3, subsection 1, paragraph “d” or “e”.

d. The department shall adopt rules pursuant to chapter 17A to administer this subsection.

~~4. The department may make photostat, microfilm, electronic, or other electronic or photographic copies of records, reports, and other papers either filed by the taxpayer or prepared by the department, or make such copies by other methods. In addition, the department may create and or use any system of recordkeeping reasonably calculated to preserve its records for any time period required by law. When these photostat, electronic, microfilm, or other copies have been a copy is made, the department may destroy the original records record which are the served as the basis for the copies copy in any manner prescribed by the director. These photostat, electronic, microfilm, or other types of copies, when no longer of use, may be destroyed A copy shall be subject to destruction as provided in subsection 3. These photostat, microfilm, electronic, or other records A copy shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of them the record.~~

Sec. 2. EFFECTIVE DATE. This division of this Act takes effect January 1, 2025.

DIVISION II  
ELECTRONIC FILING — FIDUCIARIES — BUSINESS ENTITIES

Sec. 3. Section 422.14, subsection 1, Code 2022, is amended to read as follows:

1. a. A fiduciary subject to taxation under this subchapter, as provided in section 422.6, shall make a return, signed in accordance with forms and rules prescribed by the director, for the individual, estate, or trust for whom or for which the fiduciary acts, if the taxable income thereof amounts to six hundred dollars or more. A nonresident fiduciary shall file a copy of the federal income tax return for the current tax year with the return required by this section.

b. (1) A fiduciary required to file a return under paragraph “a”, shall file the return in an electronic format as specified by the department in a tax year in which any of the following circumstances apply:

(a) The individual, estate, or trust for whom or which the fiduciary acts has two hundred fifty thousand dollars or more in gross receipts, as defined by rule by the department.

(b) The fiduciary is required to provide ten or more schedules K-1 to the beneficiaries.

(c) The fiduciary reports twenty-five thousand dollars or more of Iowa tax credits on the return.

(2) This paragraph “b” applies to any form or schedule supporting a return required to be electronically filed or any amended return if the amended return meets any of the circumstances requiring electronic filing in this paragraph.

c. (1) Notwithstanding paragraph “b”, the department may provide an exception to the electronic filing requirement.

(2) A return subject to the electronic filing requirement in paragraph “b” that is filed in a manner other than an electronic format specified by the department shall not be considered a valid return unless the department provides an exception pursuant to this paragraph.

d. The department shall adopt rules to implement this subsection.

Sec. 4. Section 422.15, subsection 2, Code 2022, is amended to read as follows:

2. a. Every partnership, including limited partnerships, doing business in this state, or deriving income from sources within this state as defined in section 422.32, subsection 1, paragraph “g”, shall make a return, stating specifically the net income and capital gains or losses reported on the federal partnership return, the names and addresses of the partners, and their respective shares in said amounts.

b. (1) A partnership required to file a return under paragraph “a”, shall file the return in an electronic format specified by the department in a tax year in which any of the following circumstances apply:

(a) The partnership has two hundred fifty thousand dollars or more in total gross receipts, as defined by rule by the department.

(b) The partnership is required to provide ten or more Iowa schedules K-1 to the partners.

(c) The partnership reports twenty-five thousand dollars or more of Iowa tax credits on the return.

(2) This paragraph “b” applies to any form or schedule supporting a return required to be electronically filed or any amended return if the amended return meets any of the circumstances requiring electronic filing in this paragraph.

c. (1) Notwithstanding paragraph “b”, the department may provide an exception to the electronic filing requirement.

(2) A return subject to the electronic filing requirement in paragraph “b” that is filed in a manner other than an electronic format specified by the department shall not be considered a valid return unless the department provides an exception pursuant to this paragraph.

d. The department shall adopt rules to implement this subsection.

Sec. 5. Section 422.16B, subsection 8, Code 2022, is amended to read as follows:

8. a. 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.

b. (1) If a pass-through entity is required to file its annual return under section 422.14, 422.15, or 422.36 in an electronic format, the pass-through entity shall file its composite return for the same taxable year in an electronic format specified by the department.

(2) This paragraph applies to any form or schedule supporting a return required to be electronically filed or any amended return if the amended return meets any of the circumstances requiring electronic filing in this paragraph.

c. A return subject to the electronic filing requirement in paragraph “b” that is filed in a manner other than an electronic format specified by the department shall not be considered a valid return.

d. The department shall adopt rules to implement this subsection.

Sec. 6. Section 422.36, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. A corporation shall file a return required under this section in an electronic format specified by the department for any tax year if any of the following circumstances apply:

(1) The corporation has gross receipts of two hundred fifty thousand dollars or more, as defined by rule by the department.

(2) The corporation reports twenty-five thousand dollars or more of Iowa tax credits on the return.

b. A corporation described in subsection 5 shall file all returns required under this section in an electronic format specified by the department for any tax year if any of the following circumstances apply:

(1) The corporation has gross receipts of two hundred fifty thousand dollars or more, as defined by rule by the department.

(2) The corporation is required to provide ten or more Iowa schedules K-1 to shareholders.

(3) The corporation reports twenty-five thousand dollars or more of Iowa tax credits on the return.

c. This subsection applies to any form or schedule supporting a return required to be electronically filed or any amended return if the amended return meets any of the circumstances requiring electronic filing in this subsection.

d. (1) Notwithstanding paragraphs “a” and “b”, the department may provide an exception to the requirement to file a return in an electronic format.

(2) A return subject to the electronic filing requirement in this subsection that is filed in a manner other than in an electronic format specified by the department shall not be considered a valid return unless the department provides an exception pursuant to this paragraph.

e. The department shall adopt rules to implement this subsection.

Sec. 7. Section 422.37, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. (1) The affiliated group shall file a return under this section for each taxable year in an electronic format specified by the department, regardless of the total gross receipts of or amount of credits reported by the affiliated group.



(2) For purposes of the electronic filing requirement, a return of an affiliated group includes any form or schedule supporting the return or any amended return of the affiliated group.

(3) The financial institution is a corporation subject to the electronic filing requirement under section 422.36, subsection 8, paragraph “b”.

b. (1) Notwithstanding paragraph “a”, the department may provide an exception to file a return in an electronic format.

(2) A return subject to the electronic filing requirement in paragraph “a” that is filed in a manner other than in an electronic format specified by the department shall not be considered a valid return unless the department provides an exception pursuant to this paragraph.

c. The department shall adopt rules to implement this subsection.

Sec. 8. Section 422.62, Code 2022, is amended to read as follows:

**422.62 Due and delinquent dates.**

1. The franchise tax is due and payable on the first day following the end of the taxable year of each financial institution, and is delinquent after the last day of the fourth month following the due date or forty-five days after the due date of the federal tax return, excluding extensions of time to file, whichever is the later. Every financial institution shall file a return as prescribed by the director on or before the delinquency date.

2. a. (1) A financial institution shall file a return required under this section in an electronic format specified by the department for any tax year if any of the following circumstances apply:

(a) The financial institution has two hundred fifty thousand dollars or more in gross receipts, as defined by rule by the department.

(b) The financial institution reports twenty-five thousand dollars or more of Iowa tax credits on the return.

(c) The financial institution is a corporation subject to the electronic filing requirement under section 422.36, subsection 8, paragraph “b”.

(2) This paragraph “a” applies to any form or schedule supporting a return required to be electronically filed or any amended return if the amended return meets any of the circumstances requiring electronic filing in this paragraph.

b. (1) Notwithstanding paragraph “a”, the department may provide an exception to the requirement to file a return in an electronic format.

(2) A return subject to the electronic filing requirement in paragraph “a” that is filed in a manner other than in an electronic format specified by the department shall not be considered a valid return unless the department provides an exception pursuant to this paragraph.

c. The department shall adopt rules to implement this subsection.

Sec. 9. APPLICABILITY.

1. Except as provided in subsection 2, this division of this Act applies to tax years ending on or after December 31, 2022, or for tax years ending on or after December 31 of the calendar year in which the department implements a system for receiving the electronic returns required by this division of this Act, whichever is later.

2. The section of this division of this Act amending section 422.14, subsection 1, applies to tax years ending on or after December 31, 2023, or for tax years ending on or after December 31 of the calendar year in which the department implements a system for receiving the electronic fiduciary returns required by this division of this Act, whichever is later.

3. The department of revenue shall notify the Code editor by December 1 of the calendar year the department has implemented a system for receiving the electronic returns or electronic fiduciary returns required by this division of this Act.

DIVISION III  
ELECTRONIC FILING — CREDIT UNIONS

Sec. 10. Section 533.329, subsection 3, Code 2022, is amended to read as follows:

3. a. Returns shall be in the form the director of revenue prescribes, and shall be filed with the department of revenue on or before the last day of the fourth month after the expiration of the tax year. The moneys and credits tax is due and payable on the last day of the fourth month after the expiration of the tax year.

b. A credit union shall file a return required under this section in an electronic format specified by the department for each tax year.

c. (1) Notwithstanding paragraph "b", the department may provide an exception to file a return in an electronic format.

(2) A return subject to the electronic filing requirement in paragraph "b" that is filed in a manner other than in an electronic format specified by the department shall not be considered a valid return unless the department provides an exception pursuant to this paragraph.

d. The department shall adopt rules to implement this subsection.

#### Sec. 11. APPLICABILITY.

1. This division of this Act applies to tax years ending on or after December 31, 2024, or for tax years ending on or after December 31 of the calendar year in which the department implements a system for receiving the electronic returns required by this division of this Act, whichever is later.

2. The department of revenue shall notify the Code editor by December 1 of the calendar year the department has implemented a system for receiving electronic returns required by this division of this Act.

### DIVISION IV AUTHORITY TO CHARGE FEES

Sec. 12. Section 421.17, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 37. To establish a fee, by rule, and charge a person for a copy of a return. The fee shall be retained by the department of revenue.

Sec. 13. LEGISLATIVE INTENT. This division of this Act shall not be construed to prohibit the department of revenue from charging a fee for a copy of a return prior to the enactment of this division of this Act pursuant to another authority of the department.

It is the intent of the general assembly that this division of this Act 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.

### DIVISION V AUTHORITY TO ACT ON BEHALF OF TAXPAYER

Sec. 14. Section 421.59, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

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:

Sec. 15. Section 421.59, subsection 2, paragraph d, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

d. An individual holding the following title or position within a corporation, association, partnership, or other business entity:

(1) An officer or employee of the corporation or association who is authorized to act on behalf of the corporation or association in tax matters.

(2) A designated partner or employee of the partnership who is authorized to act on behalf of the partnership in tax matters.

(3) A person authorized to act on behalf of the limited liability company in tax matters pursuant to a valid statement of authority or employee of the company who is authorized to act on behalf of the company in tax matters.

Sec. 16. Section 421.59, subsection 2, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. A trustee.

(1) Upon request a trustee shall submit a certification of trust, or in the absence of a certification of trust a copy of the court order appointing the trustee if one has been issued, or a copy of the trust.

(2) The department has standing to petition the court that appointed the trustee to verify the appointment or to determine the scope of the appointment.

NEW PARAGRAPH. j. A person named as an agent in a general or durable power of attorney document that is currently in force and such document has not been prescribed by the department of revenue.

NEW PARAGRAPH. k. A successor as defined in section 633.356, subsection 2, of a very small estate.

Sec. 17. Section 421.59, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. An individual acting on behalf of a taxpayer pursuant to subsection 2 must certify that the individual possesses actual authority to act on behalf of the taxpayer in tax matters.

NEW SUBSECTION. 3B. In addition to documents required under subsection 2, the department shall require any documents or other evidence to demonstrate an individual has authority to act on behalf of the taxpayer before the department.

#### DIVISION VI ELECTRONIC COMMUNICATION

Sec. 18. Section 421.60, subsection 11, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

11. *Electronic communication.*

a. As used in this subsection, “*electronic communication*” means a notice, correspondence, or other communication provided electronically.

b. The department of revenue, by rule, may permit a person to elect to receive an electronic communication from the department.

c. (1) Notwithstanding any provision of law to the contrary, when an electronic communication is posted to the department’s electronic portal for a person who has made such an election, the posting of the electronic communication shall satisfy any requirement of mailing or personal service in this title, chapter 272D, or sections 321.105A and 533.329.

(2) The department may send any notice, correspondence, or other communication by mail to a person who has elected to receive an electronic communication from the department.

(3) If the department sends a notice, correspondence, or other communication by both mail and by electronic communication, service occurs upon the earlier of when the communication is posted to the department’s electronic portal or mailed.

d. The director of revenue may adopt rules and establish procedures under this subsection.

#### DIVISION VII INCOME STATEMENTS TO BE PROVIDED TO THE DEPARTMENT

Sec. 19. Section 422.16, subsection 2, paragraphs b and c, Code 2022, are amended to read as follows:

b. Every withholding agent on or before the ~~end~~ fifteenth day of the second month following the close of the calendar year in which the withholding occurs shall make an annual reporting of taxes withheld and other information prescribed by the director and send to the department copies of ~~wage and tax statements with the return~~ income statements required by subsection 7. At the discretion of the director, the withholding agent shall not be required to send ~~wage statements and tax~~ income statements with the ~~annual reporting return form report~~ if the information is available from the internal revenue service or other state or federal agencies.

c. If the director has reason to believe that the collection of the tax provided for in subsections 1 and 12 is in jeopardy, the director may require the employer or withholding agent to ~~make the report~~ file a return as required in subsection 2, paragraph “a”, and pay the tax at any time, in accordance with section 422.30. The director may authorize incorporated banks, trust companies, or other depositories authorized by law which are depositories or financial agents of the United States or of this state, to receive any tax imposed under this

chapter, in the manner, at the times, and under the conditions the director prescribes. The director shall also prescribe the manner, times, and conditions under which the receipt of the tax by those depositories is to be treated as payment of the tax to the department.

Sec. 20. Section 422.16, subsection 7, Code 2022, is amended to read as follows:

7. a. Every withholding agent required to deduct and withhold a tax under subsections 1 and 12 of this section shall furnish to such employee, nonresident, or other person in respect of the ~~remuneration~~ income paid by such employer or withholding agent to such employee, nonresident, or other person during the calendar year, on or before January 31 of the succeeding year, or, in the case of employees, if the employee's employment is terminated before the close of such calendar year, within thirty days from the day on which the last payment of wages or other taxable income is made, if requested by such employee, but not later than January 31 of the following year, ~~a written~~ an income statement showing the following:

(1) The name and address of such employer or withholding agent, and the taxpayer identification number of such employer or withholding agent.

(2) The name of the employee, nonresident, or other person and that person's ~~federal social security account~~ taxpayer identification number, together with the last known address of such employee, nonresident, or other person to whom wages ~~have~~ or other taxable income has been paid during such period.

(3) The gross amount of wages, or other taxable income, paid to the employee, nonresident, or other person.

(4) The total amount deducted and withheld as tax under the provisions of subsections 1 and 12 of this section.

(5) The total amount of federal income tax withheld.

b. The income statements required to be furnished by this subsection in respect of any wages or other taxable Iowa income or any additional information required to be displayed on the income statement shall be in such form or forms as the director may, by ~~regulation~~ rule, prescribe.

Sec. 21. Section 422.16, subsection 10, paragraphs a and b, Code 2022, are amended to read as follows:

a. ~~An~~ In addition to any other penalty provided by law, an employer or withholding agent required under this chapter to furnish a statement required by this chapter who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish the statement is, for each failure, subject to a civil penalty of five hundred dollars, the penalty to be in addition to any criminal penalty otherwise provided by the Code. to furnish or file an income statement required by this statement is subject to a civil penalty of five hundred dollars for each occurrence of the following:

(1) Willful failure to furnish an employee, nonresident, or other person with an income statement.

(2) Willfully furnishing an employee, nonresident, or other person with a false or fraudulent income statement.

(3) Willful failure to file an income statement with the department.

(4) Willfully filing a false or fraudulent income statement with the department.

b. ~~In addition to the tax or additional tax, any A person, or withholding agent shall pay a, or other person required by this section to file a return is subject to the penalty as provided in section 421.27. Any penalty assessed under section 421.27 shall be in addition to the tax or additional tax due.~~ The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7, for each month counting each fraction of a month as an entire month, computed from the date the semimonthly, monthly, or quarterly deposit form was required to be filed. The penalty and interest become a part of the tax due from the withholding agent.

Sec. 22. Section 422.16, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 15. The director may allow additional time for filing documents required under this section with the department in the case of illness, disability, absence, or if good cause is shown.

#### DIVISION VIII REMITTANCES OF TRANSFER TAX

Sec. 23. Section 428A.8, subsection 1, paragraphs a and c, Code 2022, are amended to read as follows:

a. On or before the tenth day of each month the county recorder shall determine and ~~pay remit~~ to the ~~treasurer of state~~ department of revenue eighty-two and three-fourths percent of the receipts from the real estate transfer tax collected during the preceding month and the ~~treasurer of state~~ department of revenue shall deposit and transfer the receipts as provided in subsection 2.

c. Any tax or additional tax found to be due shall be collected by the county recorder. If the county recorder is unable to collect the tax, the director of revenue shall collect the tax in the same manner as taxes are collected in chapter 422, subchapter III. If collected by the director of revenue, the director shall ~~pay remit~~ to the county its proportionate share of the tax. Section 422.25, subsections 1, 2, 3, and 4, and sections 422.26, 422.28 through 422.30, and 422.73, consistent with this chapter, apply with respect to the collection of any tax or additional tax found to be due, in the same manner and with the same effect as if the deed, instrument, or writing were an income tax return within the meaning of those statutes.

Sec. 24. Section 428A.8, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The ~~treasurer of state~~ department of revenue shall deposit or transfer the receipts ~~paid remitted~~ to the ~~treasurer of state~~ department of revenue pursuant to subsection 1 to either the general fund of the state, the housing trust fund created in section 16.181, or the shelter assistance fund created in section 16.41 as follows:

Sec. 25. Section 428A.9, Code 2022, is amended to read as follows:

#### **428A.9 Refund of tax.**

To receive a refund from the state the taxpayer shall petition the state appeal board for a refund of the amount of overpayment of the tax ~~paid remitted~~ to the ~~treasurer of state~~ department of revenue. To receive a refund from the county the taxpayer shall petition the board of supervisors for a refund of the remaining portion of the overpayment paid to that county.

#### DIVISION IX BOARD OF REVIEW ELIGIBILITY

Sec. 26. Section 441.32, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 3. If a board member is removed under this section, the board member shall not be eligible for appointment to a board of review in this state for six years following the date of the removal.

#### DIVISION X EQUALIZATION ADJUSTMENTS — APPEALS

Sec. 27. Section 441.48, Code 2022, is amended to read as follows:

#### **441.48 Notice of adjustment — ~~protest appeal~~ — final action.**

1. Before the department of revenue shall adjust the valuation of any class of property any such percentage, the department shall first serve ten days' notice by mail, on the county auditor of the county whose valuation is proposed to be adjusted.

2. If the county or assessing jurisdiction intends to ~~protest appeal~~ the proposed adjustment, the board of supervisors or city council, city or county attorney, or other official of the county or assessing jurisdiction, as applicable, shall provide the department with written notice of

~~intent to protest prior to expiration of the ten days' notice appeal within ten days of the notice provided by the department of revenue under subsection 1.~~

~~3. After expiration of the ten days' notice, the county or assessing jurisdiction may appear by its city council or board of supervisors, city or county attorney, or city or county officials, and make written or oral protest against such proposed adjustment. Upon receiving a timely notice of intent to appeal under subsection 2, the department shall schedule a hearing on the proposed adjustment with the county or assessing jurisdiction. A county or assessing jurisdiction may submit an oral presentation at the hearing supported by written documentation or may submit a written presentation in lieu of making an oral presentation at a hearing. The county or assessing jurisdiction shall submit all written documentation to the department prior to the date of the hearing or, if the county or assessing jurisdiction elects a written presentation, not later than the date the written presentation is submitted.~~

~~4. The protest appeal shall consist simply of a statement of the error, or errors, complained of with such facts and documentation as may lead to their correction of such errors.~~

~~5. Appeals of the proposed adjustment under this section are not subject to Code chapter 17A. After written protest is received, or an oral protest is heard the hearing is held or the written presentation is submitted, the final action may be taken in reference to the proposed adjustment.~~

#### DIVISION XI BUSINESS PROPERTY TAX CREDIT AND ASSESSMENT LIMITATIONS

Sec. 28. Section 2.48, subsection 3, paragraph f, subparagraph (5), Code 2022, is amended by striking the subparagraph.

Sec. 29. Section 331.512, subsection 5, Code 2022, is amended by striking the subsection.

Sec. 30. Section 331.559, subsection 15, Code 2022, is amended by striking the subsection.

Sec. 31. Section 357H.9, subsection 1, paragraph d, subparagraph (2), Code 2022, is amended to read as follows:

(2) ~~The difference between the actual value of the property as determined by the assessor each year and the percentage of adjustment certified for that year by the director of revenue on or before November 1 assessed value of the property following application of the assessment limitations pursuant to section 441.21, subsection 9, multiplied by the actual value of the property as determined by the assessor, shall be subtracted from the actual value of the property as determined pursuant to section 403.19, subsection 1.~~

Sec. 32. Section 357H.9, subsection 1, paragraph f, subparagraph (1), Code 2022, is amended to read as follows:

(1) ~~"Base year taxable value" means the actual value of the property as determined in section 403.19, subsection 1, multiplied by the percentage of adjustment certified for the assessment year specified in section 403.19, subsection 1, by the director of revenue on or before November 1 following application of the assessment limitations pursuant to section 441.21, subsection 9.~~

Sec. 33. Section 403.20, Code 2022, is amended to read as follows:

**403.20 Percentage of adjustment considered in value assessment.**

In determining the assessed value of property within an urban renewal area which is subject to a division of tax revenues pursuant to section 403.19, the difference between the actual value of the property as determined by the assessor each year and ~~the percentage of adjustment certified for that year by the director of revenue on or before November 1 pursuant to section 441.21, subsection 9, multiplied by the actual value of the property as determined by the assessor following application of the assessment limitations under section 441.21, subsection 9,~~ shall be subtracted from the actual value of the property as determined pursuant to section 403.19, subsection 1. If the assessed value of the property as determined

pursuant to section 403.19, subsection 1, is reduced to zero, the additional valuation reduction shall be subtracted from the actual value of the property as determined by the assessor.

Sec. 34. Section 426C.2, Code 2022, is amended to read as follows:

**426C.2 Business property tax credit fund — appropriation.**

1. A business property tax credit fund is created in the state treasury under the authority of the department. For the fiscal year beginning July 1, 2014, there is appropriated from the general fund of the state to the department to be credited to the fund, the sum of fifty million dollars to be used for business property tax credits authorized in this chapter. For the fiscal year beginning July 1, 2015, there is appropriated from the general fund of the state to the department to be credited to the fund, the sum of one hundred million dollars to be used for business property tax credits authorized in this chapter. For the fiscal year beginning July 1, 2016, and each fiscal year thereafter beginning before July 1, 2023, there is appropriated from the general fund of the state to the department to be credited to the fund, the sum of one hundred twenty-five million dollars to be used for business property tax credits authorized in this chapter.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Moneys in the fund are not subject to the provisions of section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this chapter. However, moneys remaining in the fund at the end of the fiscal year beginning July 1, 2022, shall be transferred by the department for deposit in the general fund of the state.

Sec. 35. **NEW SECTION. 426C.10 Future repeal.**

This chapter is repealed July 1, 2024.

Sec. 36. Section 441.21, subsection 5, Code 2022, is amended to read as follows:

5. a. For valuations established as of January 1, 1979, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be considered as one class of property and shall be assessed as a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1978 by the department of revenue, plus ten percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1978, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1979. For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed at a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value at which property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to ten percent in this subsection shall be eight percent. For valuations established on or after January 1, 2013, property valued by the department of revenue pursuant to chapter 434 shall be assessed at a percentage portion of its actual value equal to the percentage of actual value determined in the same manner at which property assessed as commercial property is assessed under paragraph “b” for the same assessment year.

b. For valuations established on or after January 1, 2013, commercial property, excluding properties referred to in section 427A.1, subsection 9, shall be assessed at a percentage portion of its actual value, as determined in this paragraph “b”.

(1) For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which commercial property shall be assessed shall be ninety-five percent. For valuations established for the assessment year beginning January 1, 2014, and each assessment year thereafter beginning before January 1, 2022, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which commercial property shall be assessed shall be ninety percent.

(2) For valuations established for the assessment year beginning January 1, 2022, and each assessment year thereafter, the portion of actual value at which each property unit of commercial property shall be assessed shall be the sum of the following:

(a) An amount equal to the product of the assessment limitation percentage applicable to residential property under subsection 4 for that assessment year multiplied by the actual value of the property that exceeds zero dollars but does not exceed one hundred fifty thousand dollars.

(b) An amount equal to ninety percent of the actual value of the property for that assessment year that exceeds one hundred fifty thousand dollars.

c. For valuations established on or after January 1, 2013, industrial property, excluding properties referred to in section 427A.1, subsection 9, shall be assessed at a percentage portion of its actual value, as determined in this paragraph “c”.

(1) For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which industrial property shall be assessed shall be ninety-five percent. For valuations established for the assessment year beginning January 1, 2014, and each assessment year thereafter beginning before January 1, 2022, the percentage of actual value as equalized by the department of revenue as provided in section 441.49 at which industrial property shall be assessed shall be ninety percent.

(2) For valuations established for the assessment year beginning January 1, 2022, and each assessment year thereafter, the portion of actual value at which each property unit of industrial property shall be assessed shall be the sum of the following:

(a) An amount equal to the product of the assessment limitation percentage applicable to residential property under subsection 4 for that assessment year multiplied by the actual value of the property that exceeds zero dollars but does not exceed one hundred fifty thousand dollars.

(b) An amount equal to ninety percent of the actual value of the property for that assessment year that exceeds one hundred fifty thousand dollars.

d. For valuations established for the assessment year beginning January 1, 2019, and each assessment year thereafter, the percentages or portions of actual value at which property is assessed, as determined under this subsection, shall not be applied to the value of wind energy conversion property valued under section 427B.26 the construction of which is approved by the Iowa utilities board on or after July 1, 2018.

e. (1) For each fiscal year beginning on or after July 1, 2023, there is appropriated from the general fund of the state to the department of revenue the sum of one hundred twenty-five million dollars to be used for payments under this paragraph calculated as a result of the assessment limitations imposed under paragraph “b”, subparagraph (2), subparagraph division (a), and paragraph “c”, subparagraph (2), subparagraph division (a).

(2) For fiscal years beginning on or after July 1, 2023, each county treasurer shall be paid by the department of revenue an amount calculated under subparagraph (4). If an amount appropriated for the fiscal year is insufficient to make all payments as calculated under subparagraph (4), the director of revenue shall prorate the payments to the county treasurers and shall notify the county auditors of the pro rata percentage on or before September 30.

(3) On or before July 1 of each fiscal year, the assessor shall report to the county auditor that portion of the total actual value of all commercial property and industrial property in the county that is subject to the assessment limitations imposed under paragraph “b”, subparagraph (2), subparagraph division (a), and paragraph “c”, subparagraph (2),



subparagraph division (a), for the assessment year used to calculate the taxes due and payable in that fiscal year.

(4) On or before September 1 of each fiscal year, the county auditor shall prepare a statement, based on the report received in subparagraph (3) and information transmitted to the county auditor under chapter 434, listing for each taxing district in the county:

(a) The product of the portion of the total actual value of all commercial property, industrial property, and property valued by the department under chapter 434 in the county that is subject to the assessment limitations imposed under paragraph "b", subparagraph (2), subparagraph division (a), and paragraph "c", subparagraph (2), subparagraph division (a), for the applicable assessment year used to calculate taxes which are due and payable in the applicable fiscal year multiplied by the difference, stated as a percentage, between ninety percent and the assessment limitation percentage applicable to residential property under subsection 4 for the applicable assessment year.

(b) The tax levy rate per one thousand dollars of assessed value for each taxing district for the applicable fiscal year.

(c) The amount of the payment for each county is equal to the amount determined pursuant to subparagraph division (a), multiplied by the tax rate specified in subparagraph division (b), and then divided by one thousand dollars.

(5) The county auditor shall certify and forward one copy of the statement described in subparagraph (4) to the department of revenue not later than September 1 of each fiscal year.

(6) The amounts determined under this paragraph shall be paid by the department to the county treasurers in equal installments in September and March of each year. The county treasurer shall apportion the payments among the eligible taxing districts in the county and the amounts received by each taxing authority shall be treated the same as property taxes paid.

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

(1) "Contiguous parcels" means any of the following:

(a) Parcels that share a common boundary.

(b) Parcels within the same building or structure regardless of whether the parcels share a common boundary.

(c) Permanent improvements to the land that are situated on one or more parcels of land that are assessed and taxed separately from the permanent improvements if the parcels of land upon which the permanent improvements are situated share a common boundary.

(2) "Parcel" means the same as defined in section 445.1. "Parcel" also means that portion of a parcel assigned a classification of commercial property or industrial property pursuant to section 441.21, subsection 14, paragraph "b".

(3) "Property unit" means a parcel or contiguous parcels all of which are located within the same county, with the same property tax classification, are owned by the same person, and are operated by that person for a common use and purpose.

Sec. 37. Section 441.21, subsections 9 and 10, Code 2022, 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, 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, including for assessment years beginning on or after January 1, 2022, the percentages used to apply the assessment limitations under subsection 5, paragraphs "b" and "c". The county auditor shall proceed to determine the assessed values of agricultural property, residential property, commercial property, industrial 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 percentages of actual value computed by the department of revenue for agricultural property, residential property, commercial property, industrial 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, including for assessment years beginning on or after January 1, 2022, the percentages used to apply the assessment limitations under subsection 5, paragraphs “b” and “c”, and used to determine assessed values of those classes of property ~~does~~ do not constitute a rule as defined in section 17A.2, subsection 11.

Sec. 38. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to assessment years beginning on or after January 1, 2022.

## DIVISION XII WAGE ASSIGNMENT NOTICE

Sec. 39. Section 421.17B, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. ~~(1)~~ The facility may proceed under this section only if twenty days’ notice of intent has been ~~provided~~ sent by regular mail to the last known address of the obligor, notifying the obligor that the obligor is subject to this section and the facility intends to use the process established in this section. If the facility determines that collection of the debt may be in jeopardy, the facility may request that the employer deliver notice of the wage assignment simultaneously with the remainder of or in lieu of the obligor’s compensation due from the employer. The twenty days’ notice period shall not be required if the facility determines that the collection of past due amounts would be jeopardized.

~~(2)~~ The facility may obtain one or more wage assignments of an obligor who is subject to this section. If the obligor has more than one employer, the facility may receive wage assignments from one or more of the employers until the full debt obligation of the obligor is satisfied. If an obligor has more than one employer, the facility shall give notice to all employers from whom an assignment is sought.

Sec. 40. Section 421.17B, subsection 3, paragraph b, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The facility shall notify an obligor subject to this section of the initiation of the wage assignment action. The notice of initiation from the facility to the obligor shall be sent by regular mail within two working days of sending the notice to the employer pursuant to subsection 6, paragraph “b”, and shall contain all of the following:

Sec. 41. Section 421.17B, subsection 4, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The facility may obtain multiple wage assignments of an obligor who is subject to this section. If the obligor has multiple employers, the facility may receive wage assignments from each employer until the full debt obligation of the obligor is satisfied. The facility shall give notice to each employer when the facility is seeking a wage assignment.

Sec. 42. Section 421.17B, subsection 6, paragraph b, Code 2022, is amended to read as follows:

b. ~~The~~ To initiate a wage assignment, the facility shall send a notice to the employer within fourteen days of sending more than twenty days after the notice of the wage assignment intent to use the levy process is sent to the obligor pursuant to subsection 3, paragraph “a”. The notice shall inform the employer of the amount to be assigned to the facility from each wage, salary, or payment period that is due the obligor. The facility may receive assignment of up to one hundred percent of the obligor’s disposable income, salary, or payment for any given period until the full obligation to the facility is paid in full.

Sec. 43. Section 421.17B, subsection 9, paragraph a, unnumbered paragraph 1, Code 2022, is amended to read as follows:

~~A notice of wage assignment given sent to the obligor under this section is effective without the serving of another notice until the earliest of either~~ earlier of the following:

DIVISION XIII  
OUT-OF-STATE RECIPROCAL COLLECTIONS

Sec. 44. Section 421.24, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**421.24 Reciprocal interstate enforcement.**

1. For the purposes of this section, the terms “tax” and “taxes” include interest and penalties due under any taxing statute, and liability for interest or penalties, or both, due under a taxing statute of another state or a political subdivision of another state, and shall be recognized and enforced by the courts of this state to the same extent that the laws of the other state permit the enforcement of liability for interest or penalties, or both, due under a taxing statute of this state or a political subdivision of this state.

2. *a.* The director of revenue shall have the authority to enter into an agreement with a department or agency of any other state for the department or agency of the other state to collect delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to, placed with, or being collected by the central debt collection facility of the department of revenue. The department may retain from the amounts collected a fee established by agreement with the department or agency of the other state.

*b.* The director of revenue shall have the authority to enter into an agreement with a department or agency of any other state for the centralized debt collection facility to collect delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to, placed with, or being collected by the other state. The obligations or indebtedness of the other state referred to the facility must be delinquent and not subject to litigation, claim, appeal, or review pursuant to the appropriate remedies of the state. The department may retain from the amounts collected a fee established by agreement with the department or agency of the other state.

*c.* Upon referral of a delinquent balance from the department or agency of another state pursuant to paragraph “*b*”, the department shall send written notification to the obligor by regular mail to the obligor’s last known mailing address. The notification shall contain an explanation of the balance owed, the department or agency to which the balance is owed, that the department has entered into an agreement to collect the balance owed, and the obligor’s opportunity to give written notice of intent to contest the department’s right to collect the amount owed.

3. *a.* Challenges under this section may be initiated only by an obligor. The department’s review of its right to reciprocal collection is not subject to chapter 17A.

*b.* The obligor challenging the reciprocal collection shall submit a written challenge in the manner provided in the notice described in subsection 2, paragraph “*c*”, within fifteen days of the date of the notice.

*c.* The department, upon receipt of a written challenge, shall provide written notice of the challenge to the referring department or agency. The department shall review the information provided by the referring department or agency and shall obtain additional information if necessary to establish that the liability is delinquent and not subject to appeal, or to verify the identity of the obligor or the amount owed. The department shall set a time to occur within ten days of receipt of the challenge to review the relevant facts of the challenge with the obligor. An alternative time may be set at the request of the obligor. If the obligor does not participate in the review at the scheduled time and an alternative time is not requested and approved, the review shall take place without the obligor being present. Only a determination that the referred liability is not delinquent or is subject to challenge or a mistake of fact, including a mistake in the identity of the obligor, or a mistake in the amount owed, shall be considered as a reason to reject the referred liability.

*d.* If the department determines that a mistake of fact has occurred or that the liability is not delinquent or is subject to challenge, the department shall reject referral of the liability and shall take no further action to collect the liability.

*e.* If the department finds no mistake of fact and that the liability is delinquent and not subject to challenge, the department shall deny the challenge and provide a notice of that effect to the obligor and may proceed to collect the balance owed.

4. a. At the request of the director the attorney general may bring suit in the name of this state, in the appropriate court of any other state to collect any tax legally due in this state, and any political subdivision of this state or the appropriate officer, acting in its behalf, may bring suit in the appropriate court of any other state to collect any tax legally due to such political subdivision.

b. The courts of this state shall recognize and enforce liabilities for taxes lawfully imposed by any other state, or any political subdivision of the other state, which extends a like comity to this state, and the duly authorized officer of any such state or a political subdivision of such state may sue for the collection of such tax in the courts of this state. A certificate by the secretary of state of such other state that an officer suing for the collection of such a tax is duly authorized to collect the same shall be conclusive proof of such authority.

c. The courts of this state shall not enforce interest rates or penalties on taxes of any other state which exceed the interest rates and penalties imposed by the state of Iowa for the same or a similar tax.

5. Thirty days following the mailing of notice pursuant to subsection 2, paragraph "c", if no written challenge is received, or upon the department providing notice of denial of a challenge pursuant to subsection 3, paragraph "e", any tax amount referred to the facility under subsection 2 shall be treated as the equivalent of individual income tax that is final, due and payable, and may be collected in any manner authorized under the law for collection of a delinquent tax liability, including but not limited to the recording of a notice of state tax lien or issuance of a distress warrant.

6. The department may release information otherwise confidential under section 422.20 or 422.72 to the department or agency of the other state, provided the department or agency of the other state agrees to keep such information confidential as defined by Iowa law. An employee or contractor of the department or agency of the other state shall not be required to complete the confidentiality training or acknowledgment requirements of the department.

#### DIVISION XIV PASS-THROUGH ENTITY TAXATION

Sec. 45. Section 422.25A, subsection 3, Code 2022, is amended to read as follows:

3. State ~~partnership~~ pass-through representative. Notwithstanding any other law to the contrary, the state ~~partnership~~ pass-through representative for the reviewed year shall have the sole authority to act on behalf of the partnership or pass-through entity with respect to an action required or permitted to be taken by a partnership or pass-through entity under this section or section 422.28 or 422.29 with respect to final federal partnership adjustments arising from a partnership level audit or an administrative adjustment request, and its direct partners and indirect partners shall be bound by those actions.

Sec. 46. Section 422.25A, subsection 4, paragraph a, subparagraph (3), Code 2022, is amended to read as follows:

(3) File an amended composite return under section 422.13, Code 2021, or under section 422.16B, as applicable, if one was originally required to be filed, and if applicable for withholding from partners, file an amended withholding report under section 422.16, Code 2021, 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.

Sec. 47. Section 422.25A, subsection 4, paragraph b, subparagraph (3), Code 2022, is amended to read as follows:

(3) If the direct partner is a tiered partner and subject to section 422.13, Code 2021, or section 422.16B, file an amended composite return under section 422.13, Code 2021, or under section 422.16B, as applicable, if such return was originally required to be filed, and if applicable for withholding from partners file an amended withholding report under section 422.16, Code 2021, if one was originally required to be filed.

Sec. 48. Section 422.25A, subsection 4, paragraph c, subparagraph (3), Code 2022, is amended to read as follows:

(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, Code 2021, or section 422.16B, file an amended composite return under section 422.13, Code 2021, or under section 422.16B, as applicable, if such return was originally required to be filed, and if applicable for withholding from partners, file an amended withholding report under section 422.16, Code 2021, if one was originally required to be filed.

Sec. 49. Section 422.25A, subsection 5, paragraph c, subparagraph (6), subparagraph division (a), Code 2022, is amended to read as follows:

(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, except that a specified business subject to the penalty in section 421.27, subsection 1, paragraph "b", for the reviewed year shall not also be subject to the penalty in section 421.27, subsection 1, paragraph "a", on the amount due for that reviewed year pursuant to the election to pay.

Sec. 50. Section 422.25B, Code 2022, is amended to read as follows:

**422.25B State partnership pass-through representative.**

1. As used in this section, all words and phrases defined in section 422.25A shall have the same meaning given them by that section.

2. The state partnership pass-through representative for the reviewed year for a partnership shall be the partnership's federal partnership representative with respect to an action required or permitted to be taken by a state partnership pass-through representative under this chapter for a reviewed year, unless the partnership designates in writing another person as the state partnership pass-through representative as provided in subsection 3. The state partnership pass-through representative for the reviewed year for a pass-through entity is the person designated in subsection 3.

3. The department may establish reasonable qualifications for a person to be a state partnership pass-through representative. If a partnership desires to designate a person other than the federal partnership representative, the partnership shall designate such person in the manner and form prescribed by the department. A pass-through entity shall designate a person as the state partnership pass-through representative in the manner and form prescribed by the department. A partnership or pass-through entity shall be allowed to change such designation by notifying the department at the time the change occurs in the manner and form prescribed by the department.

4. The department may adopt any rules pursuant to chapter 17A to implement this section.

Sec. 51. Section 422.25C, subsections 2 and 3, Code 2022, are amended to read as follows:

2. For tax years beginning on or after January 1, 2020, any adjustments to a partnership's or pass-through entity's items of income, gain, loss, expense, or credit, or an adjustment to such items allocated to a partner that holds an interest in a partnership or pass-through entity for the reviewed year by the department as a result of a state partnership audit, shall be determined at the partnership level or pass-through entity level in the same manner as provided by section 6221(a) of the Internal Revenue Code and the regulations thereunder unless a different treatment is specifically provided in this title. The provisions of sections 6222, 6223, and 6227 of the Internal Revenue Code and the regulations thereunder shall also apply to a partnership or pass-through entity and its direct or indirect partners in the same manner as provided in such sections unless a different treatment is specifically provided in this title. For purposes of applying such sections, due account shall be made for differences in federal and Iowa terminology. The adjustment provided by section 6221(a) of the Internal Revenue Code shall be determined as provided in such section but shall be

based on Iowa taxable income or other tax attributes of the partnership or pass-through entity as determined pursuant to this chapter for the reviewed year. The department shall issue a notice of adjustment to the partnership or pass-through entity. Such notice shall be treated as an assessment for the purposes of section 422.25, and the notice shall be appealable by the partnership or pass-through entity pursuant to sections 422.28 and 422.29 and shall be issued within the time period provided by section 422.25. Once the adjustments to partnership-related or pass-through entity-related items or reallocations of income, gains, losses, expenses, credits, and other attributes among such partners for the reviewed year are finally determined, the partnership or pass-through entity and any direct partners or indirect partners shall then be subject to the provisions of section 422.25, subsection 1, paragraph “e”, and section 422.25A in the same manner as if the state partnership audit were a federal partnership level audit, and as if the final state partnership audit adjustment were a final federal partnership adjustment. The penalty exceptions in section 421.27, subsection 2, paragraphs “b” and “c”, shall not apply to a state partnership audit.

3. The state partnership pass-through representative for the reviewed year as determined under section 422.25B shall have the sole authority to act on behalf of the partnership or pass-through entity with respect to an action required or permitted to be taken by a partnership or pass-through entity under this section, including proceedings under section 422.28 or 422.29, and the partnership’s or pass-through entity’s direct partners and indirect partners shall be bound by those actions.

Sec. 52. COMPOSITE RETURN UNUSED TAX CREDIT CARRYFORWARDS FROM TAX YEAR 2021. Notwithstanding any other provision of law to the contrary, if a pass-through entity filing composite returns under section 422.13, subsection 5, Code 2021, has a nonrefundable income tax credit carryforward amount attributable to the composite return following the close of the entity’s composite return tax year that began during the 2021 calendar year, the pass-through entity may allocate those income tax credit carryforward amounts to the pass-through entity’s partners, members, beneficiaries, or shareholders in the pass-through entity’s tax year that begins during the 2022 calendar year, in the amount designated by the pass-through entity and in the manner and form prescribed by the department of revenue. The income tax credit shall be the same in the hands of the partner, member, beneficiary, or shareholder as in the pass-through entity, and may be claimed for any tax year that the pass-through entity could have claimed the tax credit.

Sec. 53. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act amending section 425.25A,<sup>1</sup> subsection 5, paragraph “c”, subparagraph (6), subparagraph division (a).

Sec. 54. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2022, for tax years beginning on or after that date:

The section of this division of this Act amending section 425.25A,<sup>2</sup> subsection 5, paragraph “c”, subparagraph (6), subparagraph division (a).

#### DIVISION XV INHERITANCE TAX — UNKNOWN HEIRS

Sec. 55. Section 450.93, Code 2022, is amended to read as follows:  
**450.93 Unknown heirs.**

1. ~~Whenever~~ For a decedent dying before January 1, 2021, ~~whenever~~ the heirs or persons entitled to any estate or any interest therein are unknown or their place of residence cannot with reasonable certainty be ascertained, a tax of five percent shall be paid to the department of revenue upon all such estates or interests, subject to refund as provided herein in other cases; provided, however, that if it be afterwards determined that any estate or interest passes to aliens, there shall be paid within sixty days after such determination and before delivery of

<sup>1</sup> According to Act; a reference to section 422.25A probably intended

<sup>2</sup> According to Act; a reference to section 422.25A probably intended

such estate or property, an amount equal to the difference between five percent, the amount paid, and the amount which such person should pay under the provisions of this chapter.

2. a. For a decedent dying on or after January 1, 2021, but before January 1, 2022, the tax imposed in subsection 1 shall be reduced by twenty percent, and rounded to the nearest one-hundredth of one percent.

b. For a decedent dying on or after January 1, 2022, but before January 1, 2023, the tax imposed in subsection 1 shall be reduced by forty percent, and rounded to the nearest one-hundredth of one percent.

c. For a decedent dying on or after January 1, 2023, but before January 1, 2024, the tax imposed in subsection 1 shall be reduced by sixty percent, and rounded to the nearest one-hundredth of one percent.

d. For a decedent dying on or after January 1, 2024, but before January 1, 2025, the tax imposed in subsection 1 shall be reduced by eighty percent, and rounded to the nearest one-hundredth of one percent.

3. For a decedent dying on or after January 1, 2025, the tax in subsection 1 shall not be imposed.

Sec. 56. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2021.

#### DIVISION XVI NOTICE REQUIREMENTS FOR PUBLICATION OF INTEREST RATES

Sec. 57. Section 421.7, subsection 6, Code 2022, is amended to read as follows:

6. In 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~~ on the internet site of the department, 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 XVII PROPERTY ASSESSMENT APPEAL BOARD — SALARIES

Sec. 58. Section 421.1A, subsection 6, Code 2022, is amended to read as follows:

6. The members of the property assessment appeal board shall receive a salary set by the governor ~~within a range established by the general assembly~~ and commensurate with the salary of an administrative law judge. The members of the board shall be considered state employees for purposes of salary and benefits. The members of the board and any employees of the board, when required to travel in the discharge of official duties, shall be paid their actual and necessary expenses incurred in the performance of duties.

Sec. 59. 2008 Iowa Acts, chapter 1191, section 14, subsection 5, as amended by 2013 Iowa Acts, chapter 123, section 63, 2018 Iowa Acts, chapter 1163, section 8, and 2018 Iowa Acts, chapter 1165, section 81, is amended to read as follows:

5. The following are range 5 positions: administrator of the division of homeland security and emergency management of the department of public defense, state public defender, drug policy coordinator, labor commissioner, workers' compensation commissioner, director of the department of cultural affairs, director of the department of elder affairs, director of the law enforcement academy, ~~members of the property assessment appeal board~~, executive director of the department of veterans affairs, and administrator of the historical division of the department of cultural affairs.

Sec. 60. APPLICABILITY. This division of this Act applies to fiscal years beginning on or after July 1, 2022, effective with the pay period beginning June 24, 2022, and subsequent pay periods.

DIVISION XVIII  
DUE DATES — HOLIDAYS

Sec. 61. Section 421.9, subsection 2, Code 2022, is amended to read as follows:

2. The office of the department shall be maintained at the seat of government in this state. The department shall be deemed to be in continuous session and open for the transaction of business except ~~Saturdays, Sundays, and legal holidays~~ Saturday, Sunday, and a holiday. The director of revenue may hold sessions in conducting investigations any place within the state when necessary to facilitate and render more thorough the performance of the director's duties. As used in this section, "holiday" means the same as defined in section 421.9A, subsection 1, paragraph "b", or a date when the office is otherwise closed pursuant to section 4.1, subsection 34.

Sec. 62. NEW SECTION. 421.9A Due dates and holidays.

1. As used in this section, "holiday" means any of the following:

- a. A legal public holiday as described in section 1C.1.
- b. A paid holiday as described in section 1C.2, subsection 1, and subsection 2, paragraph "b".
- c. A federal holiday observed by the United States postal service.
- d. A banking holiday observed by the federal reserve.
- e. A date when the office of the department is otherwise closed pursuant to section 4.1, subsection 34.

2. When the due date for filing a return or other document with the department or the due date for the department to take any action falls on a Saturday, Sunday, or any holiday, the act is considered to be performed timely if the act is performed on or before the first business day following the Saturday, Sunday, or holiday.

Sec. 63. Section 421.17A, subsection 1, paragraph g, Code 2022, is amended to read as follows:

g. "Working days" means Monday through Friday, excluding ~~the holidays specified in section 1C.2, subsection 1~~ a holiday as defined in section 421.9A.

Sec. 64. Section 423.50, subsections 4 and 5, Code 2022, are amended by striking the subsections.

Sec. 65. Section 452A.61, subsection 1, Code 2022, is amended to read as follows:

1. The reports, returns, and remittances required under this chapter shall be deemed filed within the required time if postpaid, properly addressed, and postmarked on or before midnight of the day on which due and payable. If the final filing date falls on a Saturday, Sunday, or ~~legal holiday~~ the next ~~secular~~ or business day shall be the final filing date.

Sec. 66. Section 452A.61, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 3. As used in this section, "holiday" means the same as defined in section 421.9A.

Sec. 67. Section 453A.10, Code 2022, is amended to read as follows:

**453A.10 Affixing of stamps by distributors.**

Except as provided in section 453A.17, every distributor holding an Iowa permit shall cause to be affixed, within or without the state of Iowa, upon every individual package of cigarettes received by the distributor in this state or for distribution in this state, upon which no sufficient tax stamp is already affixed, a stamp or stamps of an amount equal to the tax due thereon. Such stamps shall be affixed within forty-eight hours, exclusive of ~~Sundays and legal holidays~~ a Sunday or a holiday, from the hour the cigarettes were received, and shall be affixed before such distributor sells, offers for sale, consumes, or otherwise distributes or transports the same. It shall be unlawful for any person, other than a distributing agent or distributor, bonded pursuant to section 453A.14, or common carrier to receive or accept delivery of any cigarettes without stamps affixed to evidence the payment of the tax, or without having in possession the requisite amount or number of stamps necessary to stamp such cigarettes, and



the possession of any unstamped cigarettes, without the possession of the requisite amount or number of stamps, shall be prima facie evidence of the violation of this provision. As used in this section, "holiday" means the same as defined in section 421.9A.

Sec. 68. Section 453A.14, subsection 3, Code 2022, is amended to read as follows:

3. An additional bond or a new bond may be required by the director at any time an existing bond becomes insufficient or the surety thereon becomes unsatisfactory, which additional bond, or new bond, shall be supplied within ten days after demand. On failure to supply a new bond or additional bond within ten days after demand, the director may cancel any existing bond made and secured by and for the person. If the bond is canceled the person shall within forty-eight hours after receiving cigarettes or forty-eight hours after the cancellation, excluding ~~Sundays and legal holidays~~ a Sunday or a holiday, cause any cigarettes in the person's possession to have the requisite amount of stamps affixed to represent the tax. As used in this section, "holiday" means the same as defined in section 421.9A.

#### DIVISION XIX AVIATION FUEL AND MOTOR FUEL REFUNDS

Sec. 69. Section 452A.82, Code 2022, is amended to read as follows:

**452A.82 Aviation fuel tax fund.**

The portion of the moneys collected under this chapter received on account of aviation gasoline and special fuel used in aircraft, less refunds issued on account of aviation gasoline and special fuel used in aircraft, shall be deposited in a separate fund to be maintained by the treasurer. All moneys remaining in the separate fund after the cost of administering the fund has been paid shall be credited to the state aviation fund created in section 328.56.

Sec. 70. Section 452A.84, subsections 1 and 2, Code 2022, are amended to read as follows:

1. Determine monthly the total amount of motor fuel tax collected under this chapter, less refunds for motor fuel tax, and multiply the amount by nine-tenths of one percent.

2. Subtract from the figure computed pursuant to subsection 1 of this section three percent of the figure for administrative costs ~~and further subtract from the figure the amounts refunded to commercial fishers pursuant to section 452A.17, subsection 1, paragraph "a", subparagraph (7). All moneys remaining after claims for refund and the cost of administration have been made shall be transferred to the marine fuel tax fund.~~

#### DIVISION XX INHERITANCE TAX REPEAL — SUBMISSION OF PROPOSED CODE CHANGES

Sec. 71. 2021 Iowa Acts, chapter 177, section 14, is amended to read as follows:

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~~ 2024 regular session of the ~~eighty-ninth~~ ninetieth general assembly.

Approved May 2, 2022

## CHAPTER 1062 REGULATION OF BANKS AND BANKING S.F. 586

**AN ACT** relating to banks, making appropriations, and making civil penalties applicable.

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

Section 1. Section 12.61, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. “*Financial institution*” means a state bank as defined in section 524.103, ~~subsection 41,~~ a federally chartered state bank having its principal office within this state, a federally chartered credit union having its principal office within this state, a federally chartered savings and loan association having its principal office within the state, a credit union organized under chapter 533, or a trust company organized or incorporated under the laws of this state.

Sec. 2. Section 422.61, subsection 1, Code 2021, is amended to read as follows:

1. “*Financial institution*” means a state bank as defined in section 524.103, ~~subsection 41,~~ a state bank chartered under the laws of any other state, a national banking association, a trust company, a federally chartered savings and loan association, an out-of-state state chartered savings bank, a financial institution chartered by the federal home loan bank board, a non-Iowa chartered savings and loan association, or a production credit association.

Sec. 3. Section 453A.8, subsection 6, Code 2021, is amended to read as follows:

6. The director may authorize a bank as defined by section 524.103, ~~subsection 8,~~ to sell stamps. A bank authorized to sell stamps shall comply with all of the requirements governing the sale of stamps by the department. Section 453A.12 shall apply to any bank authorized to sell stamps.

Sec. 4. Section 524.102, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The opportunity for state banks to adopt, in a manner that is compatible with and subject to the purposes of this chapter, new and emerging technologies that enhance the efficiency and convenience of banking products and services.

Sec. 5. Section 524.103, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. “*Affiliate*” means the same as defined in section 524.1101.

NEW SUBSECTION. 22A. “*Federal savings association*” means a corporation organized under 12 U.S.C. §1464.

NEW SUBSECTION. 32A. “*National bank*” means a corporation organized under 12 U.S.C. §21 whose deposits are insured by the federal deposit insurance corporation or whose powers are limited exclusively to the exercise of trust or fiduciary powers.

NEW SUBSECTION. 34A. “*Out-of-state bank*” means a corporation, other than a credit union, industrial bank, or trust company, that is authorized by the laws of another state to solicit, receive, or accept money or its equivalent for deposit or to otherwise engage in the business of banking.

NEW SUBSECTION. 36A. “*Safe deposit box*” means a safe, lock box, or other secure storage receptacle located on the premises of a bank.

Sec. 6. Section 524.103, subsections 6, 8, 10, 12, 13, 16, 17, 20, 22, 25, 27, 29, 33, 34, 38, 39, 41, 44, and 48, Code 2021, are amended to read as follows:

6. “*Articles of incorporation*” means the original, amended, or restated articles of incorporation and all amendments thereto and includes articles of merger. ~~“Articles of incorporation” also means the original or restated articles of organization and all amendments including articles of merger if a state bank is organized as a limited liability company under this chapter.~~

8. “*Bank*” means a corporation ~~or limited liability company~~ organized under this chapter ~~or 12 U.S.C. §21,~~ a national bank, a federal savings association, or an out-of-state bank.

10. “*Board of directors*” means the board of directors of a state bank as provided in section 524.601. ~~For a state bank organized as a limited liability company under this chapter, “board of directors” means a board of directors or board of managers as designated by the limited liability company in its articles of organization or operating agreement.~~

12. “*Business of banking*” means engaging in the regular business of soliciting, receiving, or accepting money or its equivalent for deposit, and any other business generally done by banks.

13. “*Calculation date*” means the most recent of the following:

a. The date the state bank's statement of condition is required to be filed pursuant to section 524.220, subsection 2.

b. The date an event occurs that reduces or increases the state bank's aggregate capital by ten percent or more.

c. As the superintendent may direct.

16. "*Chief executive officer*" means the person designated by the board of directors to be responsible for the implementation of and adherence to board policies and resolutions by all officers and employees of the state bank.

17. a. "*Contractual commitment to advance funds*" means a state bank's obligation to do either of the following:

(1) Advance funds under a standby letter of credit or other similar arrangement.

(2) Make payment, directly or indirectly, to a third person contingent upon default by a customer of the state bank in performing an obligation and to make such payment in keeping with the agreed upon terms of the customer's contract with a third person, or to make payments upon some other stated condition.

b. The term does not include commercial letters of credit and similar instruments where the issuing state bank expects the beneficiary to draw on the issuer, that do not guarantee payment, and that do not provide for payment in the event of a default by a third person.

20. "*Director*" means a member of the board of directors ~~and includes a manager~~ of a state bank organized as a limited liability company under this chapter.

22. "*Executive officer*" means a person who participates or has authority to participate, other than in the capacity of a director ~~or manager~~, in major policymaking functions of a state bank, whether or not the officer has an official title, whether or not such a title designates the officer as an assistant, or whether or not the officer is serving without salary or other compensation. The chief executive officer, chairperson of the board, the president, every vice president, and the cashier of a state bank are deemed to be executive officers, unless such an officer is excluded, by resolution of the board of directors of a state bank or by the bylaws of the state bank, from participation, other than in the capacity of a director, in major policymaking functions of the state bank, and the officer does not actually participate in the major policymaking functions. All officers who serve on a board of directors are deemed to be executive officers, except as provided for in section 524.701, subsection 3.

25. "*Insured bank*" means a state bank the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act.

27. "*Member*" means a person with a membership interest in a state bank ~~organized as a limited liability company or incorporated as a mutual corporation under this chapter~~.

29. "*Membership interest*" means a member's share of the profits and losses, the right to receive distributions of assets, and any right to vote or participate in management of a state bank ~~organized as a limited liability company under this chapter or of a state bank incorporated as a mutual corporation under this chapter~~.

33. "*Officer*" means chief executive officer, executive officer, or any other administrative official of a state bank elected by the state bank's board of directors to carry out any of the state bank's operating rules and policies.

34. "*Operations subsidiary*" means a wholly owned corporation incorporated and controlled by a state bank that performs functions which the state bank is authorized to perform.

38. "*Shareholder*" means one who is a holder of record of shares in a state bank. ~~If a state bank is organized as a limited liability company under this chapter, "shareholder" means a member of the limited liability company.~~ If a state bank is incorporated as a mutual corporation under this chapter, "*shareholder*" means a member of the mutual corporation.

39. "*Shares*" means the units into which the proprietary interests in a state bank incorporated as a stock corporation are divided, ~~including any membership interests of a state bank organized as a limited liability company under this chapter~~.

41. "*State bank*" means any bank incorporated pursuant to the provisions of this chapter after January 1, 1970, and any "*state bank*" incorporated pursuant to the laws of this state and doing business as such on January 1, 1970, or a bank organized as ~~a limited liability company or a mutual corporation under this chapter~~.

44. “*Supervised financial organization*” as defined and used in the Iowa consumer credit code, chapter 537, includes a ~~person~~ state bank organized pursuant to this chapter.

48. “*Unincorporated area*” means ~~a village within which an area where a state bank or national bank has its principal place of business~~ that is not within a municipal corporation.

Sec. 7. Section 524.103, subsection 26, Code 2021, is amended by striking the subsection.

Sec. 8. Section 524.105, subsection 2, Code 2021, is amended to read as follows:

2. All state banks are subject to the provisions and requirements of this chapter in every particular, and all national banks out-of-state banks, and federal savings associations, now or hereafter doing business in this state, are subject to the provisions of this chapter, to the extent applicable, from July 1, ~~1995~~ 2021.

Sec. 9. Section 524.107, subsections 1 and 2, Code 2021, are amended to read as follows:

1. A person, other than a state bank which is subject to the provisions of this chapter, an out-of-state bank, and a national bank or federal savings association authorized by the laws of the United States to engage in the business of receiving money for deposit, and except as provided in subsection 2, shall not engage in this state in the business of receiving money for deposit, transact the business of banking, or establish in this state a place of business for such purpose.

2. A person doing business in this state shall not use the words “bank” or “trust” or use any derivative, plural, or compound of the words “bank”, “banking”, or “bankers”, or “trust” in any manner which would tend to create the impression that the person is authorized to engage in the business of banking or to act in a fiduciary capacity, except a state bank authorized to do so by this chapter or a an out-of-state bank authorized to do so by the laws of another state, a national bank to the extent permitted by the laws of the United States, a bank holding company as defined in section 524.1801, a savings and loan holding company as defined in 12 U.S.C. §1467a, or a federal savings association to the extent permitted by the laws of the United States, ~~or, insofar as the word “trust” is concerned, an individual permissibly serving as a fiduciary in this state, pursuant to section 633.63, or, insofar as the words “trust” and “bank” are concerned, a nonresident corporate fiduciary permissibly serving as a fiduciary in this state pursuant to section 633.64.~~

Sec. 10. Section 524.109, subsection 1, Code 2021, is amended to read as follows:

1. A state bank may be organized under this chapter as a bankers’ bank. The bankers’ bank is subject to all rights, privileges, duties, restrictions, penalties, liabilities, conditions and limitations applicable to a state bank generally, except as limited in the definition of bankers’ bank contained in section 524.103, ~~subsection 9.~~ However, a bankers’ bank shall have the same powers as those granted by federal law and regulation to a national bank organized as a bankers’ bank under 12 U.S.C. §27.

Sec. 11. Section 524.203, Code 2021, is amended to read as follows:

**524.203 Superintendent — vacancy.**

If the office of the superintendent of banking is vacant or the superintendent is unable to serve, the chief of the bank bureau of the banking division shall be the acting superintendent until the governor appoints a new superintendent or acting superintendent. If the chief of the bank bureau is unable to serve, the chief examiner of the ~~finance bank~~ bureau of the banking division shall be the acting superintendent until the governor appoints a new superintendent or acting superintendent. If both the chief of the bank bureau and the chief examiner of the ~~finance bank~~ bureau are unable to serve, the chief of the professional licensing and regulation finance bureau of the banking division shall be the acting superintendent until the governor appoints a new superintendent or acting superintendent.

Sec. 12. Section 524.207, subsections 2 and 6, Code 2021, are amended to read as follows:

2. All fees and assessments generated as the result of a ~~federally chartered~~ national bank or federal savings and loan association converting to a ~~state-chartered~~ state bank on or after December 31, 2015, and thereafter, are payable to the superintendent. The superintendent shall pay all the fees and assessments received by the superintendent pursuant to this

subsection to the treasurer of state within the time required by section 12.10 and the fees and assessments shall be deposited into the department of commerce revolving fund created in section 546.12. An amount equal to such fees and assessments deposited into the department of commerce revolving fund is appropriated from the department of commerce revolving fund to the banking division of the department of commerce for the fiscal year in which a ~~federally chartered~~ national bank or ~~federal savings and loan~~ association converted to a ~~state-chartered~~ state bank and an amount equal to such annualized fees and assessments deposited into the department of commerce revolving fund in succeeding years is appropriated from the department of commerce revolving fund to the banking division of the department of commerce for succeeding fiscal years for purposes related to the discharge of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and the state banking council by the laws of this state. This appropriation shall be in addition to the appropriation of moneys otherwise described in this section. If a ~~state-chartered~~ state bank converts to a ~~federally chartered~~ national bank or ~~federal savings and loan~~ association, any appropriation made pursuant to this subsection for the following fiscal year shall be reduced by the amount of the assessment paid by the ~~state-chartered~~ state bank during the fiscal year in which the ~~state-chartered~~ state bank converted to a ~~federally chartered~~ national bank or ~~federal savings and loan~~ association.

6. All moneys received by the superintendent pursuant to a multi-state settlement with a provider of financial services such as a mortgage lender, a mortgage servicer, or any other person regulated by the banking division of the department of commerce shall be deposited into the department of commerce revolving fund created in section 546.12 and an amount equal to the amount deposited into the fund is appropriated to the banking division of the department of commerce for the fiscal year in which such moneys are received and in succeeding fiscal years for the purpose of promoting financial-related education and supporting those duties of the banking division related to financial regulation that are limited to nonrecurring expenses such as equipment purchases, training, technology, and retirement payouts related to the oversight of mortgage lending, state-chartered state banks, and other financial services regulated by the banking division. This appropriation shall be in addition to the appropriation of moneys otherwise described in this section. The superintendent shall submit a report to the department of management and to the legislative services agency detailing the expenditure of moneys appropriated to the banking division pursuant to this subsection during each fiscal year. The initial report shall be submitted on or before September 15, 2016, and each September 15 thereafter. Moneys appropriated pursuant to this subsection are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection.

Sec. 13. Section 524.208, Code 2021, is amended to read as follows:

**524.208 Examiners and other employees.**

The superintendent may appoint examiners and other employees, including for the banking division's internal information technology group, as the superintendent deems necessary to the proper discharge of the duties imposed upon the superintendent by the laws of this state. Pay plans shall be established for employees, other than clerical employees or employees of the professional licensing and regulation bureau of the banking division, who examine the accounts and affairs of state banks and who examine the accounts and affairs of other persons, subject to supervision and regulation by the superintendent, which are substantially equivalent to those paid by the federal deposit insurance corporation and other federal supervisory agencies in this area of the United States.

Sec. 14. Section 524.211, subsection 1, Code 2021, is amended to read as follows:

1. The superintendent, general counsel, examiners, and other employees assigned to the bank bureau of the banking division are prohibited from obtaining a loan of money or property from a ~~state-chartered~~ state bank, or any person or entity affiliated with a ~~state-chartered~~ state bank, unless they do not personally participate in the examination, oversight, or official review concerning the regulation of the state bank.

Sec. 15. Section 524.211, Code 2021, is amended by adding the following new subsection: NEW SUBSECTION. 8. The superintendent shall not participate in the examination, oversight, or official review concerning the regulation of any state bank or any other enterprise, person, or affiliate subject to the regulatory purview of the banking division of which the superintendent is a shareholder, member, partner, owner, director, officer, or employee. The superintendent shall recuse themselves from participation in any such examination, oversight, or official review and the state banking council shall designate a member who satisfies the qualifications identified in section 524.201, subsection 1, and who is not a shareholder, member, partner, owner, director, officer, or employee of the regulated entity to act in place of the superintendent.

Sec. 16. Section 524.212, subsection 1, Code 2021, is amended to read as follows:

1. The superintendent, members of the state banking council, general counsel, examiners, or other employees of the banking division shall not disclose, in any manner, to any person other than the person examined and those regulatory agencies referred to in section 524.217, subsection 2, any information relating specifically to the supervision and regulation of any state bank, persons subject to the provisions of chapter 533A, 533C, 533D, 535B, 535D, 536, or 536A, any affiliate of any state bank, or an affiliate of a person subject to the provisions of chapter 533A, 533C, 536, or 536A, except when ordered to do so by a court of competent jurisdiction and then only in those instances referred to in section 524.215, subsection 2, paragraphs “a”, “b”, “c”, “e”, and “f”.

Sec. 17. Section 524.217, subsection 6, Code 2021, is amended to read as follows:

6. The superintendent may enter into contractual agreements with other state regulators of financial institutions to share examiners or to assist in each state’s respective examinations or other supervisory activities. A contractual agreement pursuant to this section may provide for reimbursement to the state providing assistance. The division of banking shall be reimbursed for any costs incurred when providing services to other states pursuant to this subsection. Any division of banking personnel assisting another state with its ~~examination~~ examinations or other supervisory activities shall be covered by the provisions of the other state’s tort claims act, to the extent permitted by the laws of the other state. If the law of the other state does not extend coverage to the division of banking personnel working on the other state’s ~~examination~~ examinations or other supervisory activities, the provisions of chapter 669 shall apply.

Sec. 18. Section 524.218, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

**524.218 Regulation and examination of service providers.**

1. Whenever a state bank, or any subsidiary or affiliate of a state bank that is subject to examination by the superintendent, causes to be performed for itself, by contract or otherwise, a covered service, such performance shall be subject to regulation and examination by the superintendent to the same extent as if the covered service was being performed by the state bank itself.

2. For purposes of this section, “covered service” means and includes all of the following:

- a. Data processing services.
- b. Activities that support financial services, including but not limited to lending, funds transfer, payment processing, fiduciary activities, trading activities, and deposit taking.
- c. Internet-related services, including but not limited to web services and electronic bill payments, mobile applications, system and software development and maintenance, and security monitoring.
- d. Activities related to the business of banking.

3. The superintendent may, in the superintendent’s discretion, accept examinations authorized or required to be conducted by this section, which are made by other state or federal financial regulatory agencies listed in section 524.217, subsection 2, in lieu of any examination authorized or required under the laws of this state.

Sec. 19. Section 524.220, subsection 1, Code 2021, is amended to read as follows:

1. A state bank shall, upon request, render a full, clear, and accurate statement of its condition to the superintendent, in a format prescribed by the superintendent, verified by the oath of two of its officers, and attested by at least two of the directors. The superintendent may, in the superintendent's discretion, use any form of statement of condition that is used by the federal deposit insurance corporation or the federal reserve system, and the superintendent may rely on a statement of condition a state bank submits to the federal deposit insurance corporation or the federal reserve system.

Sec. 20. Section 524.221, subsection 3, Code 2021, is amended to read as follows:

3. The provisions of this section, insofar as applicable, shall apply to the records of a national bank, ~~or a federally chartered savings bank or a federally chartered federal savings and loan association,~~ or an out-of-state bank.

Sec. 21. Section 524.223, Code 2021, is amended to read as follows:

**524.223 Power of superintendent to issue orders.**

1. Whenever it shall appear to the superintendent that a state bank, or any director, officer, employee, or substantial shareholder of the state bank, is engaging or has engaged, or the superintendent has reasonable cause to believe that the state bank, director, officer, employee, or substantial shareholder is about to engage, in an unsafe or unsound practice in conducting the business of such state bank, or is violating or has violated, or the superintendent has reasonable cause to believe that the state bank, director, officer, employee, or substantial shareholder is about to violate, any provision of this chapter or of any regulation adopted pursuant to this chapter, or any condition imposed in writing by the superintendent in connection with the approval of any matter required by this chapter, or any written agreement entered into with the superintendent, or any provision of chapter 12C or any rules adopted pursuant to chapter 12C, the superintendent may issue and serve upon the state bank, director, officer, employee, or substantial shareholder a notice containing a statement of the facts constituting the alleged violation or violations, or the unsafe or unsound practice or practices, and fixing a time and place at which a hearing will be held to determine whether an order to cease and desist should be issued to the state bank, director, officer, employee, or substantial shareholder.

2. If the state bank, director, officer, employee, or substantial shareholder fails to appear at the hearing it shall be deemed to have consented to the issuance of a cease and desist order. In the event of such consent, or if upon the record made at such hearing, the superintendent shall find that any violation or unsafe or unsound practice specified in the notice has been established, the superintendent may issue and serve upon the state bank, director, officer, employee, or substantial shareholder an order to cease and desist from any such violation or practice. Such order may require the state bank and its directors, officers, ~~and employees,~~ and shareholders to cease and desist from any such violation or practice and, further, to take affirmative action to correct the conditions resulting from any such violation or practice. In addition, if the violation or practice involves a failure to comply with chapter 12C or any rules adopted pursuant to chapter 12C, the superintendent may recommend to the committee established under section 12C.6 that the bank be removed from the list of financial institutions eligible to accept public funds under section 12C.6A and may require that during the current calendar quarter and up to the next succeeding eight calendar quarters that the bank do any one or more of the following:

a. Not accept public funds deposits.

b. Return to the depositors some or all uninsured public funds held in demand deposits and, when deposit instruments or agreements mature, return to the depositors some or all deposits representing proceeds of such instruments or agreements.

c. Pledge collateral to the treasurer of state having a value at all times up to one hundred ten percent of the public funds held by the bank.

d. Comply with such other requirements as the superintendent may impose.

3. Any order issued pursuant to this section shall become effective upon service of the order on the state bank, director, officer, employee, or substantial shareholder and shall remain effective except to such extent that it is stayed, modified, terminated, or set aside by action

of the superintendent or of the district court of the Polk county in which the state bank has its principal place of business.

4. The superintendent may apply to the district court of the Polk county in which the state bank has its principal place of business for the enforcement of any order pursuant to this section and such court shall have jurisdiction and power to order and require compliance.

5. For purposes of this section, “substantial shareholder” means a shareholder exercising a controlling influence over the management or policies of a state bank as determined by the superintendent.

Sec. 22. Section 524.224, Code 2021, is amended to read as follows:

**524.224 Grounds for management of state bank by superintendent order to cease business — appointment of receiver.**

1. The superintendent may ~~take over the management of the property and business of,~~ without prior notice or hearings, order a state bank to cease to carry on its business whenever ~~it appears to the superintendent determines that:~~

a. The state bank has violated its articles of incorporation or any law of this state.

b. The capital of the state bank is impaired.

c. The state bank is conducting its business in an unsafe or unsound manner.

d. The state bank is insolvent or is otherwise in such condition that it is unsound, unsafe or inexpedient for it to transact business.

e. The state bank has suspended or refused payment of its deposits or other liabilities contrary to the terms thereof, or the superintendent determines the state bank is unlikely to be able to pay its deposits or other liabilities in the near future.

f. The state bank refuses to make its records available to the superintendent for examination or otherwise refuses to make available, through an officer or employee having knowledge thereof, information required by the superintendent for the proper discharge of the duties of the superintendent’s office.

g. The state bank neglects or refuses to observe any order of the superintendent made pursuant to the provisions of this chapter, unless the enforcement of such order is stayed in a proceeding brought by the state bank.

h. The state bank has not transacted any business or performed any of the duties, contemplated by its authorization to do business, for a period of ~~one year~~ thirty days.

~~i. The state bank has failed to renew its corporate existence in the manner provided for in section 524.314 within one hundred eighty days prior to the expiration thereof.~~

2. ~~The superintendent shall thereafter manage the property and business of the state bank until such time as the superintendent may relinquish to the state bank the management thereof, upon such conditions as the superintendent may prescribe, or until its affairs be finally dissolved as provided in this chapter~~ Upon ordering a state bank to cease to carry on its business, the superintendent shall immediately appoint the federal deposit insurance corporation as receiver pursuant to section 524.1310.

Sec. 23. Section 524.225, Code 2021, is amended to read as follows:

**524.225 Procedures — judicial review.**

Judicial review of the actions of the superintendent may be sought in accordance with chapter 17A. However, contested case provisions of chapter 17A, the Iowa administrative procedure Act, do not apply to an action by the superintendent to ~~take over the management of or to manage~~ order a state bank to cease to carry on its business and to appoint a receiver, as authorized by ~~sections~~ section 524.224 and 524.226.

Sec. 24. Section 524.228, Code 2021, is amended to read as follows:

**524.228 Interim Emergency cease and desist order — final order — suspension.**

1. If it appears to the superintendent that a state bank, or any director, officer, employee, or substantial shareholder of the state bank is engaging in or is about to engage in an unsafe or unsound practice or dishonest act in conducting the business of the state bank that is likely to cause insolvency or substantial dissipation of assets or earnings of the state bank, or is likely to seriously weaken the condition of the state bank or otherwise seriously prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant



to section 524.223, 524.606, subsection 2, or 524.707, subsection 2, the superintendent may issue an interim emergency order requiring the state bank, director, officer, employee, or substantial shareholder to cease and desist from any such practice or act, and to take affirmative action, including suspension of the director, officer, or employee to prevent such insolvency, dissipation, condition, or prejudice pending completion of the proceedings. The interim emergency order becomes effective upon service upon the state bank, or upon the director, officer, employee, or substantial shareholder of the state bank and, unless set aside, limited, or suspended by a court as provided in this chapter, remains effective and enforceable pending the completion of the administrative proceedings pursuant to the interim emergency order and until such time as the superintendent dismisses the charges specified in the interim emergency order, or, if a final cease and desist order is issued against the state bank or the director, officer, employee, or substantial shareholder until the effective date of the final order.

2. Within ten days after the state bank concerned or any director, officer, employee, or substantial shareholder is served with an interim emergency order, the state bank or such director, officer, employee, or substantial shareholder may apply to the district court ~~in the of Polk county in which the bank has its principal place of business,~~ for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such interim emergency order pending the completion of the administrative proceedings. If serious prejudice to the interests of the superintendent, the state bank, the officer, director, employee, or substantial shareholder would result from such hearing, the court may order the judicial proceeding to be conducted in camera.

3. The interim emergency order shall contain a concise statement of the facts constituting the alleged unsafe or unsound practice or alleged dishonest act, and shall fix a time and place at which a hearing will be held to determine whether a final order to cease and desist should issue against the state bank or any director, officer, employee, or substantial shareholder. The hearing shall be fixed for a date not later than thirty days after service of the interim emergency order unless a later date is set at the request of the party so served. If the state bank, or the director, officer, employee, or substantial shareholder fails to appear at the hearing, the state bank, or the director, officer, employee, or substantial shareholder is deemed to have consented to the issuance of a cease and desist order. In the event of such consent, or if upon the record made at the hearing the superintendent finds that any unsafe or unsound practice or dishonest act specified in the interim emergency order has been established, the superintendent may issue and serve upon the state bank, or the director, officer, employee, or substantial shareholder a final order to cease and desist from any such practice or act. The order may require the state bank, or the director, officer, employee, or substantial shareholder to cease and desist from any such practice or act and, further, to take affirmative action, including suspension of the director, officer, or employee.

4. A hearing provided for in this section shall be presided over by an administrative law judge appointed in accordance with section 17A.11. The hearing shall be private, unless the superintendent determines after full consideration of the views of the party afforded the hearing, that a public hearing is necessary to protect the public interest. After the hearing, and within thirty days after the case has been submitted for decision, the superintendent shall review the proposed order of the administrative law judge and render a final decision, including findings of fact upon which the decision is predicated, and issue and serve upon each party to the proceeding an order consistent with this section.

5. Any final order issued by the superintendent pursuant to subsection 3 becomes effective upon service of the final order on the state bank, director, officer, employee, or substantial shareholder and shall remain effective except to the extent that it is stayed, modified, terminated, or set aside by action of the superintendent or of the district court of ~~the Polk county in which the state bank has its principal place of business~~ in accordance with the terms of chapter 17A.

6. In the case of violation or threatened violation of, or failure to obey, an interim emergency order issued pursuant to subsection 1 or a final order issued pursuant to subsection 3, the superintendent may apply to the district court of ~~the Polk county in which the state bank has its principal place of business~~ for the enforcement of the order and such

court shall have jurisdiction and power to order and require compliance with the ~~interim~~ emergency order or final order.

7. For purposes of this section, “*substantial shareholder*” means a shareholder exercising a controlling influence over the management or policies of a state bank as determined by the superintendent.

**Sec. 25. NEW SECTION. 524.230 Superintendent authority — supervision of state bank.**

1. The superintendent may, by order and without prior notice, appoint a supervisor for a state bank if the superintendent determines that the state bank is in an unsafe and unsound condition and an order of supervision is necessary to protect the best interests of the state bank, its depositors, creditors, shareholders, or the public.

2. A state bank that is under an order of supervision shall not, without the prior approval of the superintendent or the supervisor, unless otherwise permitted by the order of supervision, do any of the following:

- a. Dispose of, sell, transfer, convey, or encumber the state bank’s assets.
- b. Lend or invest the state bank’s money.
- c. Incur a debt, liability, or obligation.
- d. Pay a cash dividend.

e. Remove an executive officer or director, effect any change in the positions of executive officer or director, or change the number of executive officers or directors.

3. The superintendent may serve as supervisor of a state bank or may appoint as supervisor any person, including an employee of the banking division, who the superintendent determines is qualified for the position.

4. The superintendent, during the period of supervision of the state bank, may require reimbursement by the state bank to the extent of the reasonable expenses attributable to the service of a supervisor, including costs incurred by the division of banking and expenses of the supervisor and any professional employees appointed to assist or represent the supervisor.

5. A supervisor appointed pursuant to this section shall serve until the date specified in the order of supervision or the date when the superintendent determines that the conditions necessary to terminate the order have been satisfied, whichever is earlier. The superintendent may terminate an order of supervision at any time.

6. When a state bank has adequately addressed the conditions that necessitated the order of supervision, the superintendent shall return the state bank to its former or new management under conditions reasonable and necessary to prevent a recurrence of the conditions that caused the order of supervision.

7. The superintendent, at any time during the period of supervision of a state bank, may order the state bank to cease to carry on its business in accordance with the provisions of section 524.224. Notwithstanding any other provision of law to the contrary, the banking division, the superintendent, the examiners, and all other employees of the banking division shall not be liable to any person if a state bank subject to a supervision order pursuant to this section ceases to carry on the business of banking pursuant to section 524.224 or closes or fails pursuant to any applicable provision of federal law.

Sec. 26. Section 524.301, Code 2021, is amended to read as follows:

**524.301 Incorporators — organizers.**

A state bank may be incorporated ~~or organized as a limited liability company~~ under this chapter by one or more individuals eighteen years of age or older, a majority of whom shall be residents of this state and citizens of the United States.

Sec. 27. Section 524.302, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The articles of incorporation of a state bank, in the form prescribed by the superintendent, shall must set forth all of the following:

Sec. 28. Section 524.302, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. ~~The location~~ physical address of its proposed principal place of business including the name of the municipal corporation, if any, and county.

Sec. 29. Section 524.303, subsection 2, Code 2021, is amended to read as follows:

2. Applicable fees, payable to the secretary of state as specified in section 489.117 or section 490.122, for the filing ~~and recording~~ of the articles of incorporation.

Sec. 30. Section 524.304, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The incorporators or organizers of a state bank shall, within thirty days of the acceptance of the application for processing, publish notice of the proposed incorporation or organization ~~once each week for two successive weeks~~ in a newspaper of general circulation published in the municipal corporation which is proposed as the principal place of business of the state bank, or if there is none, a newspaper of general circulation published in the county, or in a county adjoining the county, in which the proposed state bank is to have its principal place of business. The notice shall set forth all of the following:

Sec. 31. Section 524.305, subsection 1, paragraph b, Code 2021, is amended to read as follows:

b. The convenience and needs of the public will be served by the proposed state bank, including by accepting deposits from, lending money in, and processing payments in the area the proposed state bank will primarily serve.

Sec. 32. Section 524.305, subsections 3 and 4, Code 2021, are amended to read as follows:

3. Within thirty days after the date of the ~~second~~ publication of the notice required under section 524.304, any interested person may submit written comments and information to the superintendent concerning the application. Comments challenging the legality of an application must be submitted separately in writing. The superintendent may extend the thirty-day comment period, if, in the judgment of the superintendent, extenuating circumstances which justify the extension exist.

4. Within thirty days after the date of the ~~second~~ publication of the notice required by section 524.304, any interested person may submit a written request of the superintendent for a hearing on the application. The request shall state the nature of the issues or facts to be presented and the reasons why written submissions would be insufficient to make an adequate presentation to the superintendent. If the reasons are related to factual disputes, the disputes shall be described. A written request for a hearing shall be evaluated by the superintendent, who may grant or deny the request in whole or in part. A hearing request shall generally be granted only if it is determined that written submissions would be inadequate or that a hearing would otherwise be beneficial to the decision-making process. A hearing may be limited to issues considered material by the superintendent.

Sec. 33. Section 524.306, Code 2021, is amended to read as follows:

**524.306 Incorporation or organization of state bank.**

1. Unless a delayed effective date or time is specified, the corporate or organizational existence of a state bank begins when the articles of incorporation, with the superintendent's approval indicated on the articles of incorporation, are filed with the secretary of state. ~~The secretary of state shall record the articles of incorporation and forward a copy of them to the county recorder of the county in which the state bank is to have its principal place of business.~~

2. The secretary of state's ~~acknowledgment~~ of filing of the articles of incorporation is conclusive proof that the incorporators or organizers satisfied all conditions precedent to incorporation or organization, except in a proceeding instituted by the superintendent to cancel or revoke the incorporation or involuntarily dissolve the corporation or organization.

Sec. 34. Section 524.307, Code 2021, is amended to read as follows:

**524.307 Initial organization of state bank.**

Upon incorporation, ~~or organization as a limited liability company,~~ of the state bank, the initial board of directors shall hold an organizational meeting within this state, at the call of a majority of the directors, to complete the organization of the state bank by electing officers, adopting bylaws, if any are to be adopted, and conducting any other business properly brought before the board at the meeting.

Sec. 35. Section 524.310, subsection 2, Code 2021, is amended to read as follows:

2. The provisions of this section shall not require any state bank existing and operating on January 1, 1970, to add to, modify or otherwise change its corporate or organizational name, either on January 1, 1970, or ~~upon renewal of its corporate existence pursuant to section 524.314 at any time thereafter.~~

Sec. 36. Section 524.312, Code 2021, is amended to read as follows:

**524.312 Location of state bank — exceptions.**

1. A state bank originally incorporated or organized pursuant to this chapter shall have its principal place of business within the city limits of a municipal corporation. ~~The existence of a state bank shall not, however, be affected by the subsequent discontinuance of the municipal corporation. A state bank existing and operating on January 1, 1970, which does not have its principal place of business within the city limits of a municipal corporation, may renew its corporate or organizational existence pursuant to section 524.314 without regard to this section and may also operate as a bank or convert to and operate as a bank office when acquired by or merged into another state bank and approved by the superintendent state of Iowa.~~

2. A state bank may, with the prior written approval of the superintendent, change the location of its principal place of business to a new location within the state.

3. If a change in the location of the principal place of business of a state bank is proposed, application for approval of the superintendent shall be made as required by the superintendent pursuant to this section. A change in location of the principal place of business of a state bank, including a change from one municipal corporation to another municipal corporation within an urban complex, requires an amendment to the articles of incorporation pursuant to sections 524.1502, 524.1504, and 524.1506. ~~A state bank seeking approval of a change of location pursuant to this subsection shall publish a notice of the proposed change of location in a newspaper of general circulation in the municipal corporation or unincorporated area in which the state bank has its principal place of business, or if there is none, in a newspaper of general circulation in the county, or in a county adjoining the county, in which the state bank has its principal place of business, and in the municipal corporation in which it seeks to establish its principal place of business, or if there is none, in a newspaper of general circulation in the county, or in a county adjoining the county, in which the municipal corporation is located. The notice shall be published within thirty days after the application to the superintendent for approval of the change in location is accepted for processing. The notice shall set forth the name of the state bank, the present location of its principal place of business, the location to which it proposes to move its principal place of business, and the date upon which the application was accepted for processing by the superintendent.~~

4. Within thirty days after acceptance of an application for approval of a change of location of the principal place of business of a state bank pursuant to subsection 3, the superintendent shall commence an investigation into the circumstances of the application as deemed necessary by the superintendent, giving due consideration to factors substantially similar to those set forth in section 524.305, subsection 1, paragraphs “c” through “f”. Within ~~one hundred eighty~~ ninety days after the application has been accepted for processing, the superintendent shall approve or disapprove the application on the basis of the investigation. The superintendent shall give written notice of the decision to the state bank, and in the event of disapproval a statement of the reasons for the disapproval. If the superintendent approves the change in location the superintendent shall deliver the articles of amendment to the secretary of state. As a condition of receiving the decision of the superintendent with respect to the application, the state bank shall reimburse the superintendent for all expenses incurred by the superintendent in connection with the application.

5. A state bank approved under the provisions of section 524.305, subsection 8, shall not commence its business at any location other than ~~within a municipal corporation or unincorporated area in which was located~~ the principal place of business or an office of the state bank the condition of which was the basis for the superintendent authorizing incorporation or organization of the new state bank.

Sec. 37. Section 524.313, Code 2021, is amended to read as follows:

**524.313 Bylaws.**

A state bank may adopt bylaws. The power to adopt, amend, or repeal bylaws or adopt new bylaws is vested in the board of directors unless reserved to the shareholders by the articles of incorporation. The bylaws of a state bank may contain any provisions for the regulation and management of the affairs of the state bank not inconsistent with law or the articles of incorporation. ~~For a state bank organized as a limited liability company under this chapter,~~ “bylaws” means the operating agreement of the state bank.

Sec. 38. Section 524.521, Code 2021, is amended to read as follows:

**524.521 Authorized shares.**

1. The articles of incorporation of a state bank incorporated as a stock corporation must prescribe the classes of shares and series of shares within a class and the number of shares of each class that the state bank 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. ~~Prior to the issuance of shares of a class, the preferences, limitations, and relative rights of that class must be described in the articles of incorporation. All~~ Except to the extent otherwise permitted by section 524.522, all shares of a class or series must have terms, including preferences, rights, and limitations, and relative rights identical with those of other shares of the same class except to the extent otherwise permitted by section 524.523 or series.

2. The articles of incorporation of a state bank incorporated as a stock corporation must authorize both of the following:

a. One or more classes or series of shares that together have ~~unlimited full~~ voting rights.

b. One or more classes or series of shares, which may be the same class, ~~or classes, or series~~ as those with voting rights, that together are entitled to receive the net assets of the state bank upon dissolution.

3. The articles of incorporation of a state bank incorporated as a stock corporation may authorize one or more classes or series of shares that have any of the following qualities:

a. Have special, conditional, or limited voting rights, or no right to vote, unless prohibited 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 state bank, the shareholders, or another person or upon the occurrence of a ~~designated~~ specified event.

(2) For cash, indebtedness, securities, or other property.

(3) In a designated amount or in an amount determined in accordance with a designated formula or by reference to extrinsic data or events.

c. Preferred shares are redeemable only by resolution of the board of directors with the prior approval of the superintendent. Preferred shares which are redeemable according to the terms of their issuance shall be redeemed only in accordance with such terms. Preferred shares which are redeemed shall be canceled and shall not be reissued. Preferred shares which are not redeemable according to the terms of their issuance are redeemable only pro rata, by lot, or by such other equitable method as determined by the board of directors.

d. (1) If preferred shares are redeemed by a state bank, the redemption effects a cancellation of the shares, and a statement of cancellation shall be filed as provided in this paragraph. The filing of the statement of cancellation constitutes an amendment to the articles of incorporation and reduces the number of preferred shares of the class which the state bank is authorized to issue by the number which are canceled.

(2) The statement of cancellation shall be executed by the state bank by its president or a vice president and by its cashier or an assistant cashier, and acknowledged by one of the officers signing such statement, and shall set forth all of the following:

(a) The name of the state bank and the effective date of its articles of incorporation.

(b) The number of preferred shares canceled through redemption, itemized by classes.

(c) The aggregate number of issued shares, itemized by classes, after giving effect to the cancellation.

(d) The amount, expressed in dollars, of the stated capital of the state bank after giving effect to the cancellation.

(e) The number of shares which the state bank has authority to issue, itemized by classes, after giving effect to the cancellation.

(3) The statement of cancellation, together with the applicable filing ~~and recording~~ fees, shall be delivered to the superintendent who shall, if the superintendent finds the statement of cancellation satisfies the requirements of this section, deliver it to the secretary of state for filing ~~and recording~~ in the secretary of state's office ~~and the statement of cancellation shall also be filed and recorded in the office of the county recorder~~. The capital of the state bank is deemed to be reduced by the par value of the shares canceled upon the effective date of the redemption.

e. Entitle the holders to distributions calculated in any manner, including dividends that may be cumulative, noncumulative, or partially cumulative.

f. Have preference over any other class or series of shares with respect to distributions, including dividends and distributions upon the dissolution of the state bank.

4. The description of the designations, preferences, rights, and limitations, ~~and relative rights of share classes or series of shares~~ in subsection 3 is not ~~all-inclusive~~ exhaustive.

5. Unless the articles of incorporation or bylaws otherwise provide, the board of directors, by resolution duly adopted and with the approval of the superintendent as provided in section 524.405, may issue from time to time, in whole or in part, the shares authorized by the articles of incorporation.

Sec. 39. Section 524.522, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

If the articles of incorporation provide for such, the board of directors may determine, in whole or in part, the preferences, rights, and limitations, ~~and relative rights~~, within the limits set forth in section 524.521, of either of the following:

Sec. 40. Section 524.523, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~Each~~ At a minimum, each share certificate must state on its face, ~~at a minimum~~, all of the following:

Sec. 41. Section 524.523, subsection 3, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

3. a. If the state bank 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 state bank will furnish to the shareholder the information in paragraph "a" on request in writing and without charge.

Sec. 42. Section 524.523, subsection 4, Code 2021, is amended to read as follows:

4. Each share certificate must be signed ~~either manually or in facsimile~~ by two officers as set forth in subsection 1, and may bear the corporate seal or its facsimile.

Sec. 43. Section 524.524, Code 2021, is amended to read as follows:

**524.524 Consideration for shares.**

Except in the case of a distribution of shares authorized by section 524.543 or shares issued upon exchanges or conversion, common or preferred shares of a state bank may be issued only for cash in an amount not less than that ~~determined~~ approved by the superintendent.

Sec. 44. Section 524.525, subsection 4, paragraph b, Code 2021, is amended to read as follows:

b. Unless the subscription agreement provides otherwise, the state bank may rescind the agreement and may sell the shares if the debt remains unpaid more than twenty days after the state bank ~~sends~~ delivers a written demand for payment to the subscriber.

Sec. 45. Section 524.526, Code 2021, is amended to read as follows:

**524.526 Fractional shares.**

1. A state bank incorporated as a stock corporation may issue fractions of a share or in lieu of doing so may do any of the following:

a. ~~Issue fractions of a share or pay~~ Pay in money 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.

~~b. c.~~ Arrange for disposition of fractional shares by the shareholders of the state bank.

~~c. Issue scrip in registered or bearer form entitling the holder to receive a full share upon surrendering enough scrip to equal a full share.~~

2. Each certificate representing scrip must be conspicuously labeled “scrip” and must contain the information required by section 524.523, subsection 2.

3. The holder of a fractional share or scrip is entitled to exercise the rights of a shareholder, including the ~~right~~ rights to vote, to receive dividends, and to participate in the assets of the state bank upon liquidation, but only if the fractional share or scrip provides for such rights.

4. The board of directors may authorize the issuance of scrip subject to any condition ~~considered desirable~~, including either 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 scrip holders.

Sec. 46. Section 524.527, subsections 1 and 2, Code 2021, are amended to read as follows:

1. A purchaser of the shares of a state bank incorporated as a stock corporation is not liable to the state bank, its creditors, or depositors with respect to the shares except to pay the consideration for which the shares were authorized to be issued under section 524.521, or the consideration specified in the subscription agreement authorized under section 524.525.

2. ~~Unless otherwise provided in the articles of incorporation, a~~ A shareholder of a state bank is not personally liable for any liabilities of the state bank, including liabilities arising from the acts or debts of the state bank, its creditors, or depositors, subject to the following exceptions:

a. To the extent provided in a provision of the articles of incorporation permitted by section 524.302, subsection 2, paragraph “c”.

b. By reason of the shareholder’s own acts or conduct.

Sec. 47. Section 524.528, subsections 1 and 2, Code 2021, are amended to read as follows:

1. The shareholders of a state bank do not have a preemptive right to acquire the state bank’s unissued shares except to the extent ~~provided in~~ the articles of incorporation so provide.

2. A statement included in the articles of incorporation that “the state bank elects to have preemptive rights”, or words of similar ~~import~~ effect, means that, the following principles apply except to the extent ~~otherwise expressly provided in~~ the articles of incorporation, the following principles apply expressly provide otherwise:

a. ~~A shareholder~~ The shareholders of a state bank has 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 a proportional amount of the state bank’s unissued shares upon the decision of the board of directors to issue such shares.

b. A shareholder may waive the shareholder’s preemptive right. A waiver evidenced in 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, managers, officers, employees, or agents, ~~or employees~~ of the state bank, its subsidiaries, or its affiliates.

(2) Shares issued to satisfy conversion or option rights created to provide compensation to directors, managers, officers, employees, or agents, ~~or employees~~ of the state bank, 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 or organization.

d. ~~A holder~~ Holders of shares of any class or series without general voting rights power but with preferential rights to distributions or assets ~~has~~ have no preemptive rights with respect to shares of any class or series.

e. ~~A holder~~ Holders of shares of any class or series with general voting rights power but without preferential rights to distributions or assets ~~has~~ have no preemptive rights with respect to shares of any class or series with preferential rights to distributions or assets unless the shares with preferential rights are convertible into or carry a right to subscribe for or acquire 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.

Sec. 48. Section 524.532, Code 2021, is amended to read as follows:

**524.532 Meetings of shareholders.**

Meetings of shareholders may be held at a place, ~~within this state~~, as provided in the articles of incorporation or the bylaws, or as fixed in accordance with their provisions. In the absence of any such provision, all meetings shall be held at the principal place of business of the state bank. An annual meeting of the shareholders shall be held during the specific month as shall be provided in the articles of incorporation, at the location, date, and time as stated in or fixed in accordance with the bylaws. Failure to hold the annual meeting during the month shall not work a forfeiture or dissolution of the state bank. Special meetings of the shareholders may be called by the president, the board of directors, the holders of not less than one-tenth of all the shares entitled to vote at the meeting, or other officers or persons as provided in the articles of incorporation or the bylaws. If a state bank holds a shareholder meeting at a location outside this state, the articles of incorporation or bylaws must permit any or all shareholders to participate by any means of communication as specified in section 524.533, subsection 4.

Sec. 49. Section 524.533, subsections 1 and 3, Code 2021, are amended to read as follows:

1. Written notice stating the place, day and hour of a meeting of the shareholders and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than sixty days before the date of the meeting, either personally or by mail, by or at the direction of the president, the cashier, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at the meeting. If mailed, the notice is deemed to be delivered when deposited in the United States mail addressed to the shareholder at the shareholder's address as it appears on the stock transfer books of the state bank with postage prepaid. As used in this section, the term "notice" means as defined in section 490.141.

3. A shareholder's attendance at a meeting results in ~~both~~ all of the following:

a. Waives the shareholder's objection to lack of notice or defective notice of the meeting, unless the shareholder at the beginning of the meeting ~~or promptly upon the shareholder's arrival~~ objects to holding the meeting or transacting business at the meeting.

b. Waives the shareholder's 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. 50. Section 524.535, subsection 2, Code 2021, is amended to read as follows:

2. The bylaws or, in the absence of an applicable bylaw, the board of directors may fix or provide the manner of fixing, in advance, a date as the record date for any determination of shareholders entitled to notice of or a shareholder's meeting, to demand a special meeting, to vote, or to take any other action at a meeting of shareholders, ~~the~~. ~~A record date to be fixed under this section shall not be more than seventy days and, in the case of a meeting of shareholders, not less than ten days prior to before the date on which of the meeting or particular action, requiring the determination of shareholders, is to be taken and shall not be retroactive.~~ If a record date is not fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for the determination of shareholders. If a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, the determination applies to any adjournment of the meeting.

Sec. 51. Section 524.536, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

**524.536 Shareholders' voting list for meeting.**

1. The officer or agent having charge of the stock transfer books for shares of a state bank shall, at least ten days before each meeting of shareholders, prepare a complete alphabetical list of the names of all its shareholders who are entitled to vote at the meeting or any adjournment of the meeting. The list shall be arranged by voting group and within each voting group by class or series of shares, and show the address of and the number of shares held by each shareholder. Nothing contained in this subsection shall require the state bank to include on such list the electronic mail address or other electronic contact information of a shareholder.

2. a. The shareholders' list shall be available for inspection by any shareholder beginning ten days before the meeting and continuing through the meeting. The shareholders' list shall be made available in at least one of the following locations:

(1) The state bank's principal place of business.

(2) A reasonably accessible electronic network, provided that the information required to gain access to the list is provided with the notice of the meeting. In the event that the state bank determines to make the list available on an electronic network, the state bank shall take reasonable steps to ensure that such information is available only to shareholders of the state bank.

b. A shareholder, or the shareholder's agent or attorney, is entitled on written demand to inspect the list at any time during usual business hours and at the shareholders' expense, during the period it is available for inspection.

3. The list of shareholders shall also be produced and kept open at the time and place of the meeting and is subject to the inspection of a shareholder, or a shareholder's agent or attorney, during the entire duration of the meeting. The original stock transfer books are prima facie evidence as to which shareholders are entitled to examine the list or transfer books or to vote at a meeting of shareholders.

4. Failure to comply with the requirements of this section shall not affect the validity of action taken at a meeting of shareholders.

Sec. 52. Section 524.537, Code 2021, is amended by adding the following new subsection:

**NEW SUBSECTION.** 3. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by the laws of this state or of the United States or by the articles of incorporation or bylaws. This requirement does not apply to the election of directors as provided in section 524.538, subsection 4.

Sec. 53. Section 524.538, subsections 1, 3, and 5, Code 2021, are amended to read as follows:

1. Each outstanding share of a state bank shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, except to the extent that the voting rights of the shares of a class or series may be limited or denied by the articles of incorporation.

3. A shareholder may vote either in person or by proxy executed in writing by the shareholder or by the shareholder's duly authorized attorney-in-fact ~~attorney-in-fact~~. A proxy shall not be valid after eleven months from the date of its execution.

5. In an election of directors, a state bank shall not vote its own shares held by it as sole trustee unless under the terms of the trust the manner in which such shares shall be voted may be determined by a donor or beneficiary of the trust and unless such donor or beneficiary actually directs how the shares shall be voted. ~~However, shares held in trust by a state bank pursuant to an instrument in effect prior to January 1, 1970, under the terms of which the manner in which such shares shall be voted could not be determined by a donor or beneficiary of the trust, may be voted in an election of directors of a state bank upon petition filed by the state bank, to a court of competent jurisdiction, and the appointment by such court of an individual to determine the manner in which the shares shall be voted.~~ When the shares of a state bank are held by such state bank and one or more persons as trustees, the shares may be voted by such other person or persons as trustees, in the same manner as if the person or persons were the sole trustee. Whenever shares cannot be voted by reason of being held by a state bank as sole trustee, the shares shall be excluded in determining whether matters voted upon by the shareholders were adopted by the requisite number of shares.

Sec. 54. Section 524.538A, Code 2021, is amended to read as follows:

**524.538A Voting by member of mutual corporation.**

All holders of savings, demand, or other authorized accounts of a state bank incorporated as or converted to be a mutual corporation are members of the state bank. In the consideration of all questions requiring action by the members of the state bank, each holder of an account shall be permitted to cast one vote for each one hundred dollars, or fraction thereof, of the withdrawal value of the member's account. No member, however, shall cast more than one thousand member votes. All accounts shall be nonassessable.

Sec. 55. Section 524.544, subsection 1, Code 2021, is amended to read as follows:

1. Whenever any person proposes to purchase or otherwise acquire directly or indirectly any of the outstanding shares of a state bank, and the proposed purchase or acquisition would result in control or in a change in control of the state bank, the person proposing to purchase or acquire the shares shall first apply in writing to the superintendent for a certificate of approval for the proposed change of control. The superintendent shall grant the certificate if the superintendent is satisfied that the person who proposes to obtain control of the state bank is qualified by character, experience, and financial responsibility to control and operate the state bank in a sound and legal manner, and that the interests of the depositors, creditors, and shareholders of the state bank, and of the public generally, will not be jeopardized by the proposed change of control. A person which will become a bank holding company upon completion of an acquisition shall make application to the superintendent for a certificate of approval as provided in this section. Any other bank holding company shall comply with section 524.1804 in lieu of seeking a certificate of approval under this section. In any situation where the president or cashier of a state bank has reason to believe any of the foregoing requirements have not been complied with, it shall be the duty of the president or cashier to promptly report in writing such facts to the superintendent upon obtaining knowledge thereof. ~~As used in this section, the term "control" means the power, directly or indirectly, to elect the board of directors. If there is any doubt as to whether a change in the ownership of the outstanding shares is sufficient to result in control thereof, or to effect a change in the control thereof, such doubt shall be resolved in favor of reporting the facts to the superintendent.~~

Sec. 56. Section 524.544, Code 2021, is amended by adding the following new subsection:  
NEW SUBSECTION. 1A. As used in this section, the term “control” means owning, controlling, or having the power to vote twenty-five percent or more of any class of voting securities of a state bank or having the power, directly or indirectly, to elect the board of directors. If there is any doubt as to whether a change in the ownership of the outstanding shares is sufficient to result in control thereof, or to effect a change in the control thereof, such doubt shall be resolved in favor of reporting the facts to the superintendent.

Sec. 57. Section 524.544, subsection 2, Code 2021, is amended by striking the subsection.

Sec. 58. Section 524.604, subsection 1, paragraph d, Code 2021, is amended to read as follows:

d. Review of the adequacy of the state bank’s internal controls and determination of the most appropriate method to satisfy the state bank’s audit needs pursuant to section 524.608.

Sec. 59. Section 524.604, subsection 2, Code 2021, is amended to read as follows:

2. Directors of a state bank shall discharge the duties of their position in good faith and with that diligence, care and skill which ordinarily prudent persons would exercise under similar circumstances in like positions. The directors shall have a continuing responsibility to assure themselves that the state bank is being managed according to law and that the practices and policies adopted by the board are being implemented.

Sec. 60. Section 524.605, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. Directors of a state bank who vote for or assent to the declaration of any dividend or other distribution of the assets of a state bank to its shareholders in willful or negligent violation of the provisions of this chapter, ~~or~~ of any restrictions contained in the articles of incorporation, or of any order by the superintendent restricting the payment of dividends or other distribution of assets, shall be jointly and severally liable to the state bank for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this chapter, ~~or~~ of the restrictions in the articles of incorporation, or of any order by the superintendent restricting the payment of dividends or other distribution of assets.

Sec. 61. Section 524.606, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. If, in the opinion of the superintendent, any director of a state bank or bank holding company has violated any law relating to such state bank or bank holding company, ~~or~~ has engaged in unsafe or unsound practices in conducting the business of such state bank or bank holding company, or has caused such state bank or bank holding company to violate any provision of this chapter or any other law relating to banks or banking, the superintendent may cause notice to be served upon such director, to appear before the superintendent to show cause why the director should not be removed from office. A copy of such notice shall be sent to each director of the state bank or bank holding company affected, by registered or certified mail. If, after granting the accused director a reasonable opportunity to be heard, the superintendent finds that the director violated any law relating to such state bank or bank holding company, ~~or~~ engaged in unsafe or unsound practices in conducting the business of such state bank or bank holding company, or has caused such state bank or bank holding company to violate any provision of this chapter or any other law relating to banks or banking, the superintendent, in the superintendent’s discretion, may order that such director be removed from office, and that such director be prohibited from serving in any capacity in any other state bank, bank holding company, bank affiliate, trust company, or an entity licensed under chapter 533A, 533C, 533D, 535B, 536, or 536A. A copy of the order shall be served upon such director and upon the state bank or bank holding company of which the person is a director at which time the person shall cease to be a director of the state bank or bank holding company. The resignation, termination of employment, or separation of such director, including a separation caused by the closing of

the state bank or bank holding company at which the person serves as a director, does not affect the jurisdiction and authority of the superintendent to cause notice to be served and proceed under this subsection against the director, if the notice is served before the end of the six-year period beginning on the date the director ceases to be a director with the state bank.

Sec. 62. Section 524.607, subsections 1 and 2, Code 2021, are amended to read as follows:

1. The board of directors shall hold at least nine regular meetings each calendar year. No more than one regular meeting shall be held in any one calendar month. Unless the articles of incorporation or bylaws provide otherwise, any director may participate in any meeting of the board of directors ~~may permit directors to participate in meetings~~ 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 at the meeting.

2. A special meeting may be called by any executive officer or a director. Notice of a meeting shall be given to each director, either personally or by mail, at least two days in advance of the meeting. Notice of a regular meeting shall not be required if the articles of incorporation, bylaws, or a resolution of the board of directors provide for a regular monthly meeting date. As used in this section, the term "notice" means as defined in section 490.141.

Sec. 63. Section 524.607, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. 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 in subsection 3, the waiver must be in writing, signed by the director entitled to the notice, whether before or after the time stated in the notice, and delivered to the state bank for filing by the state bank with the minutes or corporate records.

Sec. 64. Section 524.607, subsection 3, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

3. A director's attendance at or participation in a meeting waives any required notice to the director of such 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 because the meeting is not lawfully called or convened.

b. The director does not, after objecting, vote for or assent to action taken at the meeting.

Sec. 65. Section 524.607, subsection 4, Code 2021, is amended by striking the subsection.

Sec. 66. Section 524.607A, subsection 1, Code 2021, is amended to read as follows:

1. Unless the articles of incorporation or bylaws provide otherwise, action required or permitted to be taken under this chapter at a board of directors' meeting may be taken without a meeting if the action is consented to by all members of the board. The action must be evidenced by one or more written consents describing the action taken, signed by each director, and included in the minutes or filed with the corporate records reflecting the action taken. A consent may be signed by manual, facsimile, conformed, or electronic signature and may be delivered by electronic transmission. As used in this subsection, "electronic signature" means the same as defined in section 554D.103.

Sec. 67. Section 524.608, Code 2021, is amended to read as follows:

**524.608 Auditing procedures.**

1. In addition to any examination made by the banking division or other supervisory agency, the board of directors shall review the adequacy of the state bank's internal controls and cause to be made no less frequently than once each calendar year additional auditing procedures that the board deems to be appropriate. The board shall determine the state bank's audit needs and record in the board's minutes the extent to which audit procedures are to be employed. ~~A report which summarizes significant audit findings shall be delivered to the superintendent as soon as practical upon completion.~~

2. The superintendent may require that more comprehensive auditing procedures be applied to a state bank's account records when deemed necessary. These auditing procedures may range from limited scope agreed-upon procedures to an unqualified audit opinion.

Sec. 68. Section 524.610, subsection 1, Code 2021, is amended to read as follows:

1. The shareholders of a state bank shall fix the reasonable compensation of directors for their services as members of the board of directors. Subject to approval by the shareholders at an annual or special meeting called for that purpose, the shareholders of a state bank may adopt a pension or profit-sharing plan, or both, or other plan of deferred compensation for directors, to which a state bank may contribute. Changes to such a pension or profit-sharing plan or other plan of deferred compensation, other than changes that affect eligibility requirements for directors under the plan, benefits provided to directors pursuant to the plan, and contributions required by the state bank or directors under the plan, may be adopted by the board of directors without shareholder approval.

Sec. 69. Section 524.611, subsection 2, Code 2021, is amended to read as follows:

2. The oath shall be signed by the director, acknowledged before an officer individual authorized to take acknowledgments of deeds perform notarial acts, and delivered to the superintendent.

Sec. 70. Section 524.703, subsection 2, Code 2021, is amended to read as follows:

2. Subject to approval by the shareholders at an annual or special meeting called for the purpose, the board of directors of a state bank may adopt a pension or profit-sharing plan, or both, or other plan of deferred compensation, for both officers and employees, to which the state bank may contribute. Changes to such a pension or profit-sharing plan or other plan of deferred compensation, other than changes that affect eligibility requirements for officers and employees under the plan, benefits provided to officers and employees pursuant to the plan, and contributions required by state banks, officers, or employees under the plan, may be adopted by the board of directors without shareholder approval.

Sec. 71. Section 524.707, subsection 2, Code 2021, is amended to read as follows:

2. Section 524.606, subsection 2, which provides for the removal of directors by the superintendent, shall have equal application to officers and employees of a state bank, bank holding company, bank affiliate, or trust company.

Sec. 72. Section 524.802, subsections 9, 11, and 13, Code 2021, are amended to read as follows:

9. Acquire and hold shares of stock in the appropriate federal home loan bank and to exercise all powers conferred on member banks of the federal home loan bank system that are not inconsistent with this chapter. A purchase of federal home loan bank shares which causes the state bank's holdings to exceed fifteen percent of aggregate capital, including where the ownership of shares exceeding fifteen percent of the state bank's aggregate capital is needed to support the state bank's participation in the federal home loan bank's acquired member assets program provided for in 12 C.F.R. pt. 955, requires the prior approval of the superintendent. In addition, a state bank may own federal home loan bank shares in an amount exceeding fifteen percent of the state bank's aggregate capital, but not exceeding twenty-five percent of the state bank's aggregate capital, if the ownership of shares exceeding fifteen percent is needed to support the state bank's participation in the federal home loan bank's acquired member assets program as provided for in 12 C.F.R. pt. 955.

11. Become Subject to section 524.109, subsection 2, become a member of a bankers' bank.

13. Acquire, hold, and improve real estate for the sole purpose of economic or community development, provided that the state bank's aggregate investment in all acquisitions and improvements of real estate under this subsection shall not exceed fifteen percent of a state bank's aggregate capital and shall be subject to the prior approval of the superintendent, the state bank provides the superintendent with thirty days' prior written notice of its intention to acquire, hold, and improve the real estate, and the superintendent does not object to the state bank's proposed plan within thirty days. For purposes of this section, the term "community development" includes public welfare investments as defined in section 524.901, subsection 7,

paragraph “a”, and other investments as permitted under 12 U.S.C. §24 and its implementing regulations.

**Sec. 73. NEW SECTION. 524.802A Electronic activities of state bank.**

1. A state bank may conduct in electronic form any activities that are expressly authorized for state banks under any provision of this chapter, including in sections 524.801, 524.802, and 524.804, and activities that are the functional equivalent of any activities expressly authorized for state banks under this chapter. A state bank may perform, provide, or deliver through electronic means any activity, function, product, or service it is authorized to perform by any provision of this chapter and must comply with all applicable laws and regulations.

2. Subject to the prior approval of the superintendent, a state bank may, beginning on July 1, 2021, engage in new or innovative electronic activities that are part of the business of banking. When determining whether a state bank is authorized to engage in a new or innovative electronic activity that is not traditionally offered by banks via electronic means, the superintendent shall consider whether the activity is expressly authorized for state banks under this chapter, whether the activity is the functional equivalent of any activity authorized for state banks, whether the activity is a logical extension of any activity authorized for state banks, whether the state bank has the expertise necessary to understand and manage the activity, and whether the activity presents risks similar to those state banks already assume.

3. A state bank that engages in any new or innovative electronic activities must conduct these activities in a safe and sound manner and must maintain adequate systems to identify, measure, monitor, and control the risks associated with its electronic activities. These systems must include policies, procedures, internal controls, and management information systems governing the electronic activities of the state bank and may be tailored to the specific risks presented by the electronic activities of the state bank. A state bank engaging in new or innovative electronic activities must also maintain adequate and effective information security infrastructure and controls.

4. The superintendent may adopt rules pursuant to chapter 17A to implement the provisions of this section, including but not limited to application procedures, identifying the systems, processes, and technologies a state bank must maintain in order to engage in certain new or innovative electronic activities, and determining that additional new or innovative electronic activities are authorized for state banks without prior approval.

**Sec. 74. Section 524.803, subsection 3, Code 2021, is amended to read as follows:**

3. Any real property which is held by a state bank pursuant to this section and which it ceases to use for banking purposes, or is acquired for future use but not used within a reasonable period of time five years after title is vested in the state bank, shall be sold or disposed of by the state bank as directed by the superintendent. This deadline may be extended up to an additional five years with prior approval of the superintendent, but in no event may a state bank hold the property for more than ten years.

**Sec. 75. Section 524.810A, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:**

A bank shall permit a person named in and authorized by a court order to open, examine, and remove the contents of a safe deposit box located at the bank. If a court order has not been delivered to the bank, the following persons may access and remove any or all contents of a safe deposit box located at a state bank which box is described in an ownership or rental agreement or lease between the state bank and a deceased owner or lessee:

**Sec. 76. Section 524.812, subsection 3, Code 2021, is amended to read as follows:**

3. If the contents are not claimed within two years after their removal from the safe deposit box, the state bank may proceed to sell so much of the contents as is necessary to pay the past due rentals and the expense incurred in opening the safe deposit box, replacement of the locks thereon and the sale of the contents. The sale shall be held at the time and place specified in a notice published prior to the sale once each week for two successive weeks in a newspaper of general circulation published in the municipal corporation or unincorporated area in which the state bank has its principal place of business, or if there is none, a newspaper of general circulation published in the county, or in a county adjoining the county, in which

the state bank has its principal place of business. The state bank shall also post this notice on the state bank's internet site for at least two weeks prior to the sale. A copy of the notice so published shall be mailed to the customer at the customer's last known address as shown upon the records of the state bank. The notice shall contain the name of the customer and need only describe the contents of the safe deposit box in general terms. The contents of any number of safe deposit boxes may be sold under one notice of sale and the cost thereof apportioned ratably among the several safe deposit box customers involved. At the time and place designated in said notice the contents taken from each respective safe deposit box shall be sold separately to the highest bidder for cash and the proceeds of each sale applied to the rentals and expenses due to the state bank and the residue from any such sale shall be held by the state bank for the account of the customer or customers. Any amount so held as proceeds from such sale shall be credited with interest at the customary annual rate for savings accounts at said state bank, or in lieu thereof, at the customary rate of interest in the community where such proceeds are held. The crediting of interest shall not activate said account to avoid an abandonment as unclaimed property under chapter 556.

Sec. 77. Section 524.816, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

**524.816 Deposit account insurance.**

A state bank organized under this chapter shall be an insured bank and shall acquire and maintain insurance from the federal deposit insurance corporation, or its successor, to protect each depositor against loss of funds held on account by the state bank to the extent the federal deposit insurance corporation insures such deposits.

Sec. 78. Section 524.819, Code 2021, is amended to read as follows:

**524.819 Clearing checks at par.**

Checks drawn on a state bank shall be cleared at par by the state bank on which they are drawn. This section shall not be applicable where checks are received by a state bank as special collection items.

Sec. 79. Section 524.821, Code 2021, is amended to read as follows:

**524.821 Electronic transmission of funds — restrictions.**

1. A state bank may engage in any transaction incidental to the conduct of the business of banking and otherwise permitted by applicable law, by means of either the direct transmission of electronic impulses to or from customers and banks or the recording of electronic impulses or other indicia of a transaction for delayed transmission to a bank. Subject to the provisions of chapter 527, except as preempted by other applicable law, a state bank may utilize, establish, or operate, alone or with one or more other banks, federal savings and loan associations ~~incorporated under federal law~~, credit unions incorporated under the provisions of chapter 533 or federal law, ~~corporations licensed under chapter 536A~~, or third parties, the satellite terminals permitted under chapter 527, by means of which customers and banks may transmit and receive electronic impulses constituting transactions pursuant to this section. However, except as preempted by other applicable law, such utilization, establishment, or operation shall be lawful only when in compliance with chapter 527. Nothing in this section shall be construed as authority for any person to engage in transactions not otherwise permitted by applicable law, nor shall anything in this section be deemed to repeal, replace or in any other way affect any applicable law or rule regarding the maintenance of or access to financial information maintained by any bank.

2. A state bank which offers its customers, or any of them, the opportunity to engage in transactions with or through the state bank in the manner authorized by subsection 1 shall not require a customer to deal with or through the state bank in that manner in lieu of writing checks in the usual manner upon a conventional checking account, and shall not impose any extraordinary charge upon customers who choose to write checks in the usual manner upon a conventional checking account maintained at that state bank. The term "extraordinary charge", as used in this subsection, is a charge in excess of a fair and reasonable charge, based upon the costs to the state bank of providing and maintaining checking account services.

Sec. 80. Section 524.901, subsection 7, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) ~~Community development corporations or community development projects~~ Public welfare investments to the same extent a national bank may invest in such corporations or projects pursuant to 12 U.S.C. §24 and its implementing regulations.

Sec. 81. Section 524.901, subsection 7, paragraph a, subparagraph (3), Code 2021, is amended by striking the subparagraph.

Sec. 82. Section 524.901, subsection 7, paragraph c, Code 2021, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (02) The term “*public welfare investment*” means an investment that primarily benefits low and moderate-income individuals, low and moderate-income areas, or other areas targeted by a governmental entity for redevelopment. “*Public welfare investment*” includes investments that primarily support any of the types of activities identified in 12 C.F.R. §24.6. “*Public welfare investment*” includes an investment that would receive consideration under 12 C.F.R. pt. 25 as a qualified investment. “*Public welfare investment*” includes an investment in any of the following areas:

(a) A targeted service area as defined in section 8B.1, subsection 13.

(b) A small city as defined in section 15.352, subsection 10.

(c) An area of the state that is not part of a federally designated standard metropolitan statistical area.

Sec. 83. Section 524.901, subsection 8, Code 2021, is amended to read as follows:

8. A state bank, in the exercise of the powers granted in this chapter, may purchase cash value life insurance contracts which may include provisions for the lump sum payment of premiums and which may include insurance against the loss of the lump sum payment. State banks may only purchase cash value life insurance contracts if the contract is tied to an employee benefit the state bank is obligated to pay. The cash value life insurance contracts, together with the investment in annuity contracts authorized in subsection 8A, purchased from any one company shall not exceed fifteen percent of aggregate capital of the state bank, and in the aggregate from all companies, together with the investment in annuity contracts authorized in subsection 8A, shall not exceed twenty-five percent of aggregate capital of the state bank unless the state bank has obtained the approval of the superintendent prior to the purchase of any cash value life insurance contract in excess of this limitation. Purchase and sale of such contracts shall be conducted in accordance with safe and sound banking practices.

Sec. 84. Section 524.901, Code 2021, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. A state bank, in the exercise of the powers granted in this chapter, may purchase annuity contracts so long as the annuity contract is tied to an employee benefit the state bank is obligated to pay. The total investment in annuity contracts purchased from any one company, together with the cash value of life insurance contracts authorized in subsection 8, shall not exceed fifteen percent of aggregate capital of the state bank, and in the aggregate from all companies, together with the cash value of life insurance contracts authorized in subsection 8, shall not exceed twenty-five percent of aggregate capital of the state bank unless the state bank has obtained the approval of the superintendent prior to the purchase of any cash value life insurance contract in excess of this limitation. Purchase and sale of such contracts shall be conducted in accordance with safe and sound banking practices.

NEW SUBSECTION. 10. A state bank, upon the approval of the superintendent, may invest in the shares or equity interests of any corporation or other entity which develops or utilizes new or innovative technologies that are or may be applicable to the provision of banking or other financial products or services, including the covered services identified in section 524.218, subsection 2. A state bank’s total investment in any combination of shares or equity interests of the entities identified in this paragraph shall not exceed five percent of its aggregate capital.



NEW SUBSECTION. 11. A state bank, upon the approval of the superintendent, may invest up to five percent of its aggregate capital in a tax equity financing transaction in which the state bank provides equity financing to fund a project or projects that generate tax credits and the equity-based structure of the transaction permits the transfer of such tax credits to the state bank. A state bank may take a majority financial position, but shall be a passive investor and shall not take a management position, in each such project, subject to the following:

a. The state bank shall not participate in the operation of any project or facility resulting from such a transaction or the sale of energy, if any, derived from the project.

b. The state bank shall obtain a legal opinion or otherwise demonstrate a good-faith determination that the tax credits are available before engaging in a tax equity financing transaction.

c. The tax benefits or other payments the state bank receives from the transaction shall repay the state bank's investment and provide the expected rate of return at the time of the investment.

d. Except as provided under paragraph "c", the state bank shall not share in any appreciation in value of its interests in the project or in any of the real or personal assets associated with the project.

e. The state bank's total investment in any combination of shares or equity interests of any tax equity financing transactions pursuant to this subsection shall be limited to fifteen percent of its aggregate capital.

Sec. 85. Section 524.904, subsection 2, Code 2021, is amended to read as follows:

2. A state bank may grant loans and extensions of credit to one borrower in an amount not to exceed fifteen percent of the state bank's aggregate capital as defined in section 524.103, unless the additional lending ~~provisions~~ provision described in subsection 3 ~~or 4~~ apply applies.

Sec. 86. Section 524.904, subsection 3, paragraphs a, b, and e, Code 2021, are amended by striking the paragraphs.

Sec. 87. Section 524.904, subsection 4, Code 2021, is amended by striking the subsection.

Sec. 88. Section 524.904, subsection 5, paragraph a, Code 2021, is amended to read as follows:

a. A state bank may grant loans and extensions of credit to a borrowing group in an amount not to exceed twenty-five percent of the state bank's aggregate capital if all loans and extensions of credit to any one borrower within a borrowing group conform to subsection 2 or 3, and the financial strength, assets, guarantee, or endorsement of any one borrowing group member is not relied upon as a basis for loans and extensions of credit to any other borrowing group member. ~~A state bank may grant loans and extensions of credit to a borrowing group in an amount not to exceed thirty-five percent of aggregate capital if all loans and extensions of credit to any one borrower within a borrowing group conform to subsection 2, 3, or 4, and the financial strength, assets, guarantee, or endorsement of any one borrowing group member is not relied upon as a basis for loans and extensions of credit to any other borrowing group member.~~ While not to be construed as an endorsement of the quality of any loan or extension of credit, the superintendent may authorize a state bank to grant loans and extensions of credit to a borrowing group in an amount not to exceed fifty percent of aggregate capital if all loans and extensions of credit to any one borrower within a borrowing group conform to subsection 2 or 3, and the financial strength, assets, guarantee, or endorsement of any one borrowing group member is not relied upon as a basis for loans and extensions of credit to any other borrowing group member.

Sec. 89. Section 524.905, subsections 2 and 3, Code 2021, are amended to read as follows:

2. *Protective payments — escrow accounts.* A bank may include in the loan documents signed by the borrower a provision requiring the borrower to pay the bank each month in addition to interest and principal under the note an amount equal to one-twelfth of the estimated annual real estate taxes, special assessments, hazard insurance premium,

mortgage insurance premium, or any other payment agreed to by the borrower and the bank in order to better secure the loan. The bank shall be deemed to be acting in a fiduciary capacity with respect to these funds. A bank receiving funds in escrow pursuant to an escrow agreement executed ~~on or after July 1, 1982~~ in connection with a loan as defined in section 535.8, subsection 1, ~~shall may~~ pay interest to the borrower on those funds, ~~calculated on a daily basis, at the rate the bank pays to depositors of funds in ordinary savings accounts.~~ A bank which maintains an escrow account in connection with any loan authorized by this section, whether or not the mortgage has been assigned to a third person, shall each year deliver to the mortgagor a written annual accounting of all transactions made with respect to the loan and escrow account.

3. *Escrow reports.* A state bank may act as an escrow agent with respect to real property, and may receive funds and make disbursements from escrowed funds in that capacity. The state bank shall be deemed to be acting in a fiduciary capacity with respect to these funds. A state bank which maintains such an escrow account relating to a mortgage, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar escrow account computation year as defined in 12 C.F.R. §1024.17. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year. The summary shall be delivered or mailed not later than thirty days following the escrow account computation year to which disclosure relates and shall include the information required for annual escrow account statements under 12 C.F.R. §1024.17. The summary shall contain all of the following information:

- ~~a. The name and address of the mortgagee.~~
- ~~b. The name and address of the mortgagor.~~
- ~~c. A summary of escrow account activity during the year as follows:
  - ~~(1) The balance of the escrow account at the beginning of the year.~~
  - ~~(2) The aggregate amount of deposits to the escrow account during the year.~~
  - ~~(3) The aggregate amount of withdrawals from the escrow account for each of the following categories:
    - ~~(a) Payments against loan principal.~~
    - ~~(b) Payments against interest.~~
    - ~~(c) Payments against real estate taxes.~~
    - ~~(d) Payments for real property insurance premiums.~~
    - ~~(e) All other withdrawals.~~~~
  - ~~(4) The balance of the escrow account at the end of the year.~~~~
- ~~d. A summary of loan principal for the year as follows:
  - ~~(1) The amount of principal outstanding at the beginning of the year.~~
  - ~~(2) The aggregate amount of payments against principal during the year.~~
  - ~~(3) The amount of principal outstanding at the end of the year.~~~~

Sec. 90. Section 524.910, subsection 2, Code 2021, is amended to read as follows:

2. Real property purchased by a state bank at sales upon foreclosure of mortgages or deeds of trust owned by it, or acquired upon judgments or decrees obtained or rendered for debts due it, or real property conveyed to it in satisfaction of debts previously contracted in the course of its business, or real property obtained by it through redemption as a junior mortgagee or judgment creditor, shall be sold or otherwise disposed of by the state bank within five years after title is vested in the state bank, unless the time is extended by the superintendent. This deadline may be extended up to an additional five years with prior approval of the superintendent, but in no event shall a state bank hold such property for more than ten years.

Sec. 91. Section 524.1003, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. If the superintendent at any time concludes that a state bank authorized to act in a fiduciary capacity is managing its accounts in an unsafe or unsound manner, or in a manner in conflict with the provisions of this chapter, and such state bank refuses to correct such

practices upon following notice to do so, the superintendent may forthwith direct that the state bank cease to act as a fiduciary and proceed to resign its fiduciary positions.

Sec. 92. Section 524.1003, subsection 1, paragraph b, Code 2021, is amended by striking the paragraph and inserting in lieu thereof the following:

b. After directing the state bank to cease to act as a fiduciary, the superintendent shall file a petition in the district court of Polk county setting forth in general terms that the state bank is acting as fiduciary with respect to certain property and that it is necessary and desirable that successor fiduciaries be appointed for such property.

Sec. 93. Section 524.1003, subsection 1, Code 2021, is amended by adding the following new paragraphs:

**NEW PARAGRAPH.** c. Following the filing of a petition pursuant to paragraph “b” by the superintendent, the district court shall issue an order requiring all persons interested in the state bank’s fiduciary accounts to appoint a successor fiduciary by a specific date, acknowledge the fiduciary succession as described in the will, trust instrument, or other governing instrument of the fiduciary account, or show cause why the district court should not appoint a successor fiduciary. Such order may also appoint a temporary fiduciary for the fiduciary accounts held by the state bank who shall be obligated to take possession of the fiduciary accounts and perform necessary tax, investment, distribution, asset protection, and reporting obligations required of the fiduciary accounts and perform necessary tax, investment, distribution, asset protection, and reporting obligations required of the fiduciary until a permanent successor is appointed. Neither the temporary nor permanent successor fiduciary shall be liable for the actions of the state bank and shall not be responsible for reviewing the action or inaction of the preceding fiduciary. The state bank’s liability for any action or inaction in its former fiduciary positions shall not be impacted by the transfer of fiduciary duties pursuant to this section. The district court may assess the fees and costs of the temporary fiduciary against the state bank.

**NEW PARAGRAPH.** d. Following the appointment of a temporary fiduciary, the district court shall enter an order directing the temporary fiduciary to provide notice of the petition and the order described in this section, through a means approved by the district court, to all persons shown in the records of the state bank to have a beneficial interest in the fiduciary accounts or entitled to notice or an accounting under the terms of the will, trust instrument, or other governing instrument of the fiduciary account, chapter 633, 633A, 633B, or other applicable statute under which the state bank has been operating as a fiduciary. The district court may also order publication of the notice for two consecutive weeks in newspapers of general circulation in one or more counties as prescribed by the district court, and publication on the temporary fiduciary’s internet site for at least twenty days, to the extent the district court deems such published notice necessary to protect the interests of absent or remote beneficiaries.

Sec. 94. Section 524.1003, subsection 2, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

2. At least twenty days after providing notice of a petition and order appointing the temporary fiduciary as described in this section, the district court shall appoint a permanent successor fiduciary for any fiduciary account where appropriate parties have failed to cause a successor fiduciary to be appointed. A successor fiduciary appointed in accordance with the terms of this section shall succeed to all the rights, powers, titles, duties, and responsibilities of the state bank except that the successor fiduciary shall not exercise the powers given in the instrument creating the powers that by its express terms are personal to the state bank previously designated and except claims or liabilities arising out of the management of the fiduciary account prior to the date of the transfer.

Sec. 95. Section 524.1004, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

**524.1004 Voluntary relinquishment of fiduciary capacity.**

1. A state bank desiring to completely surrender its authorization to act in any fiduciary capacity shall file with the superintendent a certified copy of a resolution by the board of directors signifying such intent.

2. Following the filing with the superintendent of the resolution to surrender its authorization to act in a fiduciary capacity, the state bank shall file a petition in the district court in which the state bank has its principal place of business setting forth in general terms that the state bank is acting as fiduciary with respect to certain property, that the state bank desires to cease its fiduciary function and resign its fiduciary positions, and that it is necessary and desirable that successor fiduciaries be appointed for such property.

3. The filing of the petition shall operate as a resignation of the state bank from all of its fiduciary positions. During the adjudication of the petition, the state bank shall retain all fiduciary rights, powers, titles, duties, responsibilities, and accounts it held prior to filing the petition. The state bank's liability for any action or inaction in its former fiduciary positions shall not be impacted by the transfer of fiduciary duties pursuant to this section.

4. Following the filing of the petition, the district court shall issue an order requiring all persons interested in such fiduciary accounts to appoint a successor fiduciary by a specific date, acknowledge the fiduciary succession as described in the will, trust instrument, or other governing instrument of the fiduciary account, or show cause why the district court should not appoint a successor fiduciary. The district court shall also enter an order directing the state bank to provide notice of the petition and the order described in this section, through a means approved by the district court, to all persons shown in the records of the state bank to have a beneficial interest in the fiduciary accounts or entitled to notice or an accounting under the terms of the will, trust instrument, or other governing instrument of the fiduciary account, chapter 633, 633A, 633B, or other applicable statute under which the state bank has been operating as a fiduciary. The district court may also order publication of the notice for two consecutive weeks in newspapers of general circulation in one or more counties as prescribed by the district court, and publication on the state bank's internet site for at least twenty days, to the extent the district court deems such published notice necessary to protect the interests of absent or remote beneficiaries.

5. At least twenty days after the state bank provides notice of the petition and order as described in this section, the district court shall appoint a permanent successor fiduciary for any fiduciary account where appropriate parties have failed to cause a successor fiduciary to be appointed. A successor fiduciary appointed in accordance with the terms of this section shall succeed to all the rights, powers, titles, duties, and responsibilities of the state bank except that the successor fiduciary shall not exercise powers given in the instrument creating the powers that by its express terms are personal to the state bank previously designated and except claims or liabilities arising out of the management of the fiduciary account prior to the date of the transfer.

6. Following the adjudication of the petition described in this section, the state bank shall proceed to amend its articles of incorporation, in accordance with the provisions of this chapter, in a manner to indicate that it is no longer authorized to act in a fiduciary capacity. The superintendent shall approve the proposed amendment, in the manner provided for in this chapter, if the superintendent is satisfied that the state bank has properly relieved itself of its fiduciary responsibilities.

**Sec. 96. NEW SECTION. 524.1005A Nonresident corporate fiduciaries.**

An out-of-state bank or a trust company chartered or organized under the laws of another state may only act in a fiduciary capacity in this state if it satisfies the requirements for nonresident corporate fiduciaries pursuant to section 633.64.

Sec. 97. Section 524.1007, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

**524.1007 Succession of fiduciary accounts to another financial institution.**

1. A state bank or other entity authorized to act in a fiduciary capacity may enter into an agreement for the succession of any fiduciary accounts with one or more other banks or trust companies, including trust companies organized under the laws of another state, that are authorized to act in a fiduciary capacity under the laws of this state, the laws of another state,

or a national bank to the extent permitted by the laws of the United States. In the agreement, the succeeding bank or trust company may agree to succeed the relinquishing bank or trust company as a fiduciary to those fiduciary accounts which are designated in the agreement. The designation of accounts may be by general class or description and may include fiduciary accounts subject and not subject to court administration and fiduciary accounts to arise in the future under wills, trusts, court orders, or other documents under which the relinquishing bank or trust company is named as a fiduciary or is named to become a fiduciary upon the death of a testator or settlor or upon the happening of any other subsequent event.

2. The relinquishing bank or trust company shall provide, at least twenty days preceding the effective date for the succession of the fiduciary accounts, notice of the pending succession, as required by chapter 633, 633A, 633B, or any other applicable chapter, to all persons shown in the records of the relinquishing bank or trust company to have a beneficial interest in the fiduciary accounts or entitled to notice or an accounting under the terms of the will, trust instrument, or other governing instrument of the fiduciary account, chapter 633, 633A, or 633B, or other applicable statute under which the relinquishing bank or trust company has been operating as a fiduciary. In order to account for unknown or prospective appointments, the relinquishing bank or trust company shall publish a notice of the succession to fiduciary accounts in a newspaper published in the county of the principal place of business of the relinquishing bank or trust company, and the notice must be published on the relinquishing bank or trust company's internet site for at least twenty days preceding the effective date of the agreement for the succession of fiduciary accounts. For any fiduciary accounts that are employee benefit plans, the relinquishing bank or trust company may satisfy this subsection by sending the required notice to the plan sponsors.

3. Following the publication and notice described in this section, the succeeding bank or trust company shall, on the effective date of the agreement for the succession of fiduciary accounts and without further notice, approval, or authorization, succeed to the relinquishing bank or trust company as to the fiduciary accounts and the fiduciary powers, rights, privileges, duties, and liabilities for the fiduciary accounts. On the effective date of the succession to fiduciary accounts, the relinquishing bank or trust company is released from the fiduciary duties under the fiduciary accounts and shall discontinue its exercise of fiduciary powers over the fiduciary accounts. Notice of such fiduciary succession shall be filed of record for each parcel of real estate in this state subject to such fiduciary succession unless all of the fiduciary accounts held by the relinquishing bank or trust company are subject to the agreement for succession of fiduciary accounts, in which case the relinquishing bank or trust company shall file notice of the succession in the county recorder's office of all counties in which the fiduciary accounts of the relinquishing bank or trust company owned real estate prior to the effective date of the agreement. This subsection does not absolve a relinquishing bank or trust company from liabilities arising out of a breach of fiduciary duty occurring prior to the effective date of the succession to fiduciary accounts.

4. Within sixty days after the mailing and publication of the notice, a person with an interest in a fiduciary account included within the notice and agreement required by subsection 1 may apply to the district court in the county in which the notice is published for the appointment of a new fiduciary on the ground that the succeeding fiduciary will adversely affect the administration of the fiduciary account. After notice to all interested parties and a hearing on the issues, the court may appoint a new fiduciary to replace the succeeding fiduciary if it finds that the substitution of the succeeding fiduciary will adversely affect the administration of the account and that the appointment of a new fiduciary would be in the best interests of the beneficiaries of the fiduciary account. This subsection is in addition to section 633.65 and any other applicable provision governing the removal of a fiduciary.

5. The privilege of succeeding to fiduciary accounts that is extended to a state bank or trust company by this section is also extended on the same terms and conditions to a national bank organized under 12 U.S.C. §21 et seq. to engage generally in the banking business, and to out-of-state banks and trust companies that are authorized to serve as a fiduciary in this state pursuant to section 633.64.

6. For a fiduciary account governed by Iowa law, a relinquishing bank or trust company may transfer the situs of the fiduciary account to a jurisdiction other than Iowa if the will, trust instrument, or other governing instrument of the fiduciary account so provides, if all

persons interested in the fiduciary account consent to the transfer, or as otherwise authorized by applicable law.

Sec. 98. Section 524.1009, Code 2021, is amended to read as follows:

**524.1009 Succession to fiduciary accounts and appointments — ~~application for appointment of new fiduciary merger.~~**

1. If a party to a plan of merger was authorized to act in a fiduciary capacity and if the resulting ~~state or national~~ bank is similarly authorized, the resulting ~~state or national~~ bank shall be automatically substituted by reason of the merger as fiduciary of all accounts held in that capacity by such party to the plan of merger, without further action and without any order or decree of any court or public officer, and shall have all the rights and be subject to all the obligations of such party as fiduciary.

2. No designation, nomination, or appointment as fiduciary of a party to a plan of merger shall lapse by reason of the merger. The resulting ~~state or national~~ bank, if authorized to act in a fiduciary capacity, shall be entitled to act as fiduciary pursuant to each designation, nomination, or appointment to the same extent as the party to the plan of merger so named could have acted in the absence of the merger.

2A. The relinquishing bank shall provide, at least twenty days preceding the effective date for the succession of the fiduciary accounts, notice of the pending succession, as required by chapter 633, 633A, 633B, or any other applicable chapter, to all persons shown in the records of the relinquishing bank to have a beneficial interest in the fiduciary accounts or entitled to notice or an accounting under the terms of the will, trust instrument, or other governing instrument of the fiduciary account, chapter 633, 633A, or 633B, or other applicable statute under which the relinquishing bank has been operating as a fiduciary. In order to account for unknown or prospective appointments, the relinquishing bank shall publish a notice of the succession to fiduciary accounts in a newspaper published in the county of the principal place of business of the relinquishing bank, and the notice must be published on the relinquishing bank's internet site for at least twenty days preceding the effective date of the merger. For any fiduciary accounts that are employee benefit plans, the relinquishing bank may satisfy this subsection by sending the required notice to the plan sponsors.

3. Any person with an interest in an account held in a fiduciary capacity by a party to a plan of merger may, within sixty days after ~~the effective date of the merger the mailing and publication of the notice~~, apply to the district court in the county in which the ~~resulting state or national bank has its principal place of business~~, notice is published for the appointment of a new fiduciary to replace the resulting ~~state or national~~ bank on the ground that the merger will adversely affect the administration of the fiduciary account. The court shall have the discretion to appoint a new fiduciary to replace the resulting ~~state or national~~ bank if it should find, upon hearing after notice to all interested parties, that the merger will adversely affect the administration of the fiduciary account and that the appointment of a new fiduciary will be in the best interests of the beneficiaries of the fiduciary account. This provision is in addition to any other provision of law governing the removal of fiduciaries and is subject to the terms upon which the party to the plan of merger which held the fiduciary account was designated as fiduciary.

4. The resulting bank shall record a copy of the articles of merger in the county recorder's office of all counties in which the fiduciary accounts of the relinquishing bank owned real estate prior to the effective date of the merger.

Sec. 99. Section 524.1106, Code 2021, is amended to read as follows:

**524.1106 Fees paid to an affiliate — approval by superintendent.**

Any contract or arrangement for management or financial services which involves payment for these services by a state bank to a person who owns shares in that state bank, or to any other affiliate, must be approved by the superintendent prior to such contract or arrangement becoming binding upon the state bank made in compliance with 12 U.S.C. §371c and 12 U.S.C. §371c-1, and may also be reviewed by the superintendent at any time after original approval. Any contract or arrangement for consultation or other services which involve payment of those services by a state bank to any person who individually or whose spouse or immediate family or any combination thereof owns fifteen percent or more of the

outstanding shares of that state bank or is an officer or director thereof, or to an affiliate may be reviewed by the superintendent. Fees paid to an affiliate must be substantially the same as those prevailing at the time for comparable transactions involving nonaffiliated companies in accordance with the provisions of 12 U.S.C. §371c-1. The superintendent shall have authority to determine whether or not such fees are reasonable in relation to the services performed, and if the superintendent determines they are unreasonable, to require that they be reduced to a reasonable amount or eliminated and the excess refunded, or that such contract or arrangement not be entered into by the state bank.

Sec. 100. Section 524.1201, Code 2021, is amended to read as follows:

**524.1201 General provisions.**

1. A state bank may establish and operate any number of bank offices at any location in this state subject to the approval and regulation of the superintendent. The superintendent shall supervise and regulate all out-of-state branches and offices of a state bank. A bank office may furnish all banking services ordinarily furnished to customers and depositors at the principal place of business of the state bank which operates the office, ~~and a bank office manager or an officer of the bank shall be physically present at each bank office during a majority of its business hours.~~ The central executive and official business and principal recordkeeping functions of a state bank shall be exercised only at its principal place of business or at another bank office as authorized by the superintendent for these functions.

2. ~~Notwithstanding subsection 1, data~~ Data processing services referred to in section 524.804 may be performed for the state bank at some other secure location. ~~All transactions of a bank office shall be immediately transmitted to the principal place of business or other bank office authorized under subsection 1 of the state bank which operates the office, and no current recordkeeping functions shall be maintained at a bank office other than the bank office authorized under subsection 1, except to the extent the state bank which operates the office deems it desirable to keep there duplicates of the records kept at the principal place of business or authorized bank office of the state bank.~~

3. Notwithstanding any of the other provisions of this section, original loan documentation and trust recordkeeping functions may be located at any authorized bank office or at any other secure location approved by the superintendent.

Sec. 101. Section 524.1206, Code 2021, is amended to read as follows:

**524.1206 Identification of legally chartered name of bank — required use of name.**

~~A state or national bank, at its locations in this state, shall identify its principal place of business, any bank office, or any bank branch in a manner which includes its legally chartered name or a reasonable variation of such name.~~ A bank doing business in this state electronically shall identify its legally chartered name in any online, mobile, or digital customer interface. The legally chartered name of the state bank, out-of-state bank, or national bank shall be used in all legal documents of such bank.

Sec. 102. Section 524.1301, unnumbered paragraph 1, Code 2021, is amended to read as follows:

A majority of the incorporators, organizers, or initial directors of a state bank that has not issued shares or has not commenced business may dissolve the state bank by delivering articles of dissolution to the superintendent, together with the applicable filing ~~and recording~~ fees, for filing with the secretary of state that set forth all of the following:

Sec. 103. Section 524.1303, subsection 2, Code 2021, is amended to read as follows:

2. Upon acceptance for processing of an application for approval of a plan of dissolution on forms prescribed by the superintendent, the superintendent shall conduct such investigation as the superintendent may deem necessary to determine whether the plan of dissolution adequately protects the interests of depositors, other creditors, and shareholders and, if the plan of dissolution involves an acquisition of assets and assumption of liabilities by another state bank, whether such acquisition and assumption would be consistent with adequate and sound banking and in the public interest, on the basis of factors substantially similar to those set forth in section 524.1403, subsection 1, paragraph “d”.

Sec. 104. Section 524.1303, subsections 3, 4, 5, and 6, Code 2021, are amended by striking the subsections.

Sec. 105. Section 524.1304, subsection 2, Code 2021, is amended to read as follows:

2. Upon approval of the plan of voluntary dissolution by the superintendent, the superintendent shall file with the secretary of state articles of dissolution prepared by the applicant in conformance with section 524.1304A. Upon filing of the articles of dissolution with the secretary of state, the state bank shall cease to accept deposits or carry on its business, except insofar as may be necessary for the proper winding up of the business of the state bank in accordance with the approved plan of dissolution. Upon request, the superintendent shall expressly revoke the authorization to do business of any state bank that has voluntarily dissolved pursuant to this section and shall return the physical copy of such state bank's authorization to do business in a manner clearly indicating that the authorization has been revoked.

Sec. 106. Section 524.1305, subsection 1, paragraph d, Code 2021, is amended to read as follows:

d. ~~Distributing~~ Making distributions of its remaining ~~property assets~~ among its shareholders according to their interests.

Sec. 107. Section 524.1305, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. ~~Changing quorum~~ any of the following:

(1) Quorum or voting requirements for its board of directors or shareholders; ~~changing provisions.~~

(2) Provisions for selection, resignation, or removal of its directors or officers or both; ~~or changing provisions.~~

(3) Provisions for amending its bylaws.

Sec. 108. Section 524.1305, subsection 3, paragraphs a, b, and d, Code 2021, are amended to read as follows:

a. By mail to each depositor and creditor, except those as to whom the liability of the state bank has been assumed by another financial institution insured by the federal deposit insurance corporation pursuant to the plan of dissolution, at their last address of record as shown upon the books of the state bank, including a statement of the amount shown by the books of the state bank to be due to such depositor or creditor and a demand that any claim for a greater amount be filed with the state bank any time before a specified date at least ninety days after the date of the notice.

b. By mail to each lessee of a safe-deposit box and each customer for whom property is held in safekeeping, except those as to whom the liability of the state bank has been assumed by another financial institution insured by the federal deposit insurance corporation pursuant to the plan of dissolution, at their last address of record as shown upon the books of the state bank, including a demand that all property held in a safe-deposit box or held in safekeeping by the state bank be withdrawn by the person entitled to the property before a specified date which is at least ninety days after the date of the notice.

d. By a conspicuous posting at each office of the state bank and by posting on the state bank's internet site for at least thirty days following the filing of the articles of dissolution.

Sec. 109. Section 524.1306, subsection 2, Code 2021, is amended to read as follows:

2. The statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the state bank, shall be delivered to the superintendent, together with the applicable filing ~~and recording~~ fee, who shall, if the superintendent finds that they satisfy the requirements of this section, deliver them to the secretary of state for filing ~~and recording~~ in the secretary of state's office, ~~and the same shall be filed and recorded in the office of the county recorder.~~



Sec. 110. Section 524.1308A, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. As used in this section, the term “notice” means as defined in section 490.141.

Sec. 111. Section 524.1308B, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

A The notice made pursuant to this section must satisfy all of the following requirements:

Sec. 112. Section 524.1308B, subsection 2, paragraph a, Code 2021, is amended to read as follows:

a. Be published ~~at least once~~ in accordance with all of the following:

(1) One time in a newspaper of general circulation in the county where the dissolved state bank’s principal office is ~~or was~~ located.

(2) Be posted conspicuously for at least thirty days on the dissolved state bank’s internet site.

Sec. 113. Section 524.1309, Code 2021, is amended to read as follows:

**524.1309 Becoming subject to chapter 489 ~~or~~ 490.**

In lieu of the dissolution procedure prescribed in sections 524.1303 through 524.1306, a state bank may cease to carry on the business of banking and, after compliance with this section, continue as a corporation subject to chapter 490; ~~or if the state bank is organized as a limited liability company under this chapter, continue as a limited liability company subject to chapter 489.~~

1. A state bank that has commenced business may propose to voluntarily cease to carry on the business of banking and become a corporation subject to chapter 490, ~~or a limited liability company subject to chapter 489~~, upon the affirmative vote of the holders of at least a majority of the shares entitled to vote on such proposal, adopting a plan involving both a provision for acquisition of its assets and assumption of its liabilities by another state bank, national bank, or other financial institution insured by the federal deposit insurance corporation, and a provision for continuance of its business if acquisition of its assets and assumption of its liabilities is not effected, or any other plan providing for the cessation of banking business and the payment of its liabilities.

2. The application to the superintendent for approval of a plan described in subsection 1 shall be treated by the superintendent in the same manner as an application for approval of a plan of dissolution under section 524.1303, subsection 2, and shall be subject to section ~~524.1303, subsection 3~~ 524.1305, subsections 8 and 9.

3. Immediately upon adoption and approval of a plan to voluntarily cease to carry on the business of banking and become a corporation subject to chapter 490, ~~or a limited liability company subject to chapter 489~~ the state bank shall submit an application for the required approval by the superintendent in the manner prescribed by the superintendent. As part of this application, the state bank shall deliver to the superintendent a plan to cease the business of banking and become a corporation subject to chapter 490, ~~or a limited liability company subject to chapter 489~~, which shall be signed by two of its duly authorized officers and shall contain the name of the state bank, the post office address of its principal place of business, the name and address of its officers and directors, the number of shares entitled to vote on the plan and the number of shares voted for or against the plan, respectively, the nature of the business to be conducted by the corporation under chapter 490, ~~or by the limited liability company subject to chapter 489~~, and the general nature of the assets to be held by the corporation or company. As part of the application, the state bank shall also deliver to the superintendent articles of intent to be subject to chapter 490, together with the applicable filing fees, which shall set forth that the state bank has complied with this section, that it intends to cease to carry on the business of banking, and the information required by section 490.202 relative to the contents of articles of incorporation under chapter 490.

4. Upon approval of the plan by the superintendent, the state bank shall immediately surrender to the superintendent its authorization to do business as a bank and shall cease to accept deposits and carry on the banking business except insofar as may be necessary

for it to complete the settlement of its affairs as a state bank in accordance with subsection 5. Upon request, the superintendent shall expressly revoke the state bank's authorization to do business and return the physical copy of such state bank's authorization to do business in a manner clearly indicating that the authorization has been revoked.

5. The board of directors has full power to complete the settlement of the affairs of the state bank. Within thirty days after approval by the superintendent of the plan to cease the business of banking and become a corporation subject to chapter 490, ~~or a limited liability company subject to chapter 489~~, the state bank shall give notice of its intent to persons identified in section 524.1305, subsection 3, in the manner provided for in that subsection. In completing the settlement of its affairs as a state bank, the state bank shall also follow the procedure prescribed in section 524.1305, subsections 4, 5, and 6.

6. ~~Upon completion of all the requirements of this section, the state bank shall deliver to the superintendent articles of intent to be subject to chapter 490 or 489, together with the applicable filing and recording fees, which shall set forth that the state bank has complied with this section, that it has ceased to carry on the business of banking, and the information required by section 490.202 relative to the contents of articles of incorporation under chapter 490, or articles of organization under chapter 489. If the superintendent finds that the state bank has complied with all requirements of this section and that the articles of intent to be subject to chapter 490 or 489 satisfy the requirements of this section, the superintendent shall deliver them to the secretary of state for filing and recording in the secretary of state's office, and the superintendent shall file and record them in the office of the county recorder.~~

7. Upon the filing of the articles of intent to be subject to chapter 490 ~~or 489~~, the state bank shall immediately cease to be a state bank subject to this chapter, and shall immediately cease to have the powers of a state bank subject to this chapter and shall become a corporation subject to chapter 490 ~~or a limited liability company subject to chapter 489~~. The secretary of state shall issue a certificate as to the filing of the articles of intent to be subject to chapter 490 ~~or 489~~ and send the certificate to the corporation ~~or limited liability company~~ or its representative. The articles of intent to be subject to chapter 490 ~~or 489~~ shall be the articles of incorporation of the corporation ~~or a limited liability company~~. The provisions of chapter 490 ~~or 489~~ becoming applicable to a corporation ~~or limited liability company~~ formerly doing business as a state bank shall not affect any right accrued or established, or liability or penalty incurred under this chapter prior to the filing with the secretary of state of the articles of intent to be subject to chapter 490 ~~or 489~~.

8. A shareholder of a state bank who objects to adoption by the state bank of a plan to cease to carry on the business of banking and to continue as a corporation subject to chapter 490, ~~or a limited liability company subject to chapter 489~~, is entitled to appraisal rights provided for in chapter 490, subchapter XIII, ~~or in chapter 489, section 489.604.~~

9. A state bank, at any time prior to the approval of the articles of intent to become subject to chapter 490 ~~or 489~~, may revoke the proceedings in the manner prescribed by section 524.1306.

Sec. 114. Section 524.1310, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. In a situation in which the superintendent has required, in accordance with section ~~524.226~~ 524.224, that the state bank cease to carry on its business, the superintendent shall immediately tender to the federal deposit insurance corporation the receivership for the state bank. The affairs of the state bank shall thereafter be governed by this section, section 524.1311, and the provisions of federal law, and shall be subject to federal court jurisdiction, and the assets of the state bank shall be distributed in accordance with section 524.1312. If there is a conflict between the provisions of state and federal law, federal law shall govern.

Sec. 115. Section 524.1311, subsection 2, Code 2021, is amended to read as follows:

2. After the involuntary dissolution of a state bank, the superintendent shall file notice of the dissolution with the secretary of state ~~and the county recorder of the county in which the state bank is located~~. No fee shall be charged by the secretary of state ~~or the county recorder~~ for the filing ~~or recording~~. The corporate existence of the state bank shall cease upon filing of the notice of dissolution with the secretary of state.

Sec. 116. Section 524.1401, Code 2021, is amended to read as follows:

**524.1401 Authority to merge.**

1. Upon compliance with the requirements of this chapter, one or more state banks, one or more out-of-state banks, one or more national banks, one or more federal savings associations, one or more corporations, or any combination of these entities, with the approval of the superintendent, may merge into a state bank pursuant to a plan of merger.

2. Upon compliance with the requirements of this chapter, one or more state banks may merge into a national bank, federal savings association, or out-of-state bank. The authority of a state bank to merge into a national bank or federal savings association is subject to the condition that at the time of the transaction the laws of the United States shall authorize a national bank or federal savings association located in this state, without approval by the comptroller of the currency of the United States, to merge into a state bank under limitations no more restrictive than those contained in this chapter with respect to the merger of a state bank into a national bank or federal savings association. The authority of a state bank to merge into an out-of-state bank is subject to the condition that at the time of the transaction the laws of the home state of the resulting bank shall authorize a bank organized under the laws of such home state, without approval by the home state's bank regulatory authority, to merge into a state bank under limitations no more restrictive than those contained in this chapter with respect to the merger of a state bank into an out-of-state bank.

3. ~~Upon compliance with the requirements of this chapter, one or more state banks may merge with one or more federal associations. The authority of a state bank to merge into a federal association is subject to the conditions the laws of the United States authorize at the time of the transaction.~~

4. ~~3.~~ As used in this section, the term “merger” or “merge” means any plan by which the assets and liabilities of an entity are combined with those of one or more other entities, including transactions in which one of the corporate entities survives and transactions in which a new corporate entity is created.

Sec. 117. Section 524.1402, Code 2021, is amended to read as follows:

**524.1402 Requirements for a merger.**

The requirements for a merger which must be satisfied by the parties to the merger are as follows:

1. The parties shall adopt a plan stating of merger which must include all of the following:

a. ~~The names of the parties proposing to merge and the name of the bank into which they propose to merge, which is the “resulting bank”.~~

a. As to each party to the merger, the party's name, jurisdiction of formation, and type of entity.

b. The resulting bank's name, jurisdiction of formation, and type of entity, and, if the resulting bank is to be created in the merger, a statement to that effect.

b. ~~c.~~ The terms and conditions of the proposed merger.

e. ~~d.~~ The manner and basis of converting the shares of each party into any combination of shares, obligations, or other securities of the resulting bank or of any other corporation, or, in whole or in part, into cash or other property, obligations, rights to acquire shares or other securities, cash, or other property.

d. ~~e.~~ The rights of the shareholders of each of the parties.

e. ~~f.~~ An agreement concerning the merger.

f. ~~g.~~ Such other provisions with respect to the proposed merger which are deemed necessary or desirable.

2. In the case of a state bank which is a party to the plan of merger, if the proposed merger will result in a state bank subject to this chapter, adoption of the plan of merger by such state bank requires the affirmative vote of at least a majority of the directors and approval by the shareholders, in the manner and according to the procedures prescribed in section 490.1104, at a meeting called in accordance with the terms of that section. In the case of a national bank, or if the proposed merger will result in a national bank, adoption of the plan of merger by each party to the merger shall require the affirmative vote of at least such directors and shareholders whose affirmative vote on the plan of merger is required under the laws of the United States. Subject to applicable requirements of the laws of the United States in a case

in which a national bank is a party to a plan of merger, any modification of a plan of merger which has been adopted shall be made by any method provided in the plan of merger, or in the absence of such provision, by the same vote as required for adoption.

3. If a proposed merger will result in a state bank, application for the required approval by the superintendent shall be made in the manner prescribed by the superintendent. There shall also be delivered to the superintendent, when available, the following:

a. Articles of merger.

b. Applicable fees payable to the secretary of state, as specified in section 490.122, for the filing and recording of the articles of merger.

c. If there is any modification of the plan of merger at any time prior to the approval by the superintendent under section 524.1403, an amendment of the application and, if necessary, of the articles of merger, signed in the same manner as the originals, setting forth the modification of the plan of merger, the method by which the modification was adopted and any related change in the provisions of the articles of merger.

d. Proof of publication of the notice required by subsection 4.

4. If a proposed merger will result in a state bank, within thirty days after the application for merger is accepted for processing, the parties to the plan shall publish a notice of the proposed transaction in a newspaper of general circulation published in the municipal corporation or unincorporated area in which each party to the plan has its principal place of business, or if there is none, in a newspaper of general circulation published in the county, or in a county adjoining the county, in which each party to the plan has its principal place of business. The notice shall be on forms prescribed by the superintendent and shall set forth the names of the parties to the plan and the resulting state bank, the location and post office address of the principal place of business of the resulting state bank and of each office to be maintained by the resulting state bank, and the purpose or purposes of the resulting state bank. Proof of publication of the notice shall be delivered to the superintendent within fourteen days.

5. Within thirty days after the date of the publication of the notice required under subsection 4, any interested person may submit to the superintendent written comments and data on the application. Comments challenging the legality of an application shall be submitted separately in writing. The superintendent may extend the thirty-day comment period if, in the superintendent's judgment, extenuating circumstances exist.

6. Within thirty days after the date of the publication of the notice required under subsection 4, any interested person may submit to the superintendent a written request for a hearing on the application. The request shall state the nature of the issues or facts to be presented and the reasons why written submissions would be insufficient to make an adequate presentation to the superintendent. If the reasons are related to factual disputes, the disputes shall be described. Written requests for hearings shall be evaluated by the superintendent, who may grant or deny such requests in whole or in part. A hearing request shall generally be granted only if it is determined that written submissions would be inadequate or that a hearing would otherwise be beneficial to the decision-making process. A hearing may be limited to issues considered material by the superintendent.

7. If a request for a hearing is denied, the superintendent shall notify the applicant and all interested persons and shall state the reasons for the denial. Interested persons may submit to the superintendent, with simultaneous copies to the applicant, additional written comments or data on the application within fourteen days after the date of the notice of denial. The applicant shall be provided an additional seven days, after the fourteen-day deadline has expired, within which to respond to any comments submitted within the fourteen-day period. The superintendent may waive this seven-day period upon request by the applicant. A copy of any response submitted by the applicant shall also be mailed simultaneously by the applicant to the interested persons.

8. 4. The articles of merger shall be signed by two a duly authorized officers officer of each party to the plan of merger and shall contain all of the following:

a. The names name, jurisdiction of formation, and type of entity of the parties each party to the plan, and of the resulting state bank of merger.

b. The name, jurisdiction of formation, and type of entity of the resulting state bank.

b. c. The location and the post office address of the principal place of business of each party to the plan of merger, and of each additional office maintained by the parties to the

plan of merger, and the location and post office address of the principal place of business of the resulting state bank, and of each additional office to be maintained by the resulting state bank.

~~e. d.~~ The votes by which the plan of merger was adopted, and the date and place of each meeting in connection with such adoption.

~~d. e.~~ The number of directors constituting the board of directors, and the names and addresses of the individuals who are to serve as directors until the next annual meeting of the shareholders or until their successors be elected and qualify.

~~e. f.~~ Any amendment of the articles of incorporation of the resulting state bank.

~~f. The plan of merger.~~

~~9. 5.~~ If a proposed merger will result in a national bank, federal savings association, or out-of-state bank, a state bank which is a party to the plan of merger shall do all of the following:

a. Notify the superintendent of the proposed merger.

b. Provide such evidence of the adoption of the plan of merger as the superintendent may request.

c. Notify the superintendent of any abandonment or disapproval of the plan of merger.

d. File with the superintendent and with the secretary of state evidence of approval of the merger by the comptroller of the currency of the United States if the merger results in a national bank or federal savings association, or the approval of the merger by the home state chartering authority of the resulting out-of-state bank if the merger results in an out-of-state bank.

e. Notify the superintendent of the date upon which the merger is to become effective.

Sec. 118. Section 524.1403, Code 2021, is amended to read as follows:

**524.1403 Approval of merger by superintendent.**

1. Upon receipt of an application for approval of a merger and of the supporting items required by section 524.1402, subsection 3, the superintendent shall conduct such investigation as the superintendent deems necessary to ascertain the following:

a. The articles of merger and supporting items satisfy the requirements of this chapter.

b. The plan of merger and any modification of the plan of merger adequately protects the interests of depositors, other creditors and shareholders.

c. The requirements for a merger under all applicable laws have been satisfied and the resulting state bank would satisfy the requirements of this chapter with respect to it.

d. The merger would be consistent with adequate and sound banking and in the public interest on the basis of the financial history and condition of the parties to the plan, including the adequacy of the capital structure of the resulting state bank, the character of the management of the resulting state bank, the potential effect of the merger on competition, and the convenience and needs of the area primarily to be served by the resulting state bank, particularly the resulting state bank's plans to accept deposits from, lend money in, and process payments in the area primarily to be served by the resulting state bank.

2. a. Within one hundred eighty days after acceptance of the application for processing, or within an additional period of not more than sixty days after receipt of an amendment of the application, the superintendent shall approve or disapprove the application on the basis of the investigation. The plan of merger shall not be modified at any time after approval of the application by the superintendent.

b. ~~If the superintendent finds that the superintendent must act immediately on the pending application in order to protect the interests of depositors or the assets of any party to the plan, the superintendent may proceed without requiring publication of the notice required under section 524.1402, subsection 4.~~ As a condition of receiving the decision of the superintendent with respect to the pending application, the parties to the plan of merger shall reimburse the superintendent for all the expenses incurred in connection with the application. The superintendent shall give to the parties to the plan of merger written notice of the decision and, in the event of disapproval, a statement of the reasons for the decision. The decision of the superintendent shall be subject to judicial review pursuant to chapter 17A.

Sec. 119. Section 524.1404, Code 2021, is amended to read as follows:

**524.1404 Procedure after approval by the superintendent — issuance of certificate of merger.**

If applicable state or federal laws require the approval of the merger by a federal or state agency, the superintendent may withhold delivery of the approved articles of merger until the superintendent receives notice of the decision of such agency. If the final approval of the agency is not given within six months of the superintendent's approval, the superintendent shall notify the parties to the plan of merger that the approval of the superintendent has been rescinded for that reason. If such agency gives its approval, the superintendent shall deliver the articles of merger, with the superintendent's approval indicated on the articles, to the secretary of state, and shall notify the parties to the plan of merger. The receipt of the approved articles of merger by the secretary of state constitutes filing of the articles of merger with that office. ~~The secretary of state shall record the articles of merger, and the articles shall be filed and recorded in the office of the county recorder in each county in which the parties to the plan had previously maintained a principal place of business.~~ On the date upon which the merger is effective the secretary of state shall issue a certificate of merger and send the same to the resulting state bank and a copy of the certificate of merger to the superintendent.

Sec. 120. Section 524.1405, subsection 2, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

2. When a merger takes effect, all of the following apply:

a. Every other financial institution to the merger merges into the surviving financial institution and the separate existence of every party except the surviving financial institution ceases.

b. All property owned by, and every contract right possessed by, each financial institution or other authorized entity that is a party to the merger, other than the resulting bank, are the property and contract rights of the resulting bank without transfer, reversion, or impairment.

c. All debts, obligations, and other liabilities of each financial institution or other authorized entity that is a party to the merger, other than the resulting bank, are debts, obligations, or liabilities of the resulting bank.

d. 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.

e. For a resulting state bank, the articles of incorporation of the resulting state bank are amended to the extent provided in the articles of merger.

f. The articles of incorporation of a resulting state bank that is created by the merger become effective.

g. The shares of each financial institution or authorized entity that is a party to the merger, that are to be converted in accordance with the terms of the merger into any combination of shares or other securities, obligations, rights to acquire shares or other securities, cash, or other property, are converted, and the former holders of such shares are entitled only to the rights provided in the articles of merger or to their rights under section 524.1406.

h. Except as provided by law or the terms of the merger, all the rights, privileges, franchises, and immunities of each financial institution or other authorized entity that is a party to the merger, other than the resulting bank, are the rights, privileges, franchises, and immunities of the resulting bank.

Sec. 121. Section 524.1405, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Upon request, the superintendent shall expressly revoke the authorization to do business of any state bank that is a party to the merger, other than the resulting state bank, and shall return the physical copy of such state bank's authorization to do business in a manner clearly indicating that the authorization has been revoked.

Sec. 122. Section 524.1406, Code 2021, is amended to read as follows:

**524.1406 Appraisal rights of shareholders.**

1. A shareholder of a state bank, which is a party to a proposed ~~merger plan of merger~~ plan of merger which will result in a state bank subject to this chapter, who objects to the plan of merger is entitled to appraisal rights as provided in chapter 490, subchapter XIII.

2. If a shareholder of a national bank which is a party to a proposed ~~merger plan of merger~~ plan of merger which will result in a state bank, or a shareholder of a state bank which is a party to a plan of merger which will result in a national bank, objects to the plan of merger and complies with the requirements of the applicable laws of the United States, the resulting state bank or national bank, as the case may be, is liable for the value of the shareholder's shares as determined in accordance with such laws of the United States.

Sec. 123. Section 524.1408, Code 2021, is amended to read as follows:

**524.1408 Merger of corporation or limited liability company substantially owned by a state bank.**

A state bank owning at least ninety percent of the outstanding shares, of each class, of another corporation or limited liability company which it is authorized to own under this chapter may merge the other corporation or limited liability company into itself without approval by a vote of the shareholders of either the state bank or the subsidiary corporation or limited liability company. The board of directors of the state bank shall approve a plan of merger, mail the plan of merger to shareholders of record of the subsidiary corporation or holders of membership interests in the subsidiary limited liability company, and prepare and execute articles of merger in the manner provided for in section 490.1105. The articles of merger, together with the applicable filing ~~and recording~~ fees, shall be delivered to the superintendent who shall, if the superintendent approves of the proposed merger and if the superintendent finds the articles of merger satisfy the requirements of this section, deliver them to the secretary of state for filing ~~and recording~~ in the secretary of state's office, ~~and they shall be filed in the office of the county recorder.~~ The secretary of state upon filing the articles of merger shall issue a certificate of merger and send the certificate to the state bank and a copy of it to the superintendent.

Sec. 124. Section 524.1409, Code 2021, is amended to read as follows:

**524.1409 Conversion of national bank, ~~or federal savings association, out-of-state bank, or state or federally chartered credit union~~ into state bank.**

A national bank or federal savings association, an out-of-state bank, or a state or federally chartered credit union may, subject to the provisions of this chapter, ~~may~~ convert into a state bank upon authorization by and compliance with the laws of the United States, adoption of a plan of conversion by the affirmative vote of at least a majority of its directors and the holders of two-thirds of each class of its shares at a meeting held upon not less than ten days' notice to all shareholders, and upon approval of the superintendent.

Sec. 125. Section 524.1410, Code 2021, is amended to read as follows:

**524.1410 Application for approval by superintendent.**

A national bank or federal savings association, out-of-state bank, or a state or federally chartered credit union shall make an application to the superintendent for approval of the conversion in a manner prescribed by the superintendent and shall deliver to the superintendent, when available:

1. Articles of conversion.
2. ~~As soon as available, proof of publication of the notice required by section 524.1412.~~
3. 2. The applicable fee payable to the secretary of state, under section 490.122, for the filing ~~and recording~~ of the articles of conversion.

Sec. 126. Section 524.1411, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The articles of conversion shall be signed by two duly authorized officers of the national bank or federal savings association, out-of-state bank, or state or federally chartered credit union, and shall contain all of the following:

Sec. 127. Section 524.1411, subsection 1, Code 2021, is amended to read as follows:

1. The name of the national bank or federal savings association, out-of-state bank, or state or federally chartered credit union, and the name of the resulting state bank.

Sec. 128. Section 524.1413, subsection 2, Code 2021, is amended to read as follows:

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

Sec. 129. Section 524.1414, Code 2021, is amended to read as follows:

**524.1414 Receipt by secretary of state — ~~county recorder~~.**

The receipt of the approved articles of conversion by the secretary of state constitutes filing of the articles of conversion with that office. ~~The secretary of state shall record the articles of conversion and the articles shall be filed and recorded in the office of the county recorder in the county in which the resulting state bank has its principal place of business.~~

Sec. 130. Section 524.1415, Code 2021, is amended to read as follows:

**524.1415 Effect of filing of articles of conversion with secretary of state.**

1. The conversion is effective upon the filing of the articles of conversion with the secretary of state, or at any later date and time as specified in the articles of conversion. The acknowledgment of filing is conclusive evidence of the performance of all conditions required by this chapter for conversion of a national bank or federal savings association, out-of-state bank, or state or federally chartered credit union into a state bank, except as against the state.

2. When a conversion becomes effective, the existence of the national bank or federal savings association, out-of-state bank, or state or federally chartered credit union shall continue in the resulting state bank which shall have all the property, rights, powers, and duties of the national bank or federal savings association, out-of-state bank, or state or federally chartered credit union, except that the resulting state bank shall have only the authority to engage in such business and exercise such powers as it would have, and shall be subject to the same prohibitions and limitations to which it would be subject, upon original incorporation under this chapter. The articles of incorporation of the resulting state bank shall be the provisions stated in the articles of conversion.

3. A liability of the national bank or federal savings association, out-of-state bank, or state or federally chartered credit union, or of the national bank's or federal savings association's, out-of-state bank's, or state or federally chartered credit union's shareholders, directors, or officers, is not affected by the conversion. A lien on any property of the national bank or federal savings association, out-of-state bank, or state or federally chartered credit union is not impaired by the conversion. A claim existing or action pending by or against the national bank or federal savings association, out-of-state bank, or state or federally chartered credit union may be prosecuted to judgment as if the conversion had not taken place, or the resulting state bank may be substituted in its place.

4. The title to all real estate and other property owned by the converting national bank or federal savings association, out-of-state bank, or state or federally chartered credit union is vested in the resulting state bank without reversion or impairment.



Sec. 131. Section 524.1416, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Upon request, the superintendent shall expressly revoke the authorization to do business of any state bank that converts into a national bank or federal savings association pursuant to this section and shall return the physical copy of such state bank's authorization to do business in a manner clearly indicating that the authorization has been revoked.

Sec. 132. Section 524.1417, subsection 2, Code 2021, is amended to read as follows:

2. If a shareholder of a national bank, ~~or federal savings association, or out-of-state bank,~~ or a member of a state or federally chartered credit union, that converts into a state bank objects to the plan of conversion and complies with the requirements of applicable laws of the United States, the resulting state bank is liable for the value of the ~~shareholder's~~ shares as determined in accordance with such laws of the United States.

Sec. 133. Section 524.1421, subsection 2, paragraph d, Code 2021, is amended to read as follows:

d. The applicable fee payable to the secretary of state, under section 490.122, for the filing ~~and recording~~ of the articles of conversion.

Sec. 134. Section 524.1422, Code 2021, is amended to read as follows:

**524.1422 Notice of mutual to stock conversion.**

Within thirty days after an application for conversion has been accepted for processing, the mutual corporation, mutual holding company, federal mutual association, or federal mutual holding company shall publish a notice of the delivery of the articles of conversion to the superintendent in a newspaper of general circulation published in the municipal corporation or unincorporated area in which the mutual corporation, mutual holding company, federal mutual association, or federal mutual holding company has its principal place of business, or if there is none, a newspaper of general circulation published in the county, or in a county adjoining the county, in which the mutual corporation, mutual holding company, federal mutual association, or federal mutual holding company has its principal place of business. A copy of the notice shall also be posted on the internet site of the mutual corporation, mutual holding company, federal mutual association, or federal mutual holding company for at least thirty days. The notice shall set forth the information required by the superintendent.

Sec. 135. Section 524.1502, subsection 3, Code 2021, is amended to read as follows:

3. Adoption of each amendment shall require the affirmative vote of the holders of a majority of the shares entitled to vote thereon and, if any class or series is entitled to vote ~~thereon on the amendment~~ as a class separate group, the affirmative vote of the holders of a majority of the shares of each class or series entitled to vote ~~thereon as a class on the amendment by that separate group~~.

Sec. 136. Section 524.1503, subsections 1, 3, and 4, Code 2021, are amended to read as follows:

1. The holders of the outstanding shares of a class are entitled to vote as a separate voting group on a proposed amendment if the amendment ~~does~~ would do any of the following:

a. ~~Increases~~ Increase or ~~decreases~~ decrease the aggregate number of authorized shares of the class.

b. ~~Increases~~ Increase or ~~decreases~~ decrease the par value of the shares of the class.

c. ~~Effects~~ Effect an exchange or reclassification of all or part of the shares of the class into shares of another class or effects a cancellation of all or part of the shares of the class.

d. ~~Effects~~ Effect an exchange or reclassification, or creates the right of exchange, of all or part of the shares of another class into shares of that class.

e. ~~Changes~~ Change the designation, rights, preferences, or limitations of all or part of the shares of the class.

f. ~~Changes~~ Change the shares of all or part of the class into a different number of shares of the same class.

g. ~~Creates~~ Create a new class of shares having rights or preferences with respect to distributions or to dissolution that are prior, superior, or substantially equal to the shares of the class.

h. ~~Increases~~ 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 or to dissolution that are prior, superior, or substantially equal to the shares of the class.

i. ~~Limits~~ Limit or ~~denies~~ deny an existing preemptive right of all or part of the shares of the class.

j. ~~Cancels~~ Cancel or otherwise ~~affects~~ affect rights to distributions or dividends that have accumulated but not yet been declared on all or part of the shares of the class.

3. If a proposed amendment that entitles 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 shares of all the classes or series so affected must vote together as a single voting group on the proposed amendment.

4. A class or series of shares is entitled to the voting rights granted by this section ~~although even if the articles of incorporation provide that the shares are nonvoting shares.~~

Sec. 137. Section 524.1504, subsection 1, paragraphs c and e, Code 2021, are amended to read as follows:

c. ~~The text of each amendment adopted, which shall be set forth in full.~~

e. For a state bank incorporated as a stock corporation, the number of shares entitled to vote on the amendment, and if the shares of any class are entitled to vote thereon as a class, the number of shares of each class. For a mutual corporation, the number of member votes entitled to be cast.

Sec. 138. Section 524.1504, subsection 2, Code 2021, is amended to read as follows:

2. The articles of amendment shall be delivered to the superintendent together with the applicable fees for the filing ~~and recording~~ of the articles of amendment.

Sec. 139. Section 524.1506, subsection 1, Code 2021, is amended to read as follows:

1. ~~The secretary of state shall record the articles of amendment, and the articles of amendment shall be filed in the office of the county recorder in the county in which the state bank has its principal place of business.~~ The secretary of state upon the filing of the articles of amendment shall issue a certificate of amendment and send the same to the state bank.

Sec. 140. Section 524.1508, subsection 4, Code 2021, is amended to read as follows:

4. The restated articles of incorporation shall be delivered to the superintendent together with the applicable fees for the filing ~~and recording~~ of the restated articles of incorporation. The superintendent shall conduct such investigation and give approval or disapproval, as provided in section 524.1505. If the superintendent approves the restated articles of incorporation, the superintendent shall deliver them with the written approval on the restated articles of incorporation to the secretary of state for filing, ~~and the restated articles of incorporation shall be filed in the office of the county recorder.~~ The secretary of state upon filing the restated articles of incorporation shall issue a restated certificate of incorporation and send the certificate to the state bank or its representative.

Sec. 141. Section 524.1801, unnumbered paragraph 1, Code 2021, is amended to read as follows:

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

Sec. 142. Section 524.1802, subsection 1, paragraph h, Code 2021, is amended to read as follows:

h. “*Incorporated in any state*” means a ~~limited liability company organized as a state bank under this chapter and a limited liability company organized as a state bank under the laws of any state as defined in 12 U.S.C. §1813(a)(3).~~

Sec. 143. Section 524.1805, subsections 1, 2, 3, 4, and 5, Code 2021, are amended by striking the subsections.

Sec. 144. Section 524.2001, Code 2021, is amended to read as follows:

**524.2001 Applicability of other chapters.**

Chapters 489, 490, 491, 492, and 493 do not apply to banks except as provided by this chapter.

Sec. 145. REPEAL. Sections 524.226, 524.302A, 524.314, 524.315, 524.1008, 524.1205, and 524.1412, Code 2021, are repealed.

Approved May 12, 2022

## CHAPTER 1063

### SEX OFFENDER REGISTRY — MODIFICATION OF REGISTRATION REQUIREMENTS

*S.F. 2363*

**AN ACT** relating to the requirements for a sex offender to be granted a modification of sex offender registry requirements.

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

Section 1. Section 692A.128, Code 2022, is amended to read as follows:

**692A.128 Modification.**

1. A sex offender ~~who is on probation, parole, work release, special sentence, or any other type of conditional release~~ may file an application in district court seeking to modify the registration requirements under this chapter.

2. ~~An~~ For an offender whose requirement to register as a sex offender commenced prior to July 1, 2022, an application shall not be granted unless all of the following apply:

a. The date of the commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender and five years prior to the filing of the application for a tier II or III offender.

b. The sex offender has successfully completed all sex offender treatment programs that have been required.

c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.

d. The sex offender is not incarcerated when the application is filed.

e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.

3. For an offender whose requirement to register as a sex offender commenced on or after July 1, 2022, an application shall not be granted unless all of the following apply:

a. A period of time has elapsed since the offender's initial registration as follows:

(1) (a) Except as otherwise provided in subparagraph division (b), a tier I offender initially registered at least ten years prior to the filing of the application.

(b) A tier I offender who was under twenty years of age at the time the offender committed a violation of section 709.4, subsection 1, paragraph "b", subparagraph (2), subparagraph division (d), initially registered at least five years prior to the filing of the application.

(2) A tier II or tier III offender initially registered at least fifteen years prior to the filing of the application.

b. The sex offender has successfully completed all sex offender treatment programs that have been required.

c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.

d. ~~The sex offender is not incarcerated when the application is filed~~ has successfully completed any pretrial release, probation, parole, or work release for the offense requiring registration.

e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.

f. ~~The sex offender is not incarcerated when the application is filed.~~

(1) A tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under chapter 321, for the ten-year period immediately preceding the filing of the application.

(2) A tier II or tier III offender shall not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under chapter 321, for the fifteen-year period immediately preceding the filing of the application.

~~3. 4.~~ The application shall be filed in the sex offender's county of principal residence.

4. ~~5.~~ Notice of any application shall be provided to the county attorney of the county of the sex offender's principal residence, the county attorney of any county in this state where a conviction requiring the sex offender's registration occurred, and the department. The county attorney where the conviction occurred shall notify the victim of an application if the victim's address is known.

~~5. 6.~~ The court may, but is not required to, conduct a hearing on the application to hear any evidence deemed appropriate by the court. The court may modify the registration requirements under this chapter by reducing the registration period.

~~6. A sex offender may be granted a modification if the offender is required to be on the sex offender registry as a result of an adjudication for a sex offense, the offender is not under the supervision of the juvenile court or a judicial district judicial department of correctional services, and the department of corrections agrees to perform a risk assessment on the sex offender. However, all other provisions of this section not in conflict with this subsection shall apply to the application prior to an application being granted except that the sex offender is not required to obtain a stipulation from the director of a judicial district department of correctional services, or the director's designee.~~

7. If the court modifies the registration requirements under this chapter, the court shall send a copy of the order to the department, the sheriff of the county of the sex offender's principal residence, any county attorney notified in subsection 4, and the victim, if the victim's address is known.

Approved May 12, 2022

## CHAPTER 1064

### DIRECT HEALTH CARE AGREEMENTS

H.F. 2200

**AN ACT** relating to direct health care agreements, and including effective date and applicability provisions.

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

Section 1. Section 135N.1, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**135N.1 Direct health care agreements.**

1. *Definitions.* For the purpose of this section:

a. “*Direct health care agreement*” means an agreement between a provider and a patient, or the patient’s representative, in which the provider agrees to provide health care services for a specified period of time to the patient for a service charge.

b. “*Durable power of attorney for health care*” means the same as defined in section 144B.1.

c. “*Health care services*” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease. “*Health care services*” includes dental care services.

d. “*Patient*” means an individual, or an individual and the individual’s immediate family, that is a party to a direct health care agreement.

e. “*Patient’s representative*” means a parent, guardian, or an individual holding a durable power of attorney for health care for a patient.

f. “*Provider*” means a health care professional licensed, accredited, registered, or certified to perform health care services consistent with the laws of this state. “*Provider*” includes an individual health care professional or other legal health care entity alone or with other health care professionals professionally associated with the individual health care professional or other legal health care entity.

g. “*Service charge*” means a charge for health care services provided by a provider to a patient covered by a direct health care agreement. “*Service charge*” may include a periodic retainer, a membership fee, a subscription fee, or a charge in any other form paid by a patient to a provider under a direct health care agreement.

2. *Requirements for a valid direct health care agreement.*

a. In order to be a valid agreement, a direct health care agreement must meet all of the following requirements:

(1) Be in writing.

(2) Be signed by the provider, or an agent of the provider, and the patient or the patient’s representative.

(3) Describe the scope of the health care services covered by the direct health care agreement.

(4) State each of the provider’s locations where a patient may obtain health care services and specify any out-of-office health care services that are covered under the direct health care agreement.

(5) Specify the service charge and the frequency at which the service charge must be paid by the patient. A patient shall not be required to pay more than twelve months of a service charge in advance.

(6) Specify any additional costs for health care services not covered by the service charge for which the patient will be responsible.

(7) Specify the duration of the direct health care agreement, whether renewal is automatic, and if required, the procedure for renewal.

(8) Specify the terms and conditions under which the direct health care agreement may be terminated by the provider. A termination of the direct health care agreement by the provider shall include a minimum of a thirty-calendar-day advance, written notice to the patient or to the patient’s representative.

(9) Specify that the direct health care agreement may be terminated at any time by the patient upon written notice to the provider.

(10) State that if the direct health care agreement is terminated by either the patient or the provider all of the following apply:

(a) Within thirty calendar days of the date of the notice of termination from either party, the provider shall refund all unearned service charges to the patient.

(b) Within thirty calendar days of the date of the notice of termination from either party, the patient shall pay all outstanding earned service charges to the provider.

(11) Include a notice in bold, twelve-point type that states substantially as follows:

**NOTICE.** This direct health care agreement is not health insurance and is not a plan that provides health coverage for purposes of any federal mandates. This direct health care agreement only covers the health care services described in this agreement. It is recommended that you obtain health insurance to

cover health care services not covered under this direct health care agreement. You are personally responsible for the payment of any additional health care expenses you may incur.

b. The provider shall provide the patient, or the patient's representative, with a fully executed copy of the direct health care agreement at the time the direct health care agreement is executed.

3. *Application for a direct health care agreement.* If a provider requires a prospective patient to complete an application for a direct health care agreement, the provider shall provide a written disclaimer on each application that informs the prospective patient of the patient's financial rights and responsibilities and that states that the provider will not bill a health insurance carrier for health care services covered under the direct health care agreement. The disclaimer shall also include the identical notice required by subsection 2, paragraph "a", subparagraph (11).

4. *Notice required for changes to the terms or conditions of a direct health care agreement.*

a. A provider shall provide at least a sixty-calendar-day advance, written notice to a patient of any of the following changes to a direct health care agreement:

(1) Any change in the scope of the health care services covered under the agreement.

(2) Any change in the provider's locations where the patient may access health care services.

(3) Any change in the out-of-office services that are covered under the direct health care service agreement.

(4) Any change in the service charge.

(5) Any change in the additional costs for health care services not covered by the service charge.

(6) Any change in the renewal terms.

(7) Any change in the terms to terminate the agreement.

b. A provider shall provide the notice by mailing a letter to the last known address of the patient that the provider has on file. The postmark date on the letter shall be the first day of the required sixty-calendar-day notice period.

5. *Discrimination based on an individual's health status or preexisting condition.* A provider shall not do any of the following based on a patient's or prospective patient's preexisting condition or health status:

a. Refuse to accept a new patient.

b. Refuse to renew a direct health care agreement.

c. Establish an additional service charge for a direct health care agreement.

6. *A direct health care agreement is not insurance.*

a. A direct health care agreement shall be deemed to not be insurance and shall not be subject to the authority of the commissioner of insurance. Neither a provider or an agent of a provider shall be required to be licensed by the commissioner to transact the business of insurance in this state, or to obtain a certificate issued by the commissioner to market or offer a direct health care agreement.

b. A provider shall not bill an insurer for a health care service provided under a direct health care agreement. A patient may submit a request for reimbursement to an insurer if permitted under the patient's policy of insurance. This paragraph does not prohibit a provider from billing a patient's insurance for a health care service provided to the patient by the provider that is not covered under the direct health care agreement.

7. *Third-party payment of a service charge.* A provider may accept payment of a service charge for a patient either directly or indirectly from a third party. A provider may accept all or part of a service charge paid by an employer on behalf of an employee who is a patient of the provider. A provider shall not enter directly into an agreement with an employer relating to a health care agreement between the provider and employees of the employer, other than an agreement to establish the timing and method of the payment of a service charge paid by the employer on behalf of the employee.

8. *Sale or transfer of a direct health care agreement.* A direct health care agreement shall not be sold or transferred by a provider without the prior written consent of the patient who is a party to the direct health care agreement. A patient shall not sell or transfer a direct health care agreement to which the patient is a party.

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

Sec. 3. APPLICABILITY. This Act applies to direct health care agreements that are fully executed on or after the date of enactment.<sup>1</sup>

Approved May 12, 2022

## CHAPTER 1065

### MEDICAID — RECOVERY OF PROVIDER OVERPAYMENT — REIMBURSEMENT

H.F. 736

**AN ACT** relating to recovery of an overpayment to a provider based on specified grounds under the Medicaid program.

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

Section 1. **NEW SECTION. 249A.42A Overpayment — subsequent ineligibility of recipient — recovery — recoupment — reimbursement.**

Notwithstanding any provision to the contrary, if a recipient is deemed ineligible for medical assistance following delivery of care or service by a provider, in an administrative action to recover an overpayment to the provider based solely on the grounds of such recipient's ineligibility, the department acting as the state Medicaid agency shall reimburse the provider for any recoupment of an overpayment using state-only funds for care or services delivered if all of the following conditions are met:

1. The provider verified eligibility through the eligibility and verification system or the secure web portal of, and obtained any necessary prior authorization for, the recipient on whose behalf payment was made to the provider prior to the delivery of care or service to the recipient.

2. The provider documented the eligibility verification performed and any necessary prior authorization obtained pursuant to paragraph "a"<sup>1</sup> in a manner and format established by the department by rule, and retained the required documentation in the recipient's file.

Approved May 17, 2022

## CHAPTER 1066

### PHYSICIAN ASSISTANTS — SCOPE OF PRACTICE

H.F. 803

**AN ACT** relating to duties performed by physician assistants.

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

<sup>1</sup> Chapter 1064. See chapter 1153, §15, 20, 22 herein

<sup>1</sup> Chapter 1065. See chapter 1153, §10 herein

DIVISION I  
DUTIES OF PHYSICIAN ASSISTANTS

Section 1. Section 90A.1, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. “*Physician*” means a person licensed as a physician pursuant to chapter 148.

NEW SUBSECTION. 5B. “*Physician assistant*” means a person licensed as a physician assistant pursuant to chapter 148C.

Sec. 2. Section 90A.8, subsection 2, Code 2022, is amended to read as follows:

2. A contestant shall not take part in a boxing match unless the contestant has presented a valid registration identification card issued pursuant to section 90A.3 to the commissioner prior to the weigh-in for the boxing match. The contestant shall pass a rigorous physical examination to determine the contestant’s fitness to engage in any such match within twenty-four hours of the start of the match. The examination shall be conducted by a licensed practicing physician or physician assistant designated or authorized by the commissioner.

Sec. 3. Section 96.5, subsection 1, paragraphs d and e, Code 2022, are amended to read as follows:

d. The individual left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician or physician assistant, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury, or pregnancy, when recovery was certified by a licensed and practicing physician or physician assistant, the individual returned to the employer and offered to perform services and the individual’s regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

e. The individual left employment upon the advice of a licensed and practicing physician or physician assistant, for the sole purpose of taking a member of the individual’s family to a place having a different climate, during which time the individual shall be deemed unavailable for work, and notwithstanding during such absence the individual secures temporary employment, and returned to the individual’s regular employer and offered the individual’s services and the individual’s regular work or comparable work was not available, provided the individual is otherwise eligible.

Sec. 4. Section 135.109, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. A licensed physician, physician assistant, or nurse who is knowledgeable concerning domestic abuse injuries and deaths, including suicides.

Sec. 5. Section 135.146, subsection 2, Code 2022, is amended to read as follows:

2. Participation in the vaccination program shall be voluntary, except for first responders who are classified as having occupational exposure to blood-borne pathogens as defined by the occupational safety and health administration standard contained in 29 C.F.R. §1910.1030. First responders who are so classified shall be required to receive the vaccinations as described in subsection 1. A first responder shall be exempt from this requirement, however, when a written statement from a licensed physician or physician assistant is presented indicating that a vaccine is medically contraindicated for that person or the first responder signs a written statement that the administration of a vaccination conflicts with religious tenets.

Sec. 6. Section 135J.1, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 01. “*Attending physician*” means a physician licensed pursuant to chapter 148 or a physician assistant licensed pursuant to chapter 148C.



Sec. 7. Section 135J.1, subsection 6, paragraph e, Code 2022, is amended to read as follows:

e. As deemed appropriate by the hospice, physician assistants, providers of special services including but not limited to a spiritual counselor, a pharmacist, or professionals in the fields of mental health may be included on the interdisciplinary team.

Sec. 8. Section 135J.3, subsections 1 and 4, Code 2022, are amended to read as follows:

1. A planned program of hospice care, the medical components of which shall be under the direction of ~~a licensed~~ an attending physician.

4. Palliative care provided to a hospice patient and family under the direction of ~~a licensed~~ an attending physician.

Sec. 9. Section 141A.5, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. (1) Devise a procedure, as a part of the partner notification program, to provide for the notification of an identifiable third party who is a sexual partner of or who shares drug injecting equipment with a person who has tested positive for HIV, by the department or a physician or physician assistant, when all of the following situations exist:

(a) A physician or physician assistant for the infected person is of the good faith opinion that the nature of the continuing contact poses an imminent danger of HIV transmission to the third party.

(b) When the physician or physician assistant believes in good faith that the infected person, despite strong encouragement, has not and will not warn the third party and will not participate in the voluntary partner notification program.

(2) Notwithstanding subsection 3, the department or a physician or physician assistant may reveal the identity of a person who has tested positive for HIV infection pursuant to this subsection only to the extent necessary to protect a third party from the direct threat of transmission. This subsection shall not be interpreted to create a duty to warn third parties of the danger of exposure to HIV through contact with a person who tests positive for HIV infection.

(3) The department shall adopt rules pursuant to chapter 17A to implement this paragraph "c". The rules shall provide a detailed procedure by which the department or a physician or physician assistant may directly notify an endangered third party.

Sec. 10. Section 141A.6, subsections 3 and 4, Code 2022, are amended to read as follows:

3. Within seven days of diagnosing a person as having AIDS or an AIDS-related condition, the diagnosing physician or physician assistant shall make a report to the department on a form provided by the department.

4. Within seven days of the death of a person with HIV infection, the attending physician or attending physician assistant shall make a report to the department on a form provided by the department.

Sec. 11. Section 141A.7, subsection 3, Code 2022, is amended to read as follows:

3. A person may apply for voluntary treatment, contraceptive services, or screening or treatment for HIV infection and other sexually transmitted diseases directly to a licensed physician and surgeon, an osteopathic physician and surgeon, a physician assistant, or a family planning clinic. Notwithstanding any other provision of law, however, a minor shall be informed prior to testing that, upon confirmation according to prevailing medical technology of a positive HIV-related test result, the minor's legal guardian is required to be informed by the testing facility. Testing facilities where minors are tested shall have available a program to assist minors and legal guardians with the notification process which emphasizes the need for family support and assists in making available the resources necessary to accomplish that goal. However, a testing facility which is precluded by federal statute, regulation, or centers for disease control and prevention guidelines from informing the legal guardian is exempt from the notification requirement. The minor shall give written consent to these procedures and to receive the services, screening, or treatment. Such consent is not subject to later disaffirmance by reason of minority.

Sec. 12. Section 144A.2, Code 2022, is amended by adding the following new subsections:  
**NEW SUBSECTION. 2A.** “*Attending physician assistant*” means the physician assistant selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

**NEW SUBSECTION. 10A.** “*Physician assistant*” means a person licensed to practice as a physician assistant in this state.

Sec. 13. Section 144A.4, Code 2022, is amended to read as follows:

**144A.4 Revocation of declaration.**

1. A declaration may be revoked at any time and in any manner by which the declarant is able to communicate the declarant’s intent to revoke, without regard to mental or physical condition. A revocation is only effective as to the attending physician or attending physician assistant upon communication to such physician or physician assistant by the declarant or by another to whom the revocation was communicated.

2. The attending physician or attending physician assistant shall make the revocation a part of the declarant’s medical record.

Sec. 14. Section 144A.7A, subsection 1, Code 2022, is amended to read as follows:

1. If an attending physician or attending physician assistant issues an out-of-hospital do-not-resuscitate order for an adult patient under this section, the physician shall use the form prescribed pursuant to subsection 2, include a copy of the order in the patient’s medical record, and provide a copy to the patient or an individual authorized to act on the patient’s behalf.

Sec. 15. Section 144A.7A, subsection 3, paragraph e, Code 2022, is amended to read as follows:

e. The physician’s or physician assistant’s signature.

Sec. 16. Section 144B.1, subsection 3, Code 2022, is amended to read as follows:

3. “*Durable power of attorney for health care*” means a document authorizing an attorney in fact to make health care decisions for the principal if the principal is unable, in the judgment of the attending physician or attending physician assistant, to make health care decisions.

Sec. 17. Section 144B.5, subsection 1, Code 2022, is amended to read as follows:

1. A durable power of attorney for health care executed pursuant to this chapter may, but need not, be in the following form:

I hereby designate ..... as my attorney in fact (my agent) and give to my agent the power to make health care decisions for me. This power exists only when I am unable, in the judgment of my attending physician or attending physician assistant, to make those health care decisions. The attorney in fact must act consistently with my desires as stated in this document or otherwise made known.

Except as otherwise specified in this document, this document gives my agent the power, where otherwise consistent with the law of this state, to consent to my physician or physician assistant not giving health care or stopping health care which is necessary to keep me alive.

This document gives my agent power to make health care decisions on my behalf, including to consent, to refuse to consent, or to withdraw consent to the provision of any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition. This power is subject to any statement of my desires and any limitations included in this document.

My agent has the right to examine my medical records and to consent to disclosure of such records.

Sec. 18. Section 144B.6, subsection 1, Code 2022, is amended to read as follows:

1. Unless the district court sitting in equity specifically finds that the attorney in fact is acting in a manner contrary to the wishes of the principal or the durable power of attorney for health care provides otherwise, an attorney in fact who is known to the health care provider to be available and willing to make health care decisions has priority over any other person, including a guardian appointed pursuant to chapter 633, to act for the principal in all matters of health care decisions. The attorney in fact has authority to make a particular health care decision only if the principal is unable, in the judgment of the attending physician or attending physician assistant, to make the health care decision. If the principal objects to a decision to withhold or withdraw health care, the principal shall be presumed to be able to make a decision.

Sec. 19. Section 144D.4, subsection 3, Code 2022, is amended to read as follows:

3. If the individual's physician or physician assistant has issued an out-of-hospital do-not-resuscitate order pursuant to section 144A.7A, the POST form shall not supersede the out-of-hospital do-not-resuscitate order.

Sec. 20. Section 144F.2, subsection 1, paragraph b, Code 2022, 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 or attending physician assistant, 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. 21. Section 189A.6, Code 2022, is amended to read as follows:

**189A.6 Health examination of employees.**

The operator of any establishment shall require all employees of such establishment to have a health examination by a physician or physician assistant and a certified health certificate for each employee shall be kept on file by the operator. The secretary may at any time require an employee of an establishment to submit to a health examination by a physician or physician assistant. No person suffering from any communicable disease, including any communicable skin disease, and no person with infected wounds, and no person who is a "carrier" of a communicable disease shall be employed in any capacity in an establishment. No person shall work or be employed in or about any establishment during the time in which a communicable disease exists in the home in which such person resides unless such person has obtained a certificate from a physician or physician assistant to the effect that no danger of public contagion or infection will result from the employment of such person in such establishment. Every person employed by an establishment and engaged in direct physical contact with meat or poultry products during its preparation, processing, or storage, shall be clean in person, wear clean washable outer garments and a suitable cap or other head covering used exclusively in such work. Only persons specifically designated by the operator of an establishment shall be permitted to touch meat or poultry products with their hands, and the persons so designated shall keep their hands scrupulously clean.

Sec. 22. Section 225.9, Code 2022, is amended to read as follows:

**225.9 Voluntary private patients.**

Voluntary private patients may be admitted in accordance with the regulations to be established by the state board of regents, and their care, nursing, observation, treatment, medicine, and maintenance shall be without expense to the state. However, the charge for such care, nursing, observation, treatment, medicine, and maintenance shall not exceed the cost of the same to the state. The physicians or physician assistants who meet the qualifications set forth in the definition of a mental health professional in section 228.1 on the hospital staff may charge such patients for their medical services under such rules, regulations and plan therefor as approved by the state board of regents.

Sec. 23. Section 225.10, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients if a physician authorized to practice medicine or osteopathic medicine in the state of Iowa or a physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1 files information with the regional administrator for the person's county of residence, stating all of the following:

Sec. 24. Section 225.10, subsections 1 and 2, Code 2022, are amended to read as follows:

1. That the physician or physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1 has examined the person and finds that the person is suffering from some abnormal mental condition that can probably be remedied by observation, treatment, and hospital care.

2. That the physician or physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1 believes it would be appropriate for the person to enter the state psychiatric hospital for that purpose and that the person is willing to do so.

Sec. 25. Section 225.12, Code 2022, is amended to read as follows:

**225.12 Voluntary public patient — physician's report.**

A physician or a physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1 filing information under section 225.10 shall include a written report to the regional administrator for the county of residence of the person named in the information, giving a history of the case as will be likely to aid in the observation, treatment, and hospital care of the person and describing the history in detail.

Sec. 26. Section 225.15, subsection 1, Code 2022, is amended to read as follows:

1. When a respondent arrives at the state psychiatric hospital, the admitting physician, or a physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1, shall examine the respondent and determine whether or not, in the physician's or physician assistant's judgment, the respondent is a fit subject for observation, treatment, and hospital care. If, upon examination, the physician or physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1 decides that the respondent should be admitted to the hospital, the respondent shall be provided a proper bed in the hospital. The physician or physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1 who has charge of the respondent shall proceed with observation, medical treatment, and hospital care as in the physician's or physician assistant's judgment are proper and necessary, in compliance with sections 229.13, 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. 27. Section 225.16, subsection 1, Code 2022, is amended to read as follows:

1. If the regional administrator for a person's county of residence finds from the physician's information or from the information of a physician assistant who meets the qualifications set forth in the definition of a mental health professional in section 228.1 which was filed under the provisions of section 225.10 that it would be appropriate for the person to be admitted to the state psychiatric hospital, and the report of the regional administrator made pursuant to section 225.13 shows that the person and those who are legally responsible for the person are not able to pay the expenses incurred at the hospital, or are able to pay only a part of the expenses, the person shall be considered to be a voluntary public patient and the regional administrator shall direct that the person shall be sent to the state psychiatric hospital at the state university of Iowa for observation, treatment, and hospital care.

Sec. 28. Section 225C.14, subsection 2, Code 2022, is amended to read as follows:

2. As used in this section and sections 225C.15, 225C.16, and 225C.17, the term “*medical emergency*” means a situation in which a prospective patient is received at a state mental health institute in a condition which, in the opinion of the chief medical officer, or that officer’s physician or physician assistant designee, provided that a physician assistant designee meets the qualifications set forth in the definition of a mental health professional in section 228.1, requires the immediate admission of the person notwithstanding the policy stated in subsection 1.

Sec. 29. Section 225C.16, subsection 1, Code 2022, is amended to read as follows:

1. The chief medical officer of a state mental health institute, or that officer’s physician or physician assistant designee, provided that a physician assistant designee meets the qualifications set forth in the definition of a mental health professional in section 228.1, shall advise a person residing in that county who applies for voluntary admission, or a person applying for the voluntary admission of another person who resides in that county, in accordance with section 229.41, that the regional administrator for the county has implemented the policy stated in section 225C.14, and shall advise that a preliminary diagnostic evaluation of the prospective patient be sought, if that has not already been done. This subsection does not apply when voluntary admission is sought in accordance with section 229.41 under circumstances which, in the opinion of the chief medical officer or that officer’s physician designee, constitute a medical emergency.

Sec. 30. Section 232.71B, subsection 10, Code 2022, is amended to read as follows:

10. *Physical examination.* If the department refers a child to a physician or physician assistant for a physical examination, the department shall contact the physician or physician assistant regarding the examination within twenty-four hours of making the referral. If the physician or physician assistant who performs the examination upon referral by the department reasonably believes the child has been abused, the physician or physician assistant shall report to the department within twenty-four hours of performing the examination.

Sec. 31. Section 232.78, subsection 4, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The juvenile court may enter an order authorizing a physician or physician assistant or hospital to provide emergency medical or surgical procedures before the filing of a petition under this chapter provided:

Sec. 32. Section 232.78, subsection 5, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The juvenile court, before or after the filing of a petition under this chapter, may enter an ex parte order authorizing a physician or physician assistant or hospital to conduct an outpatient physical examination or authorizing a physician or physician assistant, a psychologist certified under section 154B.7, or a community mental health center accredited pursuant to chapter 230A to conduct an outpatient mental examination of a child if necessary to identify the nature, extent, and cause of injuries to the child as required by section 232.71B, provided all of the following apply:

Sec. 33. Section 232.79, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A peace officer or juvenile court officer may take a child into custody, a physician or physician assistant treating a child may keep the child in custody, or a juvenile court officer may authorize a peace officer, physician or physician assistant, or medical security personnel to take a child into custody, without a court order as required under section 232.78 and without the consent of a parent, guardian, or custodian provided that both of the following apply:

Sec. 34. Section 232.79, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Bring the child immediately to a place designated by the rules of the court for this purpose, unless the person is a physician or physician assistant treating the child and the child is or will presently be admitted to a hospital.

Sec. 35. Section 232.83, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Anyone authorized to conduct a preliminary investigation in response to a complaint may apply for, or the court on its own motion may enter an ex parte order authorizing a physician or physician assistant or hospital to conduct an outpatient physical examination or authorizing a physician or physician assistant, a psychologist certified under section 154B.7, or a community mental health center accredited pursuant to chapter 230A to conduct an outpatient mental examination of a child if necessary to identify the nature, extent, and causes of any injuries, emotional damage, or other such needs of a child as specified in section 232.2, subsection 6, paragraph “c”, “e”, or “f”, provided that all of the following apply:

Sec. 36. Section 232.95, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. Authorize a physician, physician assistant, or hospital to provide medical or surgical procedures if such procedures are necessary to safeguard the child’s life or health.

Sec. 37. Section 234.22, Code 2022, is amended to read as follows:

**234.22 Extent of services.**

Such family planning and birth control services may include interview with trained personnel; distribution of literature; referral to a licensed physician or physician assistant for consultation, examination, tests, medical treatment and prescription; and, to the extent so prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices and similar products.

Sec. 38. Section 235A.13, subsection 9, Code 2022, is amended to read as follows:

9. “*Near fatality*” means an injury to a child that, as certified by a physician or physician assistant, placed the child in serious or critical condition.

Sec. 39. Section 237A.5, subsection 1, Code 2022, is amended to read as follows:

1. All personnel in licensed or registered facilities shall have good health as evidenced by a report following a preemployment physical examination taken within six months prior to beginning employment. The examination shall include communicable disease tests by a licensed physician as defined in section 135C.1 or a licensed physician assistant as defined in section 148C.1 and shall be repeated every three years after initial employment. Controlled medical conditions which would not affect the performance of the employee in the capacity employed shall not prohibit employment.

Sec. 40. Section 237A.13, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. The child’s parent, guardian, or custodian is absent for a limited period of time due to hospitalization, physical illness, or mental illness, or is present but is unable to care for the child for a limited period as verified by a physician or physician assistant.

Sec. 41. Section 249.3, subsection 2, paragraph a, subparagraph (2), Code 2022, is amended to read as follows:

(2) Nursing care in the person’s own home, certified by a physician or physician assistant as being required, so long as the cost of the nursing care does not exceed standards established by the department.

Sec. 42. Section 321.375, subsection 4, paragraph b, subparagraph (4), Code 2022, is amended to read as follows:

(4) Maintaining a daily log of all glucose test results for the previous six-month period and providing copies to the school district or school, the examining physician or examining physician assistant, and the department of education upon request.

Sec. 43. Section 321.446, subsection 3, paragraph c, Code 2022, is amended to read as follows:

c. The transportation of a child who has been certified by a physician licensed under chapter 148 or a physician assistant licensed under chapter 148C as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

Sec. 44. Section 347B.5, Code 2022, is amended to read as follows:

**347B.5 Admission — labor required.**

The county care facility shall maintain a record of the name and age of each person admitted and the date of admission. The board may require of any resident of the county care facility, with approval of a physician or physician assistant, reasonable and moderate labor suited to the resident's age and bodily strength. Any income realized through the labor of residents, together with the receipts from operation of the county farm if one is maintained, shall be appropriated for use by the county care facility as the board of supervisors directs.

Sec. 45. Section 347B.6, Code 2022, is amended to read as follows:

**347B.6 Order for admission.**

No person shall be admitted into the county care facility as a resident except upon order of the board of supervisors, which shall be issued only after the person seeking admission has received a preadmission physical examination by a physician or physician assistant. However, if the need for admission of the person to the county care facility is immediate and no physician or physician assistant is readily available to perform the examination, the board may order the person's admission pending an examination by a physician or physician assistant, any provisions of sections 135C.3 and 135C.4 to the contrary notwithstanding. When an admission is so ordered, the physical examination shall be completed within three days after the person's admission to the county care facility.

Sec. 46. Section 514C.17, subsections 1 and 2, Code 2022, are amended to read as follows:

1. Except as provided under subsection 2 or 3, if a carrier, as defined in section 513B.2, or a plan established pursuant to chapter 509A for public employees, terminates its contract with a participating health care provider, a covered individual who is undergoing a specified course of treatment for a terminal illness or a related condition, with the recommendation of the covered individual's treating physician licensed under chapter 148 or treating physician assistant licensed under chapter 148C may continue to receive coverage for treatment received from the covered individual's physician or physician assistant for the terminal illness or a related condition, for a period of up to ninety days. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

2. A covered person who makes a change in health plans involuntarily may request that the new health plan cover services of the covered person's treating physician licensed under chapter 148 or treating physician assistant licensed under chapter 148C who is not a participating health care provider under the new health plan, if the covered person is undergoing a specified course of treatment for a terminal illness or a related condition. Continuation of such coverage shall continue for up to ninety days. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

Sec. 47. Section 514C.18, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for the cost associated with equipment, supplies, and self-management training and education for the treatment of all types of diabetes mellitus

when prescribed by a physician licensed under chapter 148 or a physician assistant licensed under chapter 148C. Coverage benefits shall include coverage for the cost associated with all of the following:

Sec. 48. Section 514C.18, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2022, are amended to read as follows:

(1) The physician or physician assistant managing the individual's diabetic condition certifies that such services are needed under a comprehensive plan of care related to the individual's diabetic condition to ensure therapy compliance or to provide the individual with necessary skills and knowledge to participate in the management of the individual's condition.

(2) The diabetes self-management training and education program is certified by the Iowa department of public health. The department shall consult with the American diabetes association, Iowa affiliate, in developing the standards for certification of diabetes education programs that cover at least ten hours of initial outpatient diabetes self-management training within a continuous twelve-month period and up to two hours of follow-up training for each subsequent year for each individual diagnosed by a physician or physician assistant with any type of diabetes mellitus.

Sec. 49. Section 514C.20, subsection 1, paragraphs a and b, Code 2022, are amended to read as follows:

a. A child under five years of age upon a determination by a licensed dentist and the child's treating physician licensed pursuant to chapter 148 or treating physician assistant licensed pursuant to chapter 148C, that such child requires necessary dental treatment in a hospital or ambulatory surgical center due to a dental condition or a developmental disability for which patient management in the dental office has proved to be ineffective.

b. Any individual upon a determination by a licensed dentist and the individual's treating physician licensed pursuant to chapter 148 or treating physician assistant licensed pursuant to chapter 148C, that such individual has one or more medical conditions that would create significant or undue medical risk for the individual in the course of delivery of any necessary dental treatment or surgery if not rendered in a hospital or ambulatory surgical center.

Sec. 50. Section 514C.25, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for medically necessary prosthetic devices when prescribed by a physician licensed under chapter 148 or physician assistant licensed under chapter 148C. Such coverage benefits for medically necessary prosthetic devices shall provide coverage for medically necessary prosthetic devices that, at a minimum, equals the coverage and payment for medically necessary prosthetic devices provided under the most recent federal laws for health insurance for the aged and disabled pursuant to 42 U.S.C. §1395k, 1395l, and 1395m, and 42 C.F.R. §410.100, 414.202, 414.210, and 414.228, as applicable.

## DIVISION II DUTIES OF PHYSICIAN ASSISTANTS — RULES

Sec. 51. **NEW SECTION. 147.77 Powers, privileges, rights, or duties provided by rule — applicability to physician assistants.**

1. The following agencies that adopt rules pursuant to chapter 17A providing a power, privilege, right, or duty to a physician licensed under chapter 148 or other profession licensed under this subtitle relating to the following subjects shall, consistent with the scope of practice of physician assistants licensed under chapter 148C, and unless otherwise inconsistent with state or federal law, provide the same power, privilege, right, or duty by rule to a physician assistant licensed under chapter 148C:

a. The department of administrative services, with respect to rules relating to the following:



(1) Retroactive conversion of vacation time to sick leave for vacation time spent under the care of a physician.

(2) Certification of a catastrophic illness by a physician for purposes of donation of leave and second medical opinions and updates sought from a physician relating to such certifications.

b. The department on aging, with respect to rules relating to a written order from a physician for an older individual requesting a therapeutic diet, and the interpretation of such orders.

c. The department of corrections, with respect to rules relating to the following:

(1) That a parolee shall not use, purchase, possess, or transfer any drugs unless prescribed by a physician.

(2) That a serious medical need is one that has been diagnosed by a physician as requiring treatment or is one so obvious that a lay person would easily recognize the necessity for a physician's attention.

(3) That each jail shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of prisoners as deemed necessary and appropriate.

(4) That prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Prisoners with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the jail administrator to determine if the present medication is appropriate.

(5) That expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the jail administrator or designee in the presence of a witness.

(6) That special diets in jails prescribed by a physician shall be followed and documented, that the physician who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation, and that unless specified by the prescribing physician, a certified dietitian shall develop the menu.

(7) That special diets prescribed by a physician for the care and treatment of juveniles in nonsecure hold shall be followed and documented.

(8) For medical services in temporary holding facilities, that a serious medical need is one that has been diagnosed by a physician as requiring treatment or one that is so obvious that a lay person would easily recognize the necessity for a physician's attention.

(9) For medical resources in temporary holding facilities, that each facility shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of detainees as deemed necessary and appropriate.

(10) Medication procedures in temporary holding facilities, that prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Detainees with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the facility administrator to determine if the present medication is appropriate.

(11) For medication storage in temporary holding facilities, that expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator or designee in the presence of a witness.

(12) For medical diets in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

(13) For medical care and treatment for juveniles in nonsecure holds in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

d. The economic development authority, with respect to rules relating to the certification of a person with a disability for the purpose of the targeted small business program, that in order to be considered a person with a disability for the purpose of the targeted small business program, the person must qualify and receive certification as having a disability from a licensed medical physician or must have been found eligible for vocational rehabilitation

services by the department of education, division of vocational rehabilitation services, or by the department for the blind.

e. The department of education, with respect to rules relating to the following:

(1) For statements relating to medication administration policies, that a statement that persons administering medication shall include authorized practitioners, such as licensed registered nurses and physicians, and persons to whom authorized practitioners have delegated the administration of prescription and nonprescription drugs. Individuals shall self-administer asthma or other airway constricting disease medication or possess and have use of an epinephrine auto-injector with parent and physician consent on file, without the necessity of demonstrating competency to self-administer these medications.

(2) For medication administration courses relating to medication administration policies, that a medication administration course be conducted by a registered nurse or licensed pharmacist and include an annual medication administration procedural skills check completed with a registered nurse or pharmacist.

(3) For school-based youth services programs, that preventive and primary health care services shall be delivered by specifically credentialed providers as specified.

f. The department of human services, with respect to rules relating to the following:

(1) That an incident for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities includes but is not limited to an occurrence involving the individual using the service that results in a physical injury to or by the individual that requires a physician's treatment or admission to a hospital.

(2) That a mental health professional, for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities, includes a medical professional licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(3) That home health aide services for purposes of disability services management and regional services may include medications specifically ordered by a physician.

(4) That payment relating to the state supplementary assistance program for residential care shall only be made when there is on file an order written by a physician certifying that the applicant or recipient being admitted requires residential care but does not require nursing services.

(5) That a case folder for a facility participating in the state supplementary assistance program must include a physician's statement certifying that a resident does not require nursing services.

(6) That personnel providing psychological evaluations and counseling or psychotherapy services for area education agencies under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(7) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of infant and toddler program services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(8) That personnel providing other services for providers of infant and toddler program services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(9) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of local education agency services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(10) That personnel providing other services for providers of local education agency services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(11) For payment for medically necessary home health agency services under the medical assistance program, that payment shall be approved for medically necessary home health agency services prescribed by a physician in a plan of home health care provided by a Medicare-certified home health agency.

(12) For authorization for medically necessary home health agency services under the medical assistance program, that services shall be authorized by a physician, evidenced by the physician's signature and date on a plan of treatment.

(13) For treatment plans of home health agencies under the medical assistance program, that a member's medical condition shall be reflected by the date last seen by a physician, if available.

(14) For items included in treatment plans of home health agencies under the medical assistance program, that a plan of care shall include a physician's signature and date and that the plan of care must be signed and dated by the physician before the claim for service is submitted for reimbursement.

(15) For skilled nursing services provided by a home health agency under the medical assistance program, that medical documentation shall be submitted justifying the need for continued visits, including the physician's estimate of the length of time that additional visits will be necessary, and that daily skilled nursing visits or multiple daily visits for wound care or insulin injections shall be covered when ordered by a physician and included in the plan of care.

(16) For physical therapy services provided by a home health agency under the medical assistance program, that payment shall be made for physical therapy services when the services follow a treatment plan established by the physician after any needed consultation with the qualified physical therapist.

(17) For occupational therapy services provided by a home health agency under the medical assistance program, that payment shall be made for occupational therapy services when the services follow a treatment plan established by the physician.

(18) For speech therapy services provided by a home health agency under the medical assistance program, that payment shall be made for speech therapy services when the services follow a treatment plan established by the physician.

(19) For home health aide services provided by a home health agency under the medical assistance program, that the service as well as the frequency and duration are stated in a written plan of treatment established by a physician.

(20) For home health aide services provided by a home health agency under the medical assistance program, that services provided for specified durations when ordered by a physician and included in a plan of care shall be allowed as intermittent services.

(21) For home health aide services provided by a home health agency under the medical assistance program, that personal care services include helping the member take medications specifically ordered by a physician.

(22) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing services are those services which are provided by a registered nurse or a licensed practical nurse under the direction of the member's physician to a member in the member's place of residence or outside the member's residence, when normal life activities take the member outside the place of residence.

(23) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that services shall be provided according to a written plan of care authorized by a licensed physician.

(24) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that personal care services are those services provided by a home health aide or certified nurse's aide and which are delegated and supervised by a registered nurse under the direction of the member's physician to a member in the member's place of residence or outside the member's residence, when normal life activities take the member outside the place of residence, and that these services shall be in accordance with the member's plan of care and authorized by a physician.

(25) For requirements for private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing

or personal care services shall be ordered in writing by a physician as evidenced by the physician's signature on the plan of care.

(26) For obtaining prescription medications for children in juvenile detention and shelter care homes, that prescription medication provided to residents shall be dispensed only from a licensed pharmacy in this state in accordance with state law, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

(27) For health and dental programs provided by agencies providing foster care services, that a child's physical examination shall be performed by a licensed physician or licensed nurse practitioner.

(28) For health and dental programs provided by agencies providing foster care services, that if documentation of prior immunization is unavailable, immunizations required by the department of public health shall begin within thirty days of placement, unless contraindicated and unless a statement from a physician to that effect is included in the child's medical record, and that a statement from a physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

(29) For the dispensing, storage, authorization, and recording of medications in child care centers, that all medications shall be stored in their original containers, with accompanying physician or pharmacist's directions and label intact and stored so they are inaccessible to children and the public.

(30) For an infants' area in a child care center, that upon the recommendation of a child's physician or the area education agency serving the child, a child who is two years of age or older with a disability that results in significant developmental delays in physical and cognitive functioning who does not pose a threat to the safety of the infants may, if appropriate and for a limited time approved by the department, remain in the infant area.

(31) For facility requirements for a child development home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone.

(32) For medications and hazardous materials in a child development home, that medications shall be given only with the parent's or doctor's written authorization, and that each prescribed medication shall be accompanied by a physician's or pharmacist's direction.

(33) For medical reports regarding the health of a family in a family life home, that a medical report shall provide significant findings of a physician, such as the presence or absence of any communicable disease.

(34) For medical reexaminations of a family in a family life home, that medical reexaminations may be required at the discretion of a physician.

(35) For medical examinations of a client in a family life home, that a physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family life home.

(36) For the records of a client in a family life home, that the family shall have available at all times, the name, address, and telephone number of the client's physician.

(37) For the facility requirements for a child care home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone.

(38) For the administration of medications at a child care home, that medications shall be given only with the parent's or doctor's written authorization and each prescribed medication shall be accompanied by a physician's or pharmacist's direction.

(39) For payments for foster care, that an intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as an intellectual disabilities professional.

(40) For payments for foster care, that a mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(41) For the subsidized adoption program, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional.

(42) For the subsidized adoption program, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional.

(43) For the information provided to a foster care provider by a department worker at the time of placement, that the information shall include the names, addresses, and telephone numbers of the child's physician and dentist.

g. The department of inspections and appeals, with respect to rules relating to the following:

(1) For the qualifications of an attending physician at a hospice, that the person shall have an active Iowa license to practice medicine.

(2) For residential care facilities for persons with intellectual disabilities, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional.

(3) For nursing facilities, that a qualified intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disabilities professional.

(4) For intermediate care facilities for persons with mental illness, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional.

(5) For notifications submitted to the department from a subacute mental health care facility in the event of an accident causing a major injury, including as a major injury an injury which requires consultation with the attending physician or designee of the physician or advanced registered nurse practitioner who determines that an injury is a major injury.

h. The racing and gaming commission, with respect to rules relating to the following:

(1) For the grounds for denial, suspension, or revocation of an occupational or vendor license, that a license shall be denied if the applicant has a history of mental illness without demonstrating successful treatment by a licensed medical physician.

(2) For the qualifications for jockeys, that a jockey shall pass a physical examination by a licensed physician affirming fitness to participate as a jockey.

(3) For the regulation of licensees in restricted areas of a racing facility, that licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems any controlled substance as listed in schedules I to V of U.S.C. Tit. 21 (Food and Drug Section 812), chapter 124, or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice.

i. The Iowa law enforcement academy, with respect to rules relating to the following:

(1) For the minimum standards for law enforcement officers, that an officer is examined by a licensed physician or surgeon.

(2) For hiring standards must be reverified if an individual is not hired by an Iowa law enforcement agency during a specified period of time following completion of the course of study, that the individual must be examined by a licensed physician or surgeon.

(3) For the selection or appointment of reserve peace officers, that the person shall be examined by a licensed physician or surgeon.

j. The natural resource commission, with respect to rules relating to the following:

(1) That the grounds for revoking or suspending an instructor license include participation in a course while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.

(2) For applications for use of a crossbow for deer and turkey hunting by handicapped individuals, that an application must include a statement signed by the applicant's physician declaring that the individual is not physically capable of shooting a bow and arrow.

(3) For authorization for the use of a crossbow for deer and turkey hunting by handicapped individuals, that if a conservation officer has probable cause to believe the person's handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department of natural resources may, upon the officer's request, require the person to obtain in writing a current physician's statement.

(4) For licenses for nonresidents to participate in a special deer hunting season for severely disabled persons, that a nonresident applying for the license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a

state department of transportation or an Iowa department of natural resources form signed by a physician that verifies their disability.

k. The Iowa department of public health, with respect to rules relating to the following:

(1) That “*impaired glucose tolerance*”, for purposes of outpatient diabetes education programs, means a condition in which blood glucose levels are higher than normal, diagnosed by a physician, and treated with a food plan, exercise, or weight control.

(2) For instructors for programs not recognized by the American diabetes association or accredited by the American association of diabetes educators, that the primary instructors shall be one or more of specified health care professionals who are knowledgeable about the disease process of diabetes and the treatment of diabetes.

(3) For the written form for participation in the prescription drug donation repository program, that the form shall include the name and telephone number of the responsible pharmacist, physician, or nurse practitioner who is employed by or under contract with the pharmacy or medical facility, and shall also include a statement, signed and dated by the responsible pharmacist, physician, or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements and shall comply with the requirements established by rule.

(4) For the dispensing of donated prescription drugs and supplies, that donated drugs and supplies may be dispensed only if the drugs or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a licensed pharmacist, physician, or nurse practitioner.

l. The department of public safety, with respect to rules relating to permits to carry weapons, that<sup>1</sup> an unlawful user of or addicted to any controlled substance includes any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician.

m. The department of transportation, with respect to rules relating to exemptions from motor vehicle window transparency requirements, that a motor vehicle fitted with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance before July 4, 2012, may continue to be maintained and operated with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance on or after July 4, 2012, so long as the vehicle continues to be used for the transport of a passenger or operator who documented in the manner specified by the department a medical need for such reduced transparency, which document was signed by the person’s physician before July 4, 2012.

n. The Iowa department of veterans affairs, with respect to rules relating to expenses relating to the purchase of durable equipment or services, that individuals requesting reimbursement who need durable equipment as a medical necessity should provide information from a physician.

o. The department of workforce development, with respect to rules relating to the following:

(1) That a voluntary quit shall be presumed to be without good cause attributable to the employer for purposes of unemployment compensation if a claimant left employment because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to obtain the advice of a licensed and practicing physician, obtain certification of release for work from a licensed and practicing physician, or return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician.

(2) That for purposes of unemployment compensation, it is a reason for a claimant leaving employment with good cause attributable to the employer if the claimant left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician, and upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available.

(3) That for purposes of unemployment compensation it is a reason for a claimant leaving employment with good cause attributable to the employer if the claimant left employment upon the advice of a licensed and practicing physician for the sole purpose of taking a family

<sup>1</sup> See chapter 1153, §8 herein

member to a place having a different climate and subsequently returned to the claimant's regular employer and offered to perform services, but the claimant's regular or comparable work was not available.

p. The labor services division of the department of workforce development, with respect to rules relating to the following:

(1) For the disclosure of a trade secret relating to a hazardous chemical during a medical emergency, that where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement.

(2) For the disclosure of a trade secret relating to a hazardous chemical in a nonemergency situation, that in nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld by rule, to a specified health professional providing medical or other occupational health services to exposed employees or designated representatives in specified circumstances.

(3) For applications for a license to practice asbestos removal, that except as noted in rule, only worker and contractor/supervisor license applicants must submit a<sup>2</sup> respiratory protection and physician's certification forms.

(4) For documentation held by persons licensed for asbestos abatement in an area that is subject to a disaster emergency proclamation, that the labor commissioner deems an individual contractor, supervisor, or worker to be licensed and authorized for asbestos abatement if the individual, in addition to other specified conditions, makes immediately available on the work site a copy of a physician's statement indicating that, consistent with federal law, a licensed physician has examined the individual within the past twelve months and approved the individual to work while wearing a respirator.

(5) That the contents of an application for an event license for a covered athletic event other than a professional wrestling event shall contain, along with other requirements, a copy of the medical license of the ringside physician and the date, time, and location of the ringside physician's examination of the contestants.

(6) For the responsibilities of the promoter of an athletic event, that the promoter submit test results to the ringside physician no later than at the time of the physical showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event, and that the contestant shall not participate and the physician shall notify the promoter that the contestant is prohibited from participating for medical reasons if specified circumstances occur.

(7) For injuries during a professional boxing match, that if a contestant claims to be injured during the bout, the referee shall stop the bout and request the attending physician to make an examination. If the physician decides that the contestant has been injured as the result of a foul, the physician shall advise the referee of the injury. If the physician is of the opinion that the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. It shall be the duty of the promoter to have an approved physician in attendance during the entire duration of all bouts.

(8) For persons allowed in a ring during a professional boxing match, that no person other than the contestants and the referee shall enter the ring during the bout, excepting the seconds between the rounds or the attending physician if asked by the referee to examine an injury to a contestant.

(9) For the weighing of contestants in a professional boxing match, that contestants shall be weighed and examined on the day of the scheduled match by the attending ring physician at a time and place to be determined by the commissioner.

(10) For attending ring physicians during a professional boxing match, that when a boxer has been injured seriously, knocked out, or technically knocked out, the referee shall immediately summon the attending ring physician to aid the stricken boxer, and that

<sup>2</sup> See chapter 1153, §9 herein

managers, handlers, and seconds shall not attend to the stricken boxer, except at the request of the physician.

(11) For the keeping of time during a professional boxing match, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(12) For the suspension of contestants during a professional boxing match that is an elimination tournament, that a contestant who for specified reasons is not permitted to box in the state for a period of time shall be examined by a physician approved by the commissioner before being permitted to fight again.

(13) For the designation of officials for professional kickboxing, that the designation of physicians is subject to the approval of the commissioner or designee.

(14) For officials for a mixed martial arts event, that officials shall include a physician.

(15) For the keeping of time for a mixed martial arts event, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(16) For persons allowed in the cage during a mixed martial arts event, that a physician may enter the cage to examine a contestant upon the request of the referee.

(17) For the decorum of persons involved in a mixed martial arts event, that a contestant is exempt from prohibitions on specified conduct while interacting with the contestant's opponent during a round, but if the round is stopped by the physician or referee for a time out, the prohibitions shall apply to the contestant.

(18) For the examination of contestants in a mixed martial arts event, that on the day of the event, at a time and place to be approved by the commissioner, the ringside physician shall conduct a rigorous physical examination to determine the contestant's fitness to participate in a mixed martial arts match, and that a contestant deemed not fit by the physician shall not participate in the event.

(19) For injuries during a mixed martial arts event, that if a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician to make an examination of the stricken fighter. If the physician decides that the contestant has been injured, the physician shall advise the referee of the severity of the injury. If the physician is of the opinion the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. Managers, handlers, and seconds shall not attend to the stricken fighter, except at the request of the physician.

2. This section shall not be construed to expand, diminish, or otherwise modify the scope of practice of any profession licensed under this subtitle.

3. The rulemaking requirements provided in this section shall not be construed to prohibit the agencies listed in subsection 1 from engaging in further rulemaking not in conflict with this section or state or federal law relating to the subject matter of this section or to otherwise diminish the authority to engage in rulemaking provided to those agencies by any other statute.

Approved May 17, 2022



**CHAPTER 1067****RENEWABLE FUELS***H.F. 2128*

**AN ACT** relating to renewable fuels, including ethanol blended gasoline and biodiesel blended fuel used to power internal combustion engines, by providing for compliance requirements and promotional initiatives that relate to establishing classifications and standards for renewable fuels, advertising and selling renewable fuels, storing and dispensing renewable fuels, using state motor vehicles powered by renewable fuels, and taxes, tax credits, and tax refunds relating to renewable fuels; providing penalties and making penalties applicable; and including effective date and retroactive applicability provisions.

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

DIVISION I  
COMPLIANCE REQUIREMENTS — STANDARDS  
AND CLASSIFICATIONS FOR GASOLINE — MOTOR FUEL STORAGE  
AND DISPENSING INFRASTRUCTURE

PART A  
E-15 ACCESS STANDARD

Section 1. **NEW SECTION. 214A.31 E-15 access standard — establishment.**

In order to ensure consumer access to gasoline containing fifteen percent ethanol by volume, an E-15 access standard is established in accordance with 2013 Iowa Acts, ch. 127, §1, section 159A.1, and this subchapter.

Sec. 2. **NEW SECTION. 214A.32 E-15 access standard — retail dealer compliance.**

1. Except as provided in sections 214A.33 through 214A.36, a retail dealer owning or operating a retail motor fuel site shall comply with the E-15 access standard as provided in this section.

2. In order to comply with the E-15 access standard, a retail dealer must advertise for sale and sell E-15 gasoline from a minimum number of qualifying gasoline dispensers located at the retail dealer's retail motor fuel site. A qualifying gasoline dispenser must be capable of dispensing gasoline at all times that it is in operation.

a. Except as provided in paragraph "b", a retail dealer shall comply with a general E-15 access standard by dispensing E-15 gasoline from the following:

(1) One qualified gasoline dispenser, if there is only one qualified gasoline dispenser.

(2) At least fifty percent of all qualified gasoline dispensers, if there are more than one qualified gasoline dispenser.

b. (1) A retail dealer complies with an alternative E-15 access standard if all of the following apply:

(a) On and after January 1, 2023, the retail dealer does not install, replace, or convert a gasoline storage tank.

(b) On and after January 1, 2026, the retail dealer advertises for sale and sells E-15 gasoline from at least one qualifying gasoline dispenser.

(2) A retail dealer who no longer complies with the alternative E-15 access standard as provided in subparagraph (1) shall immediately comply with the general E-15 access standard as provided in paragraph "a".

c. The E-15 access standard does not prohibit a retail dealer owning or operating a retail motor fuel site from advertising for sale and selling motor fuel from any number of nonqualifying motor fuel dispensers. A nonqualifying motor fuel dispenser is limited to any of the following:

(1) A dispenser that exclusively dispenses any of the following:

(a) Aviation fuel.

(b) Diesel fuel.

(c) Kerosene.

(2) A dispenser that is part of a tank vehicle as defined in section 321.1 that is not used to dispense gasoline on the premises of the retail motor fuel site.

(3) A dispenser that is part of a commercial marina.

3. a. A retail dealer is not in violation of this section during any period of noncompliance with the E-15 access standard caused by an excusable event. An excusable event is limited to any of the following:

(1) The maintenance, repair, or reconditioning of gasoline storage and dispensing infrastructure.

(2) The installation, expansion, replacement, or conversion of gasoline storage and dispensing infrastructure.

b. The department may require that a retail dealer notify the department that an excusable event as described in paragraph "a" is planned to occur, is occurring, or has occurred. The department may inspect the applicable retail motor fuel site to determine whether the noncompliance is caused by an excusable event.

4. a. This section shall be implemented on January 1, 2023.

b. This subsection is repealed January 2, 2023.

**Sec. 3. NEW SECTION. 214A.33 Suspension of E-15 access standard by order issued by governor.**

1. The governor may issue or renew an executive order that temporarily suspends the requirement in section 214A.32 that a retail dealer comply with the E-15 access standard at a retail motor fuel site owned or operated by the retail dealer.

2. The E-15 access standard suspension order as described in subsection 1 must be supported by the governor's determination that any of the following apply:

a. There is an inadequate supply of E-15 gasoline.

b. The market price of E-15 gasoline may cause consumers to suffer economic hardship.

c. Existing gasoline storage and dispensing infrastructure is not capable of storing and dispensing E-15 gasoline.

3. The governor may issue or renew an executive order under this section on a statewide or regional basis.

4. The E-15 access standard suspension order shall take effect on its date of publication in the Iowa administrative bulletin, unless the order specifies a later date. The order shall expire one year from its effective date unless a shorter period is stated in the order. The early expiration of the order may also occur based on circumstances described in the order.

5. a. This section shall be implemented on January 1, 2023.

b. This subsection is repealed January 2, 2023.

**Sec. 4. NEW SECTION. 214A.34 Waiver of E-15 access standard by order issued by secretary of agriculture — E-15 unavailability.**

1. The secretary of agriculture may issue an administrative order that temporarily waives the requirement in section 214A.32 that a retail dealer comply with the E-15 access standard at a retail motor fuel site owned or operated by the retail dealer based on E-15 gasoline availability.

2. A retail dealer may apply for an E-15 unavailability waiver order as described in subsection 1 by submitting an application to the department in a manner and according to procedures required by the department.

a. The application must be supported by credible evidence that the retail dealer has not been able to reasonably obtain E-15 gasoline to be advertised for sale and sold at the retail dealer's retail motor fuel site.

b. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct.

3. The department shall publish a copy of the E-15 unavailability waiver order on the department's internet site within ten days after the order's issuance.

4. The E-15 unavailability waiver order shall take effect on its date of publication on the department's internet site, unless the order specifies a later date. The order shall expire

six months from its effective date unless a shorter period is stated in the order. The early expiration of the order may also occur based on circumstances described in the order.

5. *a.* This section shall be implemented on January 1, 2023.

*b.* This subsection is repealed January 2, 2023.

Sec. 5. **NEW SECTION. 214A.35 Waiver of alternative E-15 access standard by order issued by secretary of agriculture — E-15 incompatible infrastructure.**

1. The secretary of agriculture shall issue an administrative order that temporarily waives the requirement in section 214A.32 that a retail dealer comply with the alternative E-15 access standard at a retail motor fuel site owned or operated by the retail dealer, if the retail motor fuel site qualifies under this section based on the incompatibility of the motor fuel storage and dispensing infrastructure to store and dispense E-15 gasoline.

2. A retail dealer may apply for an E-15 incompatible infrastructure waiver order as described in subsection 1 by submitting an application to the department in a manner and according to procedures required by the department.

*a.* The application must be supported by credible evidence that the retail dealer is unable to comply with the alternative E-15 access standard because the gasoline storage and dispensing infrastructure located at the retail motor fuel site is not compatible with the use of E-15 gasoline and that the retail dealer is eligible for a class 1 or class 2 waiver as provided in this section.

*b.* The application must provide information required to be completed by the retail dealer, which must include an inventory and description of gasoline storage and dispensing infrastructure located at the retail motor fuel site.

*c.* The department may require a retail dealer to attach any supporting documentation to the application, which may include an inspection report completed by a person certified by the department as a professional retail motor fuel site installer. The certified professional retail motor fuel site installer may be a licensed engineer or other person who the department determines is qualified by education, testing, or experience to oversee a project involving the installation, replacement, or conversion of gasoline storage and dispensing infrastructure, and who is able to provide a reliable estimate of the project's costs.

*d.* The department shall review and evaluate an application to determine whether it is supported by credible evidence sufficient for the secretary to issue an order granting a waiver under this section. The department shall approve or disapprove a completed application within one hundred twenty days following the date that the application was delivered to the department for filing.

*e.* The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct. If a certified professional retail motor fuel site installer completes an inspection report to support an application, the installer shall sign a statement that the installer swears and affirms that all information in the inspection report completed by the installer is true and correct.

*f.* The department may inspect the premises of a retail motor fuel site during normal business hours to administer and enforce the provisions of this section.

*g.* The department of agriculture and land stewardship may cooperate with the department of natural resources and the state fire marshal in administering and enforcing the provisions of this section.

3. The department shall publish a copy of the E-15 incompatible infrastructure waiver order on the department's internet site within ten days after the order's issuance. The order shall take effect on its date of publication, unless the order specifies a later date.

4. *a.* The secretary of agriculture shall terminate the E-15 incompatible infrastructure waiver order if a terminable event has occurred. A terminable event occurs on the date that any of the following apply:

(1) The failure of a retail dealer to be licensed as required under section 214.2 to use a commercial weighing and measuring device when dispensing gasoline.

(2) The cessation of the retail dealer's business of advertising for sale or selling gasoline at the retail motor fuel site.

(3) The installation, replacement, or conversion of a motor fuel storage tank located at the retail motor fuel site.

b. The department may require that a retail dealer notify the department that a terminable event as described in paragraph “a” is planned to occur, is occurring, or has occurred.

5. a. The secretary of agriculture shall issue an E-15 incompatible infrastructure class 1 waiver order as provided in this subsection. If the department determines an inspection of the retail motor fuel site is necessary, it may either conduct the inspection or accept an inspection report completed by a certified professional retail motor fuel site installer.

b. The order must be supported by credible evidence that all gasoline storage tanks that are located at the retail motor fuel site fall within any number of the following categories:

(1) Each gasoline storage tank not constructed of fiberglass was installed during or prior to 1985.

(2) Each gasoline storage tank constructed of fiberglass was installed during or prior to the following years:

(a) For a double-wall fiberglass underground gasoline storage tank, 1991.

(b) For a single-wall fiberglass underground gasoline storage tank, 1996.

6. The secretary of agriculture shall issue an E-15 incompatible infrastructure class 2 waiver order as provided in this subsection. The order shall be based on an inspection of the retail motor fuel site. The department shall file and analyze a completed inspection report submitted by a certified professional retail motor fuel site installer.

a. The inspection report must be supported by credible evidence and include all of the following:

(1) A completed checklist of items adopted as part of a form used by the department to confirm that the gasoline storage and dispensing infrastructure located at the retail motor fuel site is not compatible with E-15 gasoline.

(2) The total estimated cost of improving the retail motor fuel site to comply with the alternative E-15 access standard by installing, replacing, or converting the gasoline storage and dispensing infrastructure located at the retail motor fuel site.

b. (1) The department shall determine whether to issue an E-15 incompatible infrastructure class 2 waiver order based on an eligibility assessment which shall calculate all of the following:

(a) The total estimated cost of improvement which equals the sum of all of the following:

(i) The reasonable cost of assessing the retail motor fuel site to determine the estimated cost of improving the retail motor fuel site as described in subparagraph subdivision (ii).

(ii) The estimated cost of improving the retail motor fuel site to comply with the alternative E-15 access standard based on the department’s analysis of the inspection report described in paragraph “a”. The estimated cost of improving the retail motor fuel site shall only include costs used to calculate the amount of standard financial incentives that could be awarded by the renewable fuel infrastructure board to a retail dealer participating in the renewable fuel infrastructure program for retail motor fuel sites as provided in section 159A.14.

(b) The E-15 infrastructure base amount which equals the maximum cost necessary to be incurred by the retail dealer in order to receive the total amount of standard financial incentives that could be awarded to the retail dealer under tier III of the renewable fuel infrastructure program for retail motor fuel sites as provided in section 159A.14 in order to comply with the alternative E-15 access standard. The department’s calculation shall not include any of the following:

(i) The amount of any prior financial incentives awarded to the retail dealer under the renewable fuel infrastructure program for retail motor fuel sites.

(ii) Whether the retail dealer may apply for, is applying for, or may be awarded any future financial incentives under the renewable fuel infrastructure program for retail motor fuel sites.

(2) A retail dealer is only eligible to be issued an E-15 incompatible infrastructure class 2 waiver order if the department determines that the total estimated cost of improvement as described in subparagraph (1), subparagraph division (a), exceeds the E-15 infrastructure base amount as described in subparagraph (1), subparagraph division (b).

7. a. This section shall be implemented on January 1, 2023.

b. This subsection is repealed January 2, 2023.

8. This section is repealed January 1, 2041.

**Sec. 6. NEW SECTION. 214A.36 Exemption from E-15 access standard for small retail motor fuel sites — by order issued by secretary of agriculture.**

1. *a.* The secretary of agriculture shall issue a small retail motor fuel site exemption administrative order to a retail dealer. The administrative order shall exempt the retail dealer from complying with the E-15 access standard, as otherwise required in section 214A.32, at a small retail motor fuel site owned or operated by the retail dealer.

*b.* To qualify as a small retail motor fuel site under this section, all of the following must apply:

(1) Prior to January 1, 2023, the retail motor fuel site included gasoline storage and dispensing infrastructure.

(2) The retail motor fuel site's average total gasoline gallonage was limited to three hundred thousand gallons or less for the qualifying phase as provided in this section.

2. *a.* A retail dealer may apply for an administrative order as described in subsection 1 by submitting an application to the department in a manner and according to procedures required by the department.

*b.* The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct.

3. *a.* Upon request by the department of agriculture and land stewardship, the department of revenue shall certify the average total gasoline gallonage for the retail motor fuel site computed for the qualifying phase beginning on January 1, 2020, and ending on December 31, 2022.

*b.* The computation described in paragraph "a" shall be based on site-by-site information for the retail motor fuel site in reports required to be filed for determination periods by the retail dealer with the department of revenue pursuant to chapter 452A, subchapter II. However, if the department of revenue cannot obtain site-by-site information for the retail motor fuel site from such reports, the department of revenue may use other methods, including records maintained by the department of revenue under chapter 422, to compute the retail motor fuel site's gallonage for all or any part of that qualifying phase.

*c.* A retail dealer who submits an application under this section shall waive the confidentiality of information in the department of revenue's certification identifying the retail dealer or retail motor fuel site otherwise applicable under chapter 422 or 452A. The information maintained by the department of agriculture and land stewardship under this section is a confidential record under section 22.7 and shall be used by the department of agriculture and land stewardship for the limited purposes of evaluating the retail dealer's application for approval and issuing an administrative order described in subsection 1. The certification may be used in a criminal proceeding alleging the retail dealer committed perjury as described in section 214A.11 when completing the application. The application shall include a notice of the waiver. The department of agriculture and land stewardship shall redact such identifying information in any record otherwise requiring disclosure by that department under chapter 22.

*d.* The department of revenue, in cooperation with the department of agriculture and land stewardship, may adopt rules to administer this subsection.

4. The department shall publish on its internet site for each quarter of a calendar year information aggregated from administrative orders described in subsection 1 that shall be limited to the following:

*a.* The total number of administrative orders issued.

*b.* The total number of administrative orders in effect.

5. *a.* The secretary of agriculture shall terminate the administrative order described in subsection 1 if a terminable event has occurred. A terminable event occurs on the date that any of the following apply:

(1) The failure of a retail dealer to be licensed as required under section 214.2 to use a commercial weighing and measuring device when dispensing gasoline at the retail motor fuel site.

(2) The cessation of the retail dealer's business of advertising for sale or selling gasoline at the retail motor fuel site.

(3) The installation, replacement, or conversion of a gasoline storage tank located at the retail motor fuel site.

b. The department may require that a retail dealer notify the department that a terminable event as described in paragraph "a" is planned to occur, is occurring, or has occurred.

6. a. This section shall be implemented on January 1, 2023.

b. This subsection is repealed January 2, 2023.

**Sec. 7. NEW SECTION. 214A.37 Disciplinary action.**

1. The department may refuse to issue or renew and may suspend or revoke a license issued to a retail dealer pursuant to section 214.2 for not complying with the E-15 access standard as provided in section 214A.32, including rules adopted by the department pursuant to section 214A.1A to administer or enforce that section.

2. a. This section shall be implemented on January 1, 2023.

b. This subsection is repealed January 2, 2023.

**Sec. 8. ISSUANCE OF ORDERS SUSPENDING, WAIVING, OR EXEMPTING E-15 ACCESS STANDARD.**

1. The governor may issue an E-15 access standard suspension order as provided in section 214A.33, as enacted in this part of this division of this Act, prior to January 1, 2023, if the governor determines it is necessary to issue the order prior to that date.

2. The secretary of agriculture may issue an E-15 unavailability waiver order as provided in section 214A.34, as enacted in this part of this division of this Act, prior to January 1, 2023, if the secretary determines it is necessary to issue the order prior to that date.

3. The secretary of agriculture may issue an E-15 incompatible infrastructure waiver order as provided in section 214A.35, as enacted in this part of this division of this Act, prior to January 1, 2023, if the secretary determines it is necessary to issue the order prior to that date.

4. The secretary of agriculture may issue a small retail motor fuel site exemption administrative order as provided in section 214A.36, as enacted in this part of this division of this Act, prior to January 1, 2023, if the secretary determines it is necessary to issue the order prior to that date.

**Sec. 9. ADOPTION OF RULES IMPLEMENTING E-15 ACCESS STANDARD, E-15 INCOMPATIBLE INFRASTRUCTURE WAIVER ORDER, AND SMALL RETAIL MOTOR FUEL SITE EXEMPTION ADMINISTRATIVE ORDER.**

1. The department of agriculture and land stewardship shall adopt rules pursuant to chapter 17A prior to January 1, 2023, as necessary to administer and enforce the E-15 access standard, as provided in section 214A.32, as enacted in this part of this division of this Act.

2. The department of agriculture and land stewardship shall adopt rules pursuant to chapter 17A prior to January 1, 2023, as necessary to administer and enforce an E-15 incompatible infrastructure waiver order, as provided in section 214A.35, as enacted in this part of this division of this Act.

3. The department of agriculture and land stewardship shall adopt rules pursuant to chapter 17A prior to January 1, 2023, as necessary to administer and enforce a small retail motor fuel site exemption administrative order as provided in section 214A.36, as enacted in this part of this division of this Act.

**PART B**

**RELATED RENEWABLE FUELS AND INFRASTRUCTURE PROVISIONS**

**Sec. 10.** Section 214.1, Code 2022, is amended by adding the following new subsections:  
**NEW SUBSECTION. 1A.** "*Department*" means the department of agriculture and land stewardship.

**NEW SUBSECTION. 1B.** "*E-15 gasoline*" or "*E-15*" means the same as defined in section 214A.1.

**NEW SUBSECTION. 3A.** "*Motor fuel dispenser*" or "*dispenser*" means equipment that is the part of motor fuel storage and dispensing infrastructure that includes mechanical or

electrical systems that operate a motor fuel pump dispensing motor fuel from a motor fuel storage tank to the end point of the equipment's nozzle.

NEW SUBSECTION. 4A. a. “*Motor fuel storage and dispensing infrastructure*” or “*infrastructure*” means equipment used to do any of the following:

- (1) Store and dispense motor fuel.
- (2) Store, blend, and dispense motor fuel.

b. “*Motor fuel storage and dispensing infrastructure*” or “*infrastructure*” includes but is not limited to a motor fuel storage tank, motor fuel pump or motor fuel blender pump, motor fuel dispenser, and associated pipes, hoses, nozzles, tubes, lines, fittings, valves, filters, seals, and covers.

Sec. 11. Section 214.1, subsections 3, 4, and 5, Code 2022, are amended to read as follows:

3. “*Motor fuel blender pump*” or “*blender pump*” means a motor fuel ~~meter pump~~ meter pump that ~~measures and dispenses a type of motor fuel that is blended from to formulate two or more different types classifications of that motor fuels and which may dispense more than one type of blended motor fuel.~~ measures and dispenses a type of motor fuel that is blended from to formulate two or more different types classifications of that motor fuels and which may dispense more than one type of blended motor fuel.

4. “*Motor fuel pump*” means the part of motor fuel storage and dispensing infrastructure that is a meter or similar commercial weighing and measuring device used to measure and dispense motor fuel originating from a motor fuel storage tank, on a retail basis.

5. “*Motor fuel storage tank*” or “*storage tank*” means the part of motor fuel storage and dispensing infrastructure that includes an aboveground or belowground container that is constituting a fixture used to store an accumulation of motor fuel.

Sec. 12. Section 214.9, Code 2022, is amended to read as follows:

**214.9 Self-service motor fuel pumps dispensers.**

A self-service motor fuel dispenser operating a motor fuel pump located at a retail motor fuel site may be equipped with an automatic latch-open device on the fuel dispensing hose nozzle only if the nozzle valve is the automatic closing type.

Sec. 13. NEW SECTION. 214.12 Inspections of motor fuel dispensers — E-15 access standard.

1. In conducting an inspection under section 214.11, an inspector for the department shall determine if a retail dealer is advertising for sale and selling E-15 gasoline at a retail motor fuel site in compliance with the E-15 access standard as provided in section 214A.32.

2. a. This section shall be implemented on January 1, 2023.
- b. This subsection is repealed January 2, 2023.

Sec. 14. Section 214A.1, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. “*B-20 biodiesel fuel*” or “*B-20*” means a classification of biodiesel blended fuel formulated with a percentage of twenty percent by volume of biodiesel, if the formulation meets the standards provided in section 214A.2.

NEW SUBSECTION. 10A. “*Determination period*” means any twelve-month period beginning on January 1 and ending on December 31 in which a retail dealer who owns or operates a retail motor fuel site sells and dispenses gasoline or diesel fuel from that retail motor fuel site as calculated by the department of revenue in chapter 452A, subchapter II.

NEW SUBSECTION. 12A. “*E-15 gasoline*” or “*E-15*” means a classification of ethanol blended gasoline formulated with a percentage of fifteen percent by volume of ethanol, if the formulation meets the standards provided in section 214A.2.

NEW SUBSECTION. 16A. “*Gasoline dispenser*” means a type of motor fuel dispenser that is part of gasoline storage and dispensing infrastructure.

NEW SUBSECTION. 16B. “*Gasoline storage and dispensing infrastructure*” or “*gasoline infrastructure*” means motor fuel storage and dispensing infrastructure used to do any of the following:

- a. Store and dispense gasoline, including ethanol blended gasoline or biobutanol blended gasoline.
- b. Store, blend, and dispense gasoline, including ethanol blended gasoline or biobutanol blended gasoline.

NEW SUBSECTION. 16C. “Gasoline storage tank” means a type of motor fuel storage tank used to store an accumulation of gasoline.

NEW SUBSECTION. 18A. “Motor fuel dispenser” or “dispenser” means the same as defined in section 214.1.

NEW SUBSECTION. 19A. “Motor fuel storage and dispensing infrastructure” or “infrastructure” means the same as defined in section 214.1.

Sec. 15. NEW SECTION. **214A.1A Administration and enforcement.**

1. This chapter shall be administered and enforced by the department which may adopt rules under chapter 17A to carry out the provisions of this chapter.

2. The department may adopt rules necessary to administer and enforce this chapter in conjunction with chapter 214.

Sec. 16. Section 214A.2, subsection 1, Code 2022, is amended to read as follows:

1. a. The department shall adopt rules pursuant to chapter 17A for carrying out this chapter. ~~The rules may include but are not limited to specifications establishing departmental standards relating to motor fuel, including but not limited to renewable fuel such as ethanol blended gasoline, biobutanol blended gasoline, biodiesel, biodiesel blended fuel, fuels and motor fuel components such as an oxygenate.~~

b. In the interest of uniformity, the department shall adopt by reference ~~other in part or in whole, as some of its departmental standards described in paragraph “a”, applicable specifications relating to tests and standards for motor fuel, including renewable fuel and motor fuel components, adopted by ASTM international and applicable requirements established by the United States environmental protection agency and A.S.T.M. international.~~

Sec. 17. Section 214A.2, subsection 4, paragraph b, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) (a) Biodiesel blended fuel classified as higher than B-20 must conform to standards adopted by the department.

(b) The rules adopted by the department of agriculture and land stewardship establishing standards for biodiesel blended fuel classified as higher than B-20 shall take effect not earlier than sixty days after the date of filing in accordance with section 17A.5, subsection 2, paragraph “a”. The department of agriculture and land stewardship shall notify the legislative services agency, the governor, the department of natural resources, and the department of revenue of the effective date of the rules at least thirty days prior to the effective date of the rules.

Sec. 18. Section 214A.8, Code 2022, is amended to read as follows:

**214A.8 Prohibition.**

A dealer shall not knowingly sell motor fuel or biofuel in the state that fails to meet applicable standards and classifications as provided in section 214A.2.

Sec. 19. Section 214A.11, subsection 1, Code 2022, is amended to read as follows:

1. Except as otherwise provided in ~~subsection 2~~ subsection 3, a person who violates a provision of this chapter is guilty of a serious misdemeanor or is subject to an alternative civil enforcement action under subsection 2. Each day that a continuing violation occurs shall be considered a separate offense.

Sec. 20. Section 214A.11, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. (1) A retail dealer who submits an application for an E-15 unavailability waiver order under section 214A.34 that the retail dealer knows includes information that is not true and correct commits perjury as provided in section 720.2.

(2) (a) This paragraph “a” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed January 2, 2023.

b. (1) A retail dealer who submits an application for an E-15 incompatible infrastructure waiver order under section 214A.35 that the retail dealer knows is not true and correct commits perjury as provided in section 720.2.



(2) A certified professional retail motor fuel site installer who submits an inspection report as part of an application for an E-15 incompatible infrastructure waiver order under section 214A.35 that the installer knows is not true and correct commits perjury under section 720.2.

(3) (a) This paragraph “b” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed on January 2, 2023.

c. (1) A retail dealer who submits an application for a small retail motor fuel site exemption administrative order under section 214A.36 that the retail dealer knows is not true and correct commits perjury as provided in section 720.2.

(2) (a) This paragraph “c” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed January 2, 2023.

Sec. 21. Section 214A.20, Code 2022, is amended to read as follows:

**214A.20 Limitation on liability.**

1. A retail dealer or other marketer, pipeline company, refiner, terminal operator, or terminal owner is not liable for damages caused by the use of incompatible motor fuel dispensed from a motor fuel dispenser located at the retail dealer’s retail motor fuel site, if all of the following apply:

a. The incompatible motor fuel complies with the ~~specifications~~ standards for a that type and classification of motor fuel as provided in section 214A.2.

b. The incompatible motor fuel is selected by the end use consumer of the motor fuel.

c. The incompatible motor fuel is dispensed from a motor fuel ~~pump~~ dispenser that correctly labels the type and classification of fuel dispensed from a motor fuel storage tank.

2. For purposes of ~~this section~~ subsection 1, a motor fuel is incompatible with a motor according to the manufacturer of the motor.

PART C  
CODE ORGANIZATION

Sec. 22. DIRECTIONS TO THE CODE EDITOR — TRANSFERS.

1. The Code editor is directed to make the following transfers:

a. Section 214A.3 to section 214A.21.

b. Section 214A.7 to section 214A.22.

c. Section 214A.8, as amended in this division of this Act, to section 214A.23.

d. Section 214A.19 to section 214A.24.

e. Section 214A.20, as amended in this division of this Act, to section 214A.25.

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. 23. DIRECTIONS TO THE CODE EDITOR — SUBCHAPTERS. The Code editor is directed to divide the provisions of chapter 214A, as amended, enacted, or transferred in this division of this Act, into subchapters as follows:

1. Subchapter I, including sections 214A.1 through 214A.20.

2. Subchapter II, including sections 214A.21 through 214A.30.

3. Subchapter III, including sections 214A.31 through 214A.37.

DIVISION II  
COMPLIANCE REQUIREMENTS — RENEWABLE FUEL INFRASTRUCTURE

PART A  
PRINCIPAL PROVISIONS

Sec. 24. NEW SECTION. **455G.2A Standards and classifications of motor fuel.**

For purposes of this chapter, motor fuel must meet the standards and classifications as provided in section 214A.2.

Sec. 25. NEW SECTION. **455G.30 Definitions.**

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

1. “Biodiesel blended fuel” means the same as defined in section 214A.1.

2. “*Department*” means the department of natural resources.
3. “*Diesel fuel*” means the same as defined in section 214A.1.
4. “*Diesel fuel storage and dispensing infrastructure*” or “*diesel infrastructure*” means motor fuel storage and dispensing infrastructure as defined in section 214.1 used to store and dispense diesel fuel, including biodiesel blended diesel fuel, at a retail motor fuel site as defined in section 214A.1.
5. “*Ethanol blended gasoline*” means the same as defined in section 214A.1.
6. “*Gasoline storage and dispensing infrastructure*” or “*gasoline infrastructure*” means the same as defined in section 214A.1.
7. “*Retail dealer*” means the same as defined in section 214A.1.

Sec. 26. Section 455G.31, subsection 1, paragraph a, Code 2022, is amended by striking the paragraph.

Sec. 27. Section 455G.31, subsection 2, Code 2022, is amended to read as follows:

2. A Subject to section 455G.32, a retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if the department of natural resources under this subchapter or the state fire marshal under chapter 101 determines that if the gasoline infrastructure is compatible with the classification of ethanol blended gasoline being used.

Sec. 28. Section 455G.31, subsection 3, Code 2022, is amended by striking the subsection.

Sec. 29. **NEW SECTION. 455G.32 E-85 gasoline compatible infrastructure — compliance requirement.**

1. A retail dealer shall not install, replace, or convert gasoline storage and dispensing infrastructure used to store and dispense ethanol blended gasoline classified as E-15 or higher, unless the installed, replaced, or converted gasoline infrastructure is capable of storing and dispensing ethanol blended gasoline classified as E-85.

2. The infrastructure must be all of the following:

a. Listed as compatible for use with ethanol blended gasoline classified as E-85 by an independent testing laboratory or as approved by the manufacturer.

b. Approved by the department or state fire marshal subject to conditions determined necessary by the department or state fire marshal. The department or state fire marshal may waive the requirement in paragraph “a” upon satisfaction that a substitute requirement serves the same purpose.

Sec. 30. **NEW SECTION. 455G.33 B-20 diesel fuel compatible infrastructure — compliance requirement.**

1. A retail dealer shall not install, replace, or convert diesel fuel storage and dispensing infrastructure unless the installed, replaced, or converted diesel fuel infrastructure is capable of storing and dispensing biodiesel blended fuel classified as B-20 or higher.

2. The infrastructure must be all of the following:

a. Listed as compatible for use with biodiesel blended fuel classified as B-20 or higher by an independent testing laboratory or as approved by the manufacturer.

b. Approved by the department or state fire marshal subject to conditions determined necessary by the department or state fire marshal. The department or state fire marshal may waive the requirement in paragraph “a” upon satisfaction that a substitute requirement serves the same purpose.

Sec. 31. **EFFECTIVE DATE.** This part of this division of this Act takes effect January 1, 2023.

PART B  
IMPLEMENTATION

Sec. 32. ADMINISTRATIVE RULES. The department of natural resources and the state fire marshal may adopt rules under chapter 17A prior to the effective date of part A of this division of this Act, which rules shall take effect January 1, 2023.

DIVISION III  
COMPLIANCE REQUIREMENTS — QUALIFIED RENEWABLE FUEL USE BY STATE  
MOTOR VEHICLES

Sec. 33. NEW SECTION. **8A.360 Special definitions.**

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

1. “*Biodiesel blended fuel*” means the same as defined in section 214A.1.
2. “*Biofuel*” means the same as defined in section 214A.1.
3. “*Determination period*” means any twelve-month period beginning January 1 and ending December 31.
4. “*Ethanol blended gasoline*” means the same as defined in section 214A.1.
5. “*Qualified renewable fuel*” means ethanol blended gasoline or biodiesel blended fuel that meets the standards and classifications for that type of motor fuel as provided in section 214A.2.

Sec. 34. NEW SECTION. **8A.360A Classification of qualified renewable fuels.**

For purposes of this part, a qualified renewable fuel must meet the same standards and classifications as provided in section 214A.2.

Sec. 35. Section 8A.362, subsection 3, paragraph b, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

b. The director shall provide for the purchase and operation of motor vehicles using qualified renewable fuels and for the purchase of qualified renewable fuels used to operate those motor vehicles as provided in section 8A.368.

Sec. 36. NEW SECTION. **8A.368 Motor vehicle purchases — qualified renewable fuels.**

1. A motor vehicle operating using an internal combustion engine powered by gasoline or diesel fuel as described in section 8A.362 shall use the highest possible classification of a qualified renewable fuel if all of the following apply:

a. The manufacturer of the motor vehicle or the United States environmental protection agency expressly states that the classification of a qualified renewable fuel is compatible with the motor vehicle’s normal operation.

b. That classification of a qualified renewable fuel is commercially available in the region where the motor vehicle is being operated.

c. No emergency situation exists that requires the immediate use of a motor fuel regardless of whether it has been blended with a biofuel.

2. If the highest possible classification of a qualified renewable fuel is available to power an engine used to operate a motor vehicle as provided in subsection 1, a state-issued credit card shall not be used to purchase motor fuel other than that classification of a qualified renewable fuel.

3. A motor vehicle subject to this section shall be affixed with a brightly colored, highly visible renewable fuel sticker. The qualified renewable fuel sticker shall be designed by the department of agriculture and land stewardship to notify the traveling public that the motor vehicle is operating using an internal combustion engine powered by the highest possible classification of that qualified renewable fuel. The department of administrative services shall distribute the stickers to state agencies maintaining a state motor pool. However, a qualified renewable fuel sticker is not required to be affixed to an unmarked motor vehicle used for purposes of providing law enforcement or security.

4. As part of the department’s competitive bidding procedure for the purchase of a motor vehicle operating using an internal combustion engine powered by diesel fuel, the director

shall require a bidder to certify that the motor vehicle's manufacturer expressly states that the engine is capable of being powered by biodiesel blended fuel classified as B-20 or higher.

**Sec. 37. NEW SECTION. 8A.369 Motor vehicle purchases — qualified renewable fuels — reports.**

1. The department shall compile information regarding the department's compliance with section 8A.368 during the previous determination period. The information shall include all of the following:

a. Of the motor vehicles used to routinely travel on the state's highways that operate using internal combustion engines powered by gasoline, all of the following:

(1) The total number of such motor vehicles according to model year.

(2) The total number of such motor vehicles according to model year that are capable of operating using internal combustion engines powered by ethanol blended gasoline classified as E-15 and E-85 according to the express warranty of the motor vehicle's manufacturer.

(3) The total number of gallons of ethanol blended gasoline classified as E-15, and the total number of gallons of ethanol blended gasoline classified as E-85, purchased during the preceding determination period, to the extent such information may be practically obtained.

b. Of the motor vehicles used to routinely travel on the state's highways that operate using internal combustion engines powered by diesel fuel, all of the following:

(1) The total number of such motor vehicles according to model year.

(2) The total number of such motor vehicles according to model year that are capable of operating using internal combustion engines powered by biodiesel blended fuel classified as B-20 or higher according to the express warranty of the motor vehicle's manufacturer.

(3) The total number of gallons of biodiesel blended fuel classified as B-20 or higher purchased during the preceding determination period, to the extent such information may be practically obtained.

2. The department of administrative services shall prepare a state fleet qualified renewable fuels compliance report which shall consolidate information compiled by the department under subsection 1 together with information compiled by the commission for the blind pursuant to section 216B.3, institutions governed by the state board of regents pursuant to section 262.25A, the department of transportation pursuant to section 307.21, and the department of corrections pursuant to section 904.312A. The department of administrative services shall submit the state fleet qualified renewable fuels compliance report to the governor and general assembly not later than March 1 of each year.

**Sec. 38.** Section 216B.3, subsection 16, paragraph a, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. The commission shall compile information regarding compliance with the provisions of this paragraph in the same manner as the department of administrative services pursuant to section 8A.369. The commission shall cooperate with the department of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this paragraph as provided in section 8A.369.

**Sec. 39.** Section 262.25A, subsection 2, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

2. An institution shall provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. An institution shall compile information regarding compliance with the provisions of this subsection in the same manner as the department of administrative services pursuant to section 8A.369. The state board of regents shall cooperate with the department

of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this subsection as provided in section 8A.369.

Sec. 40. Section 307.21, subsection 4, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

4. The administrator shall provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. The department of transportation shall compile information regarding compliance with the provisions of this subsection in the same manner as the department of administrative services pursuant to section 8A.369. The department of transportation shall cooperate with the department of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this subsection as provided in section 8A.369.

Sec. 41. Section 904.312A, subsection 1, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

1. The department of corrections shall provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. The department of corrections shall compile information regarding compliance with the provisions of this subsection in the same manner as the department of administrative services pursuant to section 8A.369. The department of corrections shall cooperate with the department of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this subsection as provided in section 8A.369.

Sec. 42. STATE FLEET QUALIFIED RENEWABLE FUELS COMPLIANCE REPORT. The department of administrative services shall submit its first state fleet qualified renewable fuels compliance report as required pursuant to section 8A.369, as enacted in this division of this Act, not later than July 1, 2023.

DIVISION IV  
RENEWABLE FUEL STANDARDS AND  
CLASSIFICATIONS — PROMOTIONAL INITIATIVES APPLIED  
TO INCOME TAXES

PART A  
E-85 GASOLINE PROMOTION TAX CREDIT

Sec. 43. Section 422.110, subsection 2, paragraph b, Code 2022, is amended to read as follows:

*b.* The tax credit shall apply to E-85 gasoline that meets the standards for that classification as provided in section 214A.2.

Sec. 44. Section 422.110, subsection 5, Code 2022, is amended to read as follows:

5. *a.* A retail dealer is eligible to claim an E-85 gasoline promotion tax credit as provided in this section even though the retail dealer claims an E-15 plus gasoline promotion tax credit pursuant to section 422.11Y for the same tax year.

*b.* This subsection is repealed January 1, 2026.

Sec. 45. Section 422.110, subsection 8, Code 2022, is amended to read as follows:

8. This section is repealed on January 1, 2025 2028.

Sec. 46. Section 422.33, subsection 11B, paragraph c, Code 2022, is amended to read as follows:

c. This subsection is repealed on January 1, ~~2025~~ 2028.

Sec. 47. 2006 Iowa Acts, chapter 1142, section 49, subsection 3, as amended by 2011 Iowa Acts, chapter 113, section 20, and 2016 Iowa Acts, chapter 1106, section 6, is amended to read as follows:

3. For a retail dealer who may claim an E-85 gasoline promotion tax credit under section 422.11O or 422.33, subsection 11B, as enacted in this Act and amended in subsequent Acts, in calendar year ~~2024~~ 2027 and whose tax year ends prior to December 31, ~~2024~~ 2027, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11O or 422.33, subsection 11B, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, ~~2024~~ 2027. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, ~~2024~~ 2027.

#### PART B BIODIESEL BLENDED FUEL TAX CREDIT

Sec. 48. Section 422.11P, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. The tax credit shall apply to biodiesel blended fuel classified as provided in this section, if the classification meets the standards provided in section 214A.2. In ensuring that biodiesel blended fuel meets the classification requirements of this section, the department shall take into account reasonable variances due to testing and other limitations. The department shall adopt rules to provide that where a blending error occurs and an insufficient amount of biodiesel has inadvertently been blended with petroleum-based diesel fuel ~~so that the mixture fails to qualify as B-11 or higher~~ a one percent tolerance applies when classifying the biodiesel blended fuel. If the biodiesel blended fuel does not meet the required classification after applying a one percent tolerance, the department shall adopt rules to determine the classification based on the retail dealer's records of the volume of biodiesel blended with diesel fuel.

Sec. 49. Section 422.11P, subsection 4, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

4. A retail dealer whose tax year is on a calendar year basis shall calculate the amount of the tax credit by multiplying a designated rate by the retail dealer's total biodiesel blended fuel gallonage as provided in section 452A.31 which qualifies under this subsection.

a. In order to qualify for the tax credit, the biodiesel blended fuel must be classified as B-11 or higher as provided in paragraph "b".

b. The designated rate is determined as follows:

(1) For biodiesel blended fuel classified as B-11 or higher but not as high as B-20, the designated rate is five cents.

(2) For biodiesel blended fuel classified as B-20 or higher but not as high as B-30, the designated rate is seven cents. However, a classification higher than B-20 does not qualify for a tax credit under this subparagraph unless standards for that classification have been established by the department of agriculture and land stewardship pursuant to section 214A.2.

(3) For biodiesel blended fuel classified as B-30 or higher, the designated rate is ten cents. A classification of B-30 or higher does not qualify for a tax credit under this subparagraph unless standards for that classification have been established by the department of agriculture and land stewardship pursuant to section 214A.2.

Sec. 50. Section 422.11P, subsection 8, Code 2022, is amended to read as follows:

8. This section is repealed January 1, ~~2025~~ 2028.

Sec. 51. Section 422.33, subsection 11C, paragraph c, Code 2022, is amended to read as follows:

c. This subsection is repealed on January 1, ~~2025~~ 2028.

Sec. 52. 2011 Iowa Acts, chapter 113, section 31, as amended by 2016 Iowa Acts, chapter 1106, section 10, is amended to read as follows:

SEC. 31. TAX CREDIT AVAILABILITY. For a retail dealer who may claim a biodiesel blended fuel promotion tax credit under section 422.11P or 422.33, subsection 11C, as amended in this Act and amended in subsequent Acts, in calendar year ~~2024~~ 2027, and whose tax year ends prior to December 31, ~~2024~~ 2027, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11P or 422.33, subsection 11C, as amended in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, ~~2024~~ 2027. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, ~~2024~~ 2027.

Sec. 53. EFFECTIVE DATE. This part of this division of this Act takes effect January 1, 2023.

#### PART C E-15 PLUS GASOLINE PROMOTION TAX CREDIT

Sec. 54. Section 422.11Y, subsection 4, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

4. A retail dealer whose tax year is on a calendar year basis shall calculate the amount of the tax credit by multiplying a designated rate by the retail dealer's total ethanol blended gasoline gallonage as provided in section 452A.31 which qualifies under this subsection.

a. In order to qualify for the tax credit, the ethanol blended gasoline must be classified as E-15 or higher but must not be E-85 gasoline.

b. The designated rate of the tax credit is nine cents.

Sec. 55. Section 422.11Y, subsection 9, Code 2022, is amended to read as follows:

9. This section is repealed on January 1, ~~2025~~ 2026.

Sec. 56. Section 422.33, subsection 11D, paragraph c, Code 2022, is amended to read as follows:

c. This subsection is repealed on January 1, ~~2025~~ 2026.

Sec. 57. 2011 Iowa Acts, chapter 113, section 37, as amended by 2016 Iowa Acts, chapter 1106, section 3, is amended to read as follows:

SEC. 37. TAX CREDIT AVAILABILITY. For a retail dealer who may claim an E-15 plus gasoline promotion tax credit under section 422.11Y or 422.33, subsection 11D, as enacted in this Act and amended in subsequent Acts, in calendar year ~~2024~~ 2025, and whose tax year ends prior to December 31, ~~2024~~ 2025, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11Y or 422.33, subsection 11D, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, ~~2024~~ 2025. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, ~~2024~~ 2025.

Sec. 58. EFFECTIVE DATE. This part of this division of this Act takes effect January 1, 2023.

PART D  
ADMINISTRATION

Sec. 59. ADMINISTRATIVE RULES. The department of revenue may adopt rules under chapter 17A prior to the effective date of parts B and C of this division of this Act, which rules shall take effect January 1, 2023.

DIVISION V  
RENEWABLE FUEL STANDARDS  
AND CLASSIFICATIONS — PROMOTIONAL INITIATIVES APPLIED  
TO EXCISE TAX ON ETHANOL BLENDED GASOLINE AND BIODIESEL BLENDED FUEL

PART A  
REPORTING REQUIREMENTS

Sec. 60. Section 452A.2, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 37A. “Renewable fuel” means the same as defined in section 214A.1.

Sec. 61. NEW SECTION. 452A.2A Standards and classifications of fuel.

For purposes of this chapter, motor fuel or special fuel, including a renewable fuel, must meet the applicable standards and classifications as provided in section 214A.2.

Sec. 62. Section 452A.31, subsection 1, Code 2022, is amended to read as follows:

1. A determination period is any twelve-month period beginning on January 1 and ending on December 31 in which a retail dealer who owns or operates a retail motor fuel site sells and dispenses gasoline or diesel fuel from that site as regulated by the department of agriculture and land stewardship pursuant to chapters 214 and 214A.

Sec. 63. Section 452A.31, subsection 2, paragraph a, subparagraph (1), subparagraph division (c), Code 2022, is amended to read as follows:

(c) The total E-15 plus gasoline gallonage which is the total number of gallons of ethanol blended gasoline classified as E-15 or higher, including E-85 gasoline.

Sec. 64. Section 452A.31, subsection 2, paragraph a, subparagraph (1), Code 2022, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (d) The total E-15 gasoline gallonage which is the total number of gallons of ethanol blended gasoline classified as E-15.

Sec. 65. Section 452A.31, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. A retail dealer’s total diesel fuel gallonage is the total number of gallons of diesel fuel which the retail dealer sells and dispenses from all motor fuel pumps operated by the retail dealer in this state during a twelve-month period beginning January 1 and ending December 31. The retail dealer’s total diesel fuel gallonage is divided into the following classifications:

(1) The total biodiesel blended fuel gallonage which is the retail dealer’s total number of gallons of biodiesel blended fuel, and which includes all of the following subclassifications:

(a) The total B-5 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-5 or higher up to but not including B-11.

(2) (b) The total B-11 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-11 or higher up to but not including B-20.

(c) The total B-20 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-20 or higher up to but not including B-30.

(d) The total B-30 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-30 or higher.

(3) (2) The total nonblended diesel fuel gallonage which is the total number of gallons of diesel fuel which is not biodiesel or biodiesel blended fuel.



Sec. 66. Section 452A.31, subsection 4, paragraph a, subparagraph (1), subparagraph division (c), Code 2022, is amended to read as follows:

(c) The aggregate E-15 plus gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline classified as E-15 or higher, including E-85 gasoline.

Sec. 67. Section 452A.31, subsection 4, paragraph a, subparagraph (1), Code 2022, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (d) The aggregate E-15 gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline classified as E-15.

Sec. 68. Section 452A.31, subsection 5, paragraph a, Code 2022, is amended to read as follows:

a. The aggregate diesel fuel gallonage is the total number of gallons of diesel fuel which all retail dealers sell and dispense from all motor fuel pumps operated by the retail dealers in this state during a twelve-month period beginning January 1 and ending December 31. The aggregate diesel fuel gallonage is divided into the following classifications:

(1) The aggregate biodiesel blended fuel gallonage which is the aggregate total number of gallons of biodiesel blended fuel ~~and which includes all of the following subclassifications:~~

~~(2) (a) The aggregate B-11 B-5 plus~~ gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-5 or higher up to but not including B-11 or higher.

(b) The aggregate B-11 plus gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-11 or higher up to but not including B-20.

(c) The aggregate B-20 plus gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-20 or higher up to but not including B-30.

(d) The aggregate B-30 plus gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-30 or higher.

~~(3) (2)~~ The aggregate nonblended diesel fuel gallonage which is the aggregate total number of gallons of diesel fuel which is not biodiesel or biodiesel blended fuel.

Sec. 69. Section 452A.33, subsection 1, paragraph a, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Each retail dealer shall report its total ~~motor fuel~~ gasoline and diesel fuel gallonage for a determination period as follows:

Sec. 70. Section 452A.33, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2022, are amended to read as follows:

(1) The information submitted on a company-wide basis shall include the total ~~motor gasoline and diesel~~ fuel gallonage, including for each classification and subclassification, sold and dispensed by the retail dealer as provided in paragraph "a" for all retail motor fuel sites from which the retail dealer sells and dispenses ~~motor fuel~~ gasoline or diesel fuel.

(2) The information submitted on a site-by-site basis shall include the total ~~motor gasoline and diesel~~ fuel gallonage, including for each classification and subclassification, sold and dispensed by the retail dealer as provided in paragraph "a" separately for each retail motor fuel site from which the retail dealer sells and dispenses ~~motor~~ gasoline or diesel fuel.

Sec. 71. Section 452A.33, subsection 1, paragraph c, Code 2022, is amended to read as follows:

c. (1) The retail dealer shall prepare and submit file the report with the department in a manner and according to procedures required by the department in compliance with section 452A.61. However, the department may require that the retail dealer file the report with the department by electronic transmission. The department may require that retail dealers report to the department on an annual, quarterly, or monthly basis. The department, upon application by a retail dealer, may grant a reasonable extension of time to file the report.

(2) If a retail dealer fails to file the report as required by this section or fails to maintain records required to file the report the department may impose a civil penalty of not more than one hundred dollars per occurrence in addition to any other penalty provided by law. The penalty amount shall be deposited into the general fund of the state.

Sec. 72. Section 452A.33, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. The information included in a report submitted by a retail dealer is deemed to be a trade secret, protected as a confidential record pursuant to section 22.7. However, upon request by the department of agriculture and land stewardship pursuant to section 159A.14 or 214A.36, the department of revenue shall certify a retail motor fuel site's average total gasoline gallonage for a qualifying phase as provided in each of those sections.

Sec. 73. Section 452A.33, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. The report shall not provide information regarding ~~motor fuel or gasoline, diesel fuel, or a biofuel~~ which is sold and dispensed by an individual retail dealer or at a particular retail motor fuel site. The report shall not include a trade secret protected as a confidential record pursuant to section 22.7.

Sec. 74. EMERGENCY RULES. The department of revenue may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of sections 452A.31 and 452A.33 as amended by this part of this division of this Act. 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. 75. EFFECTIVE DATE. This part of this division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 76. RETROACTIVE APPLICABILITY. This part of this division of this Act applies retroactively to January 1, 2022.

#### PART B EXCISE TAX IMPOSED ON GASOLINE AND DIESEL FUEL

Sec. 77. Section 452A.3, subsection 1, paragraph b, unnumbered paragraph 1, Code 2022, is amended to read as follows:

On and after July 1, ~~2026~~ 2030, an excise tax of thirty cents is imposed on each gallon of ethanol blended gasoline classified as E-15 or higher. Before July 1, ~~2026~~ 2030, the rate of the excise tax on ethanol blended gasoline classified as E-15 or higher shall be based on the number of gallons of ethanol blended gasoline classified as E-15 or higher that are distributed in this state as expressed as a percentage of the number of gallons of motor fuel distributed in this state, which is referred to as the distribution percentage. For purposes of this paragraph "b", only ethanol blended gasoline and nonblended gasoline, not including aviation gasoline, shall be used in determining the percentage basis for the excise tax. The department shall determine the percentage basis for each determination period beginning January 1 and ending December 31 based on ~~data~~ information from ~~the reports filed submitted to the department for filing~~ pursuant to section 452A.33. The rate for the excise tax shall apply for the period beginning July 1 and ending June 30 following the end of the determination period. Before July 1, ~~2026~~ 2030, the rate of the excise tax on each gallon of ethanol blended gasoline classified as E-15 or higher shall be as follows:

Sec. 78. Section 452A.3, subsection 3, paragraph a, subparagraph (1), Code 2022, is amended to read as follows:

(1) Except as otherwise provided in this section and in this subchapter, the rate of the excise tax on each gallon of special fuel for diesel engines of motor vehicles used for any purpose for the privilege of operating motor vehicles in this state, other than biodiesel blended fuel classified as ~~B-11~~ B-20 or higher, is thirty-two and five-tenths cents per gallon.

Sec. 79. Section 452A.3, subsection 3, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2022, is amended to read as follows:

Except as otherwise provided in this section and in this subchapter, this subparagraph shall apply to the excise tax imposed on each gallon of biodiesel blended fuel classified as ~~B-11~~

B-20 or higher used for any purpose for the privilege of operating motor vehicles in this state. On and after July 1, ~~2026~~ 2030, the rate of the excise tax on each gallon of biodiesel blended fuel classified as ~~B-11~~ B-20 or higher is thirty-two and five-tenths cents. Before July 1, ~~2026~~ 2030, the rate of the excise tax on each gallon of biodiesel blended fuel classified as ~~B-20~~ or higher shall be based on the number of gallons of biodiesel blended fuel classified as ~~B-11~~ B-20 or higher that are distributed in this state as expressed as a percentage of the number of gallons of special fuel for diesel engines of motor vehicles distributed in this state, which is referred to as the distribution percentage. The department shall determine the percentage basis for each determination period beginning January 1 and ending December 31 based on data information from the reports filed submitted to the department for filing pursuant to section 452A.33. The rate of the excise tax shall apply for the period beginning July 1 and ending June 30 following the end of the determination period. Before July 1, ~~2026~~ 2030, the rate of the excise tax on each gallon of biodiesel blended fuel classified as ~~B-11~~ B-20 or higher shall be as follows:

Sec. 80. EFFECTIVE DATE. This part of this division of this Act takes effect July 1, 2024.

PART C  
DEDUCTION OF EXCISE TAX IMPOSED ON BIOFUEL  
USED IN BLENDING WITH GASOLINE AND DIESEL FUEL

Sec. 81. Section 452A.8, subsection 2, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) (a) The gallonage of gasoline or diesel fuel withdrawn from a terminal by a licensee to be blended with a biofuel after it is withdrawn from the terminal to the extent the tax rate on the gasoline or diesel fuel exceeds the tax rate which would be due on the ethanol blended gasoline or biodiesel blended fuel pursuant to section 452A.3.

(b) This subparagraph is repealed July 1, 2030.

DIVISION VI  
RENEWABLE FUEL STANDARDS AND CLASSIFICATIONS — PROMOTIONAL  
INITIATIVES APPLIED TO SALES AND USE TAX — REFUND PAID TO BIODIESEL  
PRODUCERS

PART A  
PRINCIPAL PROVISIONS

Sec. 82. Section 423.4, subsection 9, Code 2022, is amended to read as follows:

9. A person who qualifies as a biodiesel producer as provided in this subsection may apply to the director for a refund of the amount of the sales or use tax imposed and paid upon purchases made by the person.

a. The person must be engaged in the manufacturing of biodiesel who has registered with the United States environmental protection agency as a manufacturer according to the requirements in 40 C.F.R. §79.4. The biodiesel must be for use in biodiesel blended fuel in conformance with the standards and classifications in section 214A.2. The person must comply with the requirements of this subsection and rules adopted by the department pursuant to this subsection.

b. The amount of the refund shall be calculated by multiplying a designated rate by the total number of gallons of biodiesel produced by the biodiesel producer in this state during each quarter of a calendar year. The designated rate shall be ~~two~~ four cents.

c. A biodiesel producer shall not be eligible to receive a refund under this subsection on more than twenty-five million gallons of biodiesel produced each calendar year by the biodiesel producer at each facility where the biodiesel producer manufactures biodiesel.

d. A person shall obtain a refund by completing forms furnished by the department and filed by the person on a quarterly basis as required by the department. The department shall refund the amount claimed by the person after subtracting any amount owing from the sales or use taxes imposed and paid upon purchases made by the person.

e. This subsection is repealed on January 1, ~~2025~~ 2028.

Sec. 83. EFFECTIVE DATE. This part of this division of this Act takes effect January 1, 2023.

PART B  
IMPLEMENTATION

Sec. 84. ADMINISTRATIVE RULES. The department of revenue may adopt rules under chapter 17A prior to the effective date of part A of this division of this Act, which rules shall take effect January 1, 2023.

DIVISION VII  
PROMOTIONAL INITIATIVES — RENEWABLE FUEL INFRASTRUCTURE

PART A  
RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR RETAIL MOTOR FUEL SITES

Sec. 85. Section 159A.11, subsection 6, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

6. “*Motor fuel storage and dispensing infrastructure*” or “*infrastructure*” means the same as defined in section 214.1.

Sec. 86. Section 159A.11, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 6A. “*Motor fuel storage tank*” means the same as defined in section 214.1.

Sec. 87. Section 159A.11, subsection 10, Code 2022, is amended by striking the subsection.

Sec. 88. Section 159A.12, Code 2022, is amended to read as follows:

**159A.12 Classification Standards and classifications of motor fuel and renewable fuel.**

For purposes of this subchapter, ethanol blended fuel and biodiesel motor fuel shall be classified in the same manner, including a renewable fuel, must meet the same standards and classifications as provided in section 214A.2.

Sec. 89. Section 159A.13, subsection 6, Code 2022, is amended by striking the subsection.

Sec. 90. Section 159A.14, subsections 1 and 2, Code 2022, are amended to read as follows:

1. The purpose of the program is to improve retail motor fuel sites by installing, replacing, or converting infrastructure to be used to store, blend, or dispense renewable fuel. The infrastructure shall be ethanol infrastructure or biodiesel infrastructure.

a. (1) Ethanol infrastructure shall ~~be designed and used exclusively~~ have the capacity to do any of the following:

(a) ~~Store and dispense E-15 gasoline. At least for the period beginning on September 16 and ending on May 31 of each year, the ethanol infrastructure must be used to store and dispense E-15 gasoline as a registered fuel recognized by the United States environmental protection agency.~~

(~~b~~) Store and dispense E-85 gasoline.

(~~e~~) (b) Store, blend, and dispense motor fuel ethanol or ethanol blended gasoline from a motor fuel blender pump. ~~The ethanol infrastructure must be used for the storage of ethanol or ethanol blended gasoline, or for blending ethanol with gasoline.~~ The ethanol infrastructure must at least include a motor fuel blender pump which that dispenses different classifications of ethanol blended gasoline and allows E-15 gasoline and E-85 gasoline to be dispensed at all times that the blender pump is operating.

(2) Biodiesel infrastructure shall ~~be designed and used exclusively~~ have the capacity to do any of the following:

(a) Store and dispense biodiesel or biodiesel blended fuel classified as B-20 or higher.

(b) ~~Blend or~~ Store, blend, and dispense biodiesel fuel from a motor fuel blender pump. The biodiesel infrastructure must at least include a motor fuel blender pump that

dispenses different classifications of biodiesel blended fuel and allows biodiesel blended fuel classified as B-5 or higher to be dispensed at all times that the blender pump is operating.

b. The infrastructure must be part of the premises of a retail motor fuel site operated by a retail dealer. The infrastructure shall not include a tank vehicle.

2. a. A person may apply to the department to receive financial incentives on a cost-share basis according to procedures required by the department. The department shall accept a timely received application to improve a retail motor fuel site as provided in this section and forward the applications that application to the underground storage tank fund infrastructure board, as required by that the board, for evaluation and recommendation. The underground storage tank fund board may rank the applications with comments and shall forward them to the infrastructure board for its approval or disapproval.

b. The application shall allow the department to determine all of the following:

(1) The tier designation of the retail motor fuel site as provided in subsection 4B.

(2) Whether the retail dealer would be in compliance with the general E-15 access standard or the alternative E-15 access standard as provided in section 214A.32 if that standard were implemented on the date the application was filed.

(3) Whether the person is a retail dealer assigned special status. The department shall assign the person special status if the person does not comply with the E-15 access standard as provided in section 214A.32 and the person is ineligible to be issued an E-15 incompatible infrastructure class 2 waiver order for that retail motor fuel site as provided in section 214A.35, subsection 6.

c. The department shall award financial incentives on a cost-share basis to an eligible person whose application was approved by the infrastructure board.

d. An application shall automatically expire if the application has not been approved or disapproved by the board as provided in this section within twenty-four months after the department files the submitted application.

e. The infrastructure board shall not delay approving an application or financing agreement to install, replace, or convert ethanol infrastructure based on its priority status as provided in subsection 4B.

Sec. 91. Section 159A.14, subsection 3, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The infrastructure board shall approve cost-share financing agreements executed entered into by the department and persons that the infrastructure board determines are eligible as provided in this section, according to terms and conditions required by the infrastructure board. ~~The infrastructure board shall determine the amount of the financial incentives to be awarded to a person participating in the program.~~ In order to be eligible to participate in the program, all of the following must apply:

Sec. 92. Section 159A.14, subsection 3, paragraph b, subparagraph (4), Code 2022, is amended to read as follows:

(4) A statement certifying that the infrastructure shall only be used to comply with the provisions of this section and as specified in the cost-share financing agreement, unless granted a waiver by the infrastructure board pursuant to this section.

Sec. 93. Section 159A.14, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. A financing agreement shall be for a five-year period. The financing agreement shall include provisions for standard financial incentives or standard financial incentives and supplemental financial incentives as provided in this section. The infrastructure board may approve multiple improvements to the same retail motor fuel site for the full amount available for both ethanol infrastructure and biodiesel infrastructure so long as the improvements for ethanol infrastructure and for biodiesel infrastructure are made under separate financing statements.

a. For the term of a financing agreement to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure, the participating person must use the ethanol

infrastructure to store and dispense, or store, blend, and dispense, ethanol blended gasoline classified as E-15 or higher.

b. For the term of a financing agreement to improve a retail motor fuel site by installing, replacing, or converting biodiesel infrastructure, the participating person must use the biodiesel infrastructure to store and dispense, or store, blend, and dispense, biodiesel blended fuel classified as B-5 or higher. However, at least for the period beginning April 1 and ending October 31 of each year, the participating person must use the biodiesel infrastructure to store and dispense, or store, blend, and dispense, biodiesel blended fuel classified as B-11 or higher.

NEW SUBSECTION. 4B. a. The infrastructure board shall award standard financial incentives to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure designated by the department as a tier I site or tier II site. The department's designation shall be based on all of the following:

(1) The total number of retail motor fuel sites that store and dispense gasoline, or store, blend, and dispense gasoline, that are owned or operated in this state by the eligible person on the date of the application.

(2) The retail motor fuel site's average total gasoline gallonage for the qualifying phase that includes the three calendar years immediately prior to the year that the eligible person submitted the application.

(a) Upon request by the department of agriculture and land stewardship, the department of revenue shall certify the average total gasoline gallonage for the retail motor fuel site computed for the qualifying phase. The computation shall be based on site-by-site information for the retail motor fuel site in reports required to be filed for determination periods by the retail dealer with the department of revenue pursuant to chapter 452A, subchapter II. However, if the department of revenue cannot obtain site-by-site information for the retail motor fuel site from such reports, the department of revenue may use other methods, including records maintained by the department of revenue under chapter 422, to compute the retail motor fuel site's gallonage for all or any part of that qualifying phase.

(b) A person who submits an application under this section shall waive the confidentiality of information in the department of revenue's certification identifying the person or retail motor fuel site otherwise applicable under chapter 422 or 452A. The information maintained by the department of agriculture and land stewardship under this section is a confidential record under section 22.7 and shall be used by the department of agriculture and land stewardship and the infrastructure board for the limited purpose of evaluating the eligible person's application for approval and entering into a financing agreement with the participating person. The application shall include a notice of the waiver. The department of agriculture and land stewardship or the infrastructure board shall redact such identifying information in any record otherwise requiring disclosure by that department under chapter 22.

(c) The department of revenue, in cooperation with the department of agriculture and land stewardship, may adopt rules to administer this subparagraph.

b. (1) For a tier I site, all of the following apply:

(a) The eligible person must own or operate a total of ten or fewer of the retail motor fuel sites described in paragraph "a" regardless of their designations.

(b) The eligible person must not have stored and dispensed E-15 gasoline at the retail motor fuel site at any time prior to submitting the application.

(c) The retail motor fuel site's average total gasoline gallonage as certified by the department of revenue as provided in paragraph "a" must not be more than one hundred forty thousand gallons.

(2) The amount of standard financial incentives awarded to improve the tier I site is ninety percent of the actual cost of making the improvement or sixty-three thousand nine hundred dollars, whichever is less.

c. (1) For a tier II site, all of the following apply:

(a) The eligible person must own or operate a total of ten or fewer retail motor fuel sites described in paragraph "a" regardless of their designations.

(b) The eligible person must not have stored and dispensed E-15 gasoline at the retail motor fuel site at any time prior to submitting the application.

(c) The retail motor fuel site's average total gasoline gallonage as certified by the department of revenue as provided in paragraph "a" must be more than one hundred forty thousand gallons but not more than four hundred fifty thousand gallons.

(2) The amount of standard financial incentives awarded to improve the tier II site is seventy-five percent of the actual cost of making the improvements or fifty-three thousand two hundred fifty dollars, whichever is less.

d. The infrastructure board shall award standard financial incentives to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure at a tier III site as designated by the department.

(1) Any retail motor fuel site not designated as a tier I site under paragraph "b" or a tier II site under paragraph "c" shall be designated as a tier III site.

(2) The amount of standard financial incentives awarded to improve the tier III site is seventy percent of the actual cost of making the improvement or fifty thousand dollars, whichever is less.

e. The infrastructure board shall establish a system to rank applications to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure according to an order or priority order as follows:

(1) For the first priority, a retail motor fuel site assigned a special status as provided in subsection 2.

(2) For the second priority, a retail motor fuel site that is a tier I site as provided in this subsection.

(3) For the third priority, a retail motor fuel site that is a tier II site as provided in this subsection.

(4) For the fourth priority, a tier III site as provided in this subsection. Among tier III sites, the infrastructure board shall prioritize a retail motor fuel site that included motor fuel storage and dispensing infrastructure used to store and dispense gasoline prior to January 1, 2023.

**NEW SUBSECTION. 4C.** The amount of standard financial incentives awarded to an eligible person to improve a retail motor fuel site by installing, replacing, or converting biodiesel infrastructure is seventy percent of the actual cost of making the improvement or fifty thousand dollars, whichever is less.

Sec. 94. Section 159A.14, subsection 5, unnumbered paragraph 1, Code 2022, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The department may provide for dedicated financing to an eligible person who receives standard financing under subsection 4B or 4C, subject to all of the following:

Sec. 95. Section 159A.14, subsection 5, paragraph a, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

a. If the department determines that a participating person is assigned special status because the participating person is ineligible to be issued an E-15 incompatible infrastructure class 2 waiver order for the retail motor fuel site as provided in subsection 2, the infrastructure board may approve one or multiple awards of standard financial incentives to make improvements to that retail motor fuel site subject to all of the following:

(1) The total amount of awards shall not be reduced by the amount of any standard or special financial incentives awarded to improve the retail motor fuel site under a prior financing agreement, notwithstanding subsection 4A.

(2) The total amount of awards for ethanol infrastructure under the financing agreement to be entered into by the retail dealer and department shall not exceed the limitations provided in subsection 4B.

Sec. 96. Section 159A.14, subsection 5, paragraph b, Code 2022, is amended to read as follows:

b. In addition to any standard financial incentives awarded to a participating person under paragraph "a", subsections 4B and 4C, the participating person may be awarded supplemental financial incentives to make improvements to a retail motor fuel site to do any of the following:

~~(1) Upgrade or replace a dispenser which is part of gasoline storage and dispensing infrastructure used to store and dispense E-85 gasoline as provided in section 455G.31. The~~

~~participating person is only eligible to be awarded the supplemental financial incentives if the person installed the dispenser not later than sixty days after July 27, 2011. The supplemental financial incentives awarded to the participating person shall not exceed seventy-five percent of the actual cost of making the improvement or thirty thousand dollars, whichever is less.~~

~~(2) To improve additional retail motor fuel sites owned or operated by a participating person within a twelve-month period as provided in the cost-share agreement. The supplemental financial incentives shall be used for the installation of an additional motor fuel storage tank and associated infrastructure at each such retail motor fuel site. A participating person may be awarded supplemental financial incentives under this subparagraph paragraph “b” and standard financial incentives under paragraph “a” subsection 4B or 4C to improve the same retail motor fuel site. The supplemental financial incentives awarded to the participating person shall not exceed twenty-four thousand dollars. The participating person shall be awarded the supplemental financial incentives on a cumulative basis according to the schedule provided in this subparagraph paragraph, which shall not exceed the following:~~

- ~~(a) (1) For the second retail motor fuel site, six thousand dollars.~~
- ~~(b) (2) For the third retail motor fuel site, six thousand dollars.~~
- ~~(c) (3) For the fourth retail motor fuel site, six thousand dollars.~~
- ~~(d) (4) For the fifth retail motor fuel site, six thousand dollars.~~

Sec. 97. Section 159A.14, subsection 6, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A participating person shall not use the infrastructure to store and dispense motor fuel other than the type of renewable fuel approved by the board in the ~~cost-share~~ financing agreement, unless one of the following applies:

Sec. 98. Section 159A.15, subsection 1, Code 2022, is amended to read as follows:

1. A person may apply to the department to receive financial incentives on a cost-share basis. ~~The department shall forward the applications to the underground storage tank fund board as required by that board for evaluation and recommendation. The underground storage tank fund board may rank the applications with comments and shall forward them to the infrastructure board for approval or disapproval.~~ The department shall award financial incentives ~~on a cost-share basis~~ to an eligible person whose application was approved by the infrastructure board.

Sec. 99. EFFECTIVE DATE. This part of this division of this Act takes effect January 1, 2023.

## PART B RULEMAKING

Sec. 100. ADMINISTRATIVE RULES. The department of agriculture and land stewardship shall submit a notice of intended action to the administrative rules coordinator and the Iowa administrative code editor pursuant to section 17A.4, subsection 1, paragraph “a”, not later than July 1, 2022, for the adoption of rules required to implement part A of this division of this Act.

Sec. 101. EFFECTIVE DATE. This part of this division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 17, 2022



## CHAPTER 1068

### MUNICIPAL UTILITY BOARDS — REMOVAL OF MEMBERS

*H.F. 2475*

**AN ACT** providing for the removal of municipal utility board members under specified circumstances and including effective date provisions.

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

Section 1. Section 388.3, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Any person appointed as a board member of a utility board pursuant to this section may be removed from office by the mayor with the unanimous approval of the city council for any of the following reasons:

- a. For any reason enumerated in section 66.1A.
- b. For habitual nonattendance of board meetings.

NEW SUBSECTION. 5. A removal pursuant to this section shall begin with a written notice, sent by certified mail to the board member stating the grounds for removal, with a copy of the notice filed with the city clerk. The board member shall be entitled to a public hearing within thirty days of the mailing of the notice, on all issues connected with the removal, unless the board member requests a later date. After the passage of thirty days or after the public hearing described provided by this subsection, the city council shall vote on whether to approve the removal of the board member.

NEW SUBSECTION. 6. The provisions of this section do not apply to a city with a population of more than two hundred thousand according to the 2020 federal decennial census.

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

Approved May 17, 2022

## CHAPTER 1069

### HEALTH CARE EMPLOYMENT AGENCIES

*H.F. 2521*

**AN ACT** relating to health care employment agencies, and providing penalties.<sup>1</sup>

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

Section 1. NEW SECTION. 135Q.1 Definitions.

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

1. “*Department*” means the department of inspections and appeals.
2. “*Direct services*” means services provided to consumers through person-to-person contact. “*Direct services*” excludes services performed by persons in a health care entity setting that do not involve the provision of any service or treatment to a consumer of a health care entity. “*Direct services*” does not include the practice of medicine and surgery or osteopathic medicine and surgery by an individual licensed under chapter 148 or the practice of nursing by an advanced registered nurse practitioner or an advanced practice registered nurse licensed under chapter 152 or 152E.

<sup>1</sup> See chapter 1153, §49 herein

3. “*Health care employment agency*” or “*agency*” means an agency that contracts with a health care entity in this state to provide agency workers for temporary, temporary-to-hire, direct hire, or other contract or employee placements.

4. “*Health care employment agency worker*” or “*agency worker*” means an individual who contracts with or is employed by a health care employment agency to provide direct services or nursing services to health care entity consumers.

5. “*Health care entity*” means a licensed or certified facility, organization, or agency operated to provide services and supports to meet the health or personal care needs of consumers.

6. “*Managing entity*” means a business entity, owner, ownership group, chief executive officer, program administrator, director, or other decision maker whose responsibilities include directing the management or policies of a health care employment agency. “*Managing entity*” includes an individual who, directly or indirectly, holds a beneficial interest in a corporation, partnership, or other business entity that constitutes a managing entity.

7. “*Nursing services*” means those services which may be provided only by or under the supervision of a nurse. “*Nursing services*” does not include the practice of nursing by an advanced registered nurse practitioner or an advanced practice registered nurse licensed under chapter 152 or 152E.

**Sec. 2. NEW SECTION. 135Q.2 Health care employment agency requirements — registration — liability — penalties.**

1. A health care employment agency operating in the state shall register annually with the department. Each separate location of a health care employment agency shall register annually with and pay an annual registration fee of five hundred dollars to the department. The department shall issue each location a separate certification of registration upon approval of registration and payment of the fee.

2. A health care employment agency shall do all of the following:

a. Ensure that agency workers comply with all applicable requirements relating to the health requirements and qualifications of personnel in health care entity settings.

b. Document that each agency worker meets the minimum licensing, certification, training, and health requirements and the continuing education standards for the agency worker’s position in the health care entity setting.

c. Maintain records for each agency worker and report, file, or otherwise provide any required documentation to external parties or regulators which would otherwise be the responsibility of the health care entity if the agency worker was employed by the health care entity.

d. Maintain professional and general liability insurance coverage with minimum per occurrence coverage of one million dollars and aggregate coverage of three million dollars to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of services by the agency or an agency worker.

3. a. A health care employment agency shall not do any of the following:

(1) Restrict in any manner the employment opportunities of an agency worker by including a non-compete clause in any contract with an agency worker or health care entity.

(2) In any contract with an agency worker or health care entity, require payment of liquidated damages, employment fees, or other compensation if the agency worker is subsequently hired as a permanent employee of the health care entity.

b. Any contract that violates this subsection shall be unenforceable in court.

4. A health care employment agency shall submit a report to the department on a quarterly basis for each health care entity participating in Medicare or Medicaid with whom the agency contracts that includes all of the following by provider type:

a. A detailed list of the average amount charged to the health care entity for each individual agency worker category.

b. A detailed list of the average amount paid by the agency to agency workers in each individual agency worker category.

5. *a.* A health care employment agency that violates subsection 1 or subsection 2 is subject to denial or revocation of registration for a period of one year and a monetary penalty of five hundred dollars for a first offense and five thousand dollars for each offense thereafter.

*b.* A health care employment agency that violates subsection 3 or that knowingly provides an agency worker who has an illegally or fraudulently obtained or issued diploma, registration, license, certification, or background check to a health care entity is subject to immediate revocation of registration. The department shall notify the agency thirty days in advance of the date of such revocation.

*c.* (1) The managing entity of an agency for which registration has been denied or revoked under this subsection shall not be eligible to apply for or be granted registration for another agency during the two-year period following the date of the denial or revocation.

(2) The department shall not approve a new registration or renew an existing registration for any agency for which the managing entity is also the managing entity of an agency for which registration has been denied or revoked during the two-year period in which registration of the violating agency is denied or revoked.

6. The department shall establish a system for members of the public to report complaints against an agency or agency worker. The department shall investigate any complaint received and shall report the department's findings to the complaining party and the agency involved.

Approved May 17, 2022

## CHAPTER 1070

### MOBILE HOMES AND MANUFACTURED HOUSING — LANDLORD AND TENANT LAW — FORCIBLE ENTRY AND DETAINER

*H.F. 2562*

**AN ACT** relating to property law, including mobile homes and manufactured housing, rental agreements, landlord and tenant remedies for retaliation, wrongful failure to provide essential services, rent increases, the sale of manufactured home community or mobile home park, regulation by counties and cities of continuing nonconforming uses of manufactured, modular, and mobile homes, forcible entry and detainer actions, abandoned mobile homes, and including effective date and applicability provisions.

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

#### DIVISION I RETALIATION

Section 1. Section 562B.32, subsection 1, paragraph d, Code 2022, is amended to read as follows:

*d.* For exercising any of the rights and remedies pursuant to this chapter or chapter 216.

Sec. 2. Section 562B.32, subsection 2, Code 2022, is amended to read as follows:

2. If the landlord acts in violation of subsection 1 of this section, the tenant is entitled to the remedies provided in section 562B.24 and has a defense in an action for possession. In an action by or against the tenant, evidence of a complaint within ~~six months~~ one year prior to the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of termination of the rental agreement. For the purpose of this subsection, "*presumption*" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

DIVISION II  
RENTAL AGREEMENTS

Sec. 3. Section 562B.7, subsection 10, Code 2022, is amended to read as follows:

10. "Rent" means a payment to be made to the landlord under the rental agreement, including base rent, utilities, late fees, and other payments made by the tenant to the landlord under the rental agreement.

Sec. 4. Section 562B.10, subsection 5, Code 2022, is amended to read as follows:

5. Rental agreements shall be for a term of one year unless otherwise specified in the rental agreement. Rental agreements shall be canceled by at least ~~sixty~~ ninety days' written notice given by either party. A landlord shall not cancel a rental agreement solely for the purpose of making the tenant's mobile home space available for another mobile home.

Sec. 5. Section 562B.14, subsection 7, Code 2022, is amended to read as follows:

7. Each tenant shall be notified, in writing, of any rent increase at least ~~sixty~~ ninety days before the effective date. Such effective date shall not be sooner than the expiration date of the original rental agreement or any renewal or extension thereof.

Sec. 6. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. APPLICABILITY. This division of this Act applies to rent increases first noticed under chapter 562B occurring on or after the effective date of this division of this Act.

DIVISION III  
DISCLOSURE OF UTILITY CHARGES

Sec. 8. Section 562B.14, subsection 6, Code 2022, is amended to read as follows:

6. a. The landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall provide a written explanation of utility rates, charges and services to the prospective tenant before the rental agreement is signed unless the utility charges are paid by the tenant directly to the utility company.

b. Tenants shall be notified of any increase in utility rates or charges in the manner set forth in subsection 7 for rent increases, unless the landlord does not receive at least ninety days prior notice of such increase from the utility provider, in which case no prior notice of the increase from the landlord to the tenant is required for the increase to be effective.

c. Nothing in this chapter shall authorize a landlord to meter a premises contrary to applicable law, rule, or tariff, or assess a utility charge to the tenant contrary to applicable law, rule, or tariff.

DIVISION IV  
WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES

Sec. 9. NEW SECTION. 562B.23A Wrongful failure to supply running water or essential services.

1. If contrary to the rental agreement or section 562B.16 the landlord deliberately or negligently fails to supply running water or other essential services, the tenant may give written notice to the landlord specifying the breach and may do one of the following:

a. Procure reasonable amounts of water or other essential services during the period of the landlord's noncompliance and deduct the actual and reasonable cost from the rent.

b. Recover damages based upon the diminution in the fair market value of the mobile home space.

c. Recover any rent already paid for the period of the landlord's noncompliance which shall be reimbursed on a pro rata basis.

2. If the tenant proceeds under this section, the tenant may not proceed under section 562B.22 as to that breach.

3. The rights under this section do not arise until the tenant has given notice to the landlord or if the condition was caused by the deliberate or negligent act or omission of the tenant, a member of the tenant's family, or other person on the premises with the consent of the tenant.

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

DIVISION V  
DENIAL OF RENTAL OR REFUSAL OF SALE

Sec. 11. Section 562B.19, subsection 3, paragraph c, Code 2022, is amended to read as follows:

c. Deny any resident of a manufactured home community or mobile home park the right to sell that person's mobile home at a price of the person's own choosing, but may reserve the right to approve the purchaser of such mobile home as a tenant but such permission may not be unreasonably withheld, provided however, that the landlord may, in the event of a sale to a third party, in order to upgrade the quality of the manufactured home community or mobile home park, require that any mobile home in a rundown condition or in disrepair be removed from the manufactured home community or park within sixty days. If the landlord does not approve the purchaser as a tenant, the landlord shall provide the purchaser with written notice of such denial and the general reason for the denial, but the landlord shall not be required to provide a specific reason for the denial.

DIVISION VI  
PROHIBITED RENTAL AGREEMENT PROVISION — HOME EQUIPMENT

Sec. 12. Section 562B.11, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Agrees to modify the mobile home, manufactured home, or modular home in a way that would substantially impair the ability of the tenant to move the home from the mobile home space, unless such modification is required by federal law, including but not limited to the model manufactured home installation standards, 24 C.F.R. pt. 3285, the manufactured home construction and safety standards, 24 C.F.R. pt. 3280, or the manufactured home procedural and enforcement regulations, 24 C.F.R. pt. 3282, or by state or local law, the manufacturer's installation instructions, any requirement arising from the landlord's financing of the home or of the mobile home park or manufactured home community in which the home is located, or unless such modification is otherwise necessary for the safe and proper installation of the home.

DIVISION VII  
LANDLORD SALES

Sec. 13. NEW SECTION. 562B.17A Sale of mobile home by landlord.

1. Any sale of a mobile home located in a manufactured home community or mobile home park by a landlord or landlord's agent shall be by written agreement and the landlord shall, upon the buyer's fulfillment of all payment and other terms under the agreement, produce and assign the current certificate of title obtained from the department of transportation. The agreement shall state the basic terms of sale, including the total cost of the mobile home, and, in the case of an installment contract, finance charges, annual percentage rate, and the frequency and amount of each installment payment.

2. If such sale does not comply with this section, the court may award monetary or equitable relief, including voiding the sale, and the buyer may recover damages incurred, amounts paid as a rental deposit in excess of two months' rent, and reasonable attorney fees.

3. A claim under subsection 2 may be combined with an action under chapter 648.

Sec. 14. Section 648.19, subsection 1, Code 2022, is amended to read as follows:

1. An action under this chapter shall not be filed in connection with any other action, with the exception of a claim for rent or recovery as provided in section 555B.3, 562A.24, 562A.32, 562B.17A, 562B.22, 562B.25, or 562B.27, nor shall it be made the subject of counterclaim.

#### DIVISION VIII

#### SALE OF MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

Sec. 15. NEW SECTION. 562B.16A Sale of manufactured home community or mobile home park — notices.

Upon termination of the landlord's interest in the manufactured home community or mobile home park, the landlord's successor in interest shall have the same legal obligations, rights, and remedies of the landlord, including with respect to all rental agreements.

Sec. 16. APPLICABILITY. This division of this Act applies to manufactured home community or mobile home park sale transactions made on or after the effective date of this division of this Act.

#### DIVISION IX

#### REGULATION BY COUNTIES AND CITIES — CONTINUING NONCONFORMING USES

Sec. 17. Section 335.3, subsection 2, Code 2022, is amended to read as follows:

2. a. When Except as provided in paragraph "b", when there is a replacement of a preexisting manufactured, modular, or mobile home with another any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the board of supervisors shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home unless any of the following apply:, home site upon which the home sat, or the owner's property.

b. Paragraph "a" does not apply if any of the following conditions exist:

a. (1) A discontinuance is necessary for The replacement of the preexisting home with the replacement home would substantially increase the risk to the safety of life or property.

b. (2) The property owner has discontinued and abandoned the nonconforming use has been discontinued for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year. For purposes of this subparagraph, circumstances outside the control of the property owner include floods, fires, destructive thunderstorm events such as derechos and tornadoes, and similar catastrophic events causing widespread or localized severe property damage. For purposes of this subparagraph, a property owner shall not be considered to have discontinued and abandoned the nonconforming use if the property owner demonstrates that the applicable home site continues to be available for use as a home site for a replacement home.

e. (3) The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

d. (4) The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

Sec. 18. Section 414.1, subsection 1, paragraph c, Code 2022, is amended to read as follows:

c. (1) When Except when provided in subparagraph (2), when there is a replacement of a preexisting manufactured, modular, or mobile home with another any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a

replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the city shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home unless any of the following apply: home site upon which the home sat, or the owner's property.

(2) Subparagraph (1) does not apply if any of the following conditions exist:

(1) ~~(a) A discontinuance is necessary for~~ The replacement of the preexisting home with the replacement home would substantially increase the risk to the safety of life or property.

~~(2) (b) The property owner has discontinued and abandoned the nonconforming use has been discontinued~~ for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year. For purposes of this subparagraph division, circumstances outside the control of the property owner include floods, fires, destructive thunderstorm events such as derechos and tornadoes, and similar catastrophic events causing widespread or localized severe property damage. For purposes of this subparagraph division, a property owner shall not be considered to have discontinued and abandoned the nonconforming use if the property owner demonstrates that the applicable home site continues to be available for use as a home site for a replacement home.

~~(3) (c) The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.~~

(4) ~~(d) The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.~~

#### DIVISION X FORCIBLE ENTRY AND DETAINER

Sec. 19. Section 648.5, subsections 1 and 3, Code 2022, are amended to read as follows:

1. a. An action for forcible entry and detainer shall be brought in a county where all or part of the premises is located. Such an action shall be tried as an equitable action. Upon receipt of the petition, the court shall set a date, time, and place for hearing. The court shall set the date of hearing no later than eight days from the filing date, except that the court shall set a later hearing date no later than fifteen days from the date of filing if the plaintiff requests or consents to the later date of hearing.

b. The requirement regarding the setting of the initial hearing in paragraph "a" is not a jurisdictional requirement and does not affect the court's subject matter jurisdiction to hear the action for forcible entry and detainer.

3. Service of original notice by mail is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the original notice. In computing the time for completion of service, the first day shall be excluded and the final day shall be included regardless of whether the fourth day is a Saturday, Sunday, or federal holiday.

#### DIVISION XI ABANDONED MOBILE HOMES

Sec. 20. Section 555B.3, Code 2022, is amended to read as follows:

**555B.3 Action for abandonment — jurisdiction.**

A real property owner not requesting notification by the sheriff as provided in section 555B.2 may bring an action alleging abandonment in the court within the county where the real property is located ~~provided that there is no lien on the mobile home or personal property other than a tax lien pursuant to chapter 435.~~ The action shall be tried as an equitable action. Unless commenced as a small claim, the petition shall be presented to a district judge. Upon receipt of the petition, either the court or the clerk of the district court shall set a date for

a hearing not later than fourteen days from the date of the receipt of the petition, except where there is a lien on the mobile home or personal property other than a tax lien, the court or the clerk of the district court shall set a date for a hearing no sooner than twenty-five days from the date of the receipt of the petition so as to allow for service on the lienholder.

Sec. 21. Section 555B.4, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If a lien other than a tax lien exists on the mobile home or personal property at the time an action for abandonment is initiated, the personal service pursuant to the Iowa rules of civil procedure shall be made upon the lienholder no less than twenty days before the hearing. The notice to the lienholder shall describe the mobile home and shall state the docket, case number, date, and time at which the hearing is scheduled, and the lienholder's right to assert a claim to the mobile home at the hearing. The notice shall state that failure to assert a claim to the mobile home within the judicial proceedings is deemed a waiver of all rights, title, claims, and interest in the mobile home and deemed to be consent to the sale or disposal of the mobile home. If personal service cannot be completed in time to give the lienholder the minimum notice required by this subsection, the court may set a new hearing date.

NEW SUBSECTION. 5. In the event a tenant who was sole owner of a mobile home dies during the term of the rental agreement resulting in the mobile home being abandoned, service shall be made in accordance with section 562B.10, subsection 7.

Sec. 22. Section 555B.8, subsections 2 and 3, Code 2022, are amended to read as follows:

2. If Except as otherwise ordered by the court, if the mobile home owner or other claimant asserts a claim to the property, the judgment shall be satisfied before the mobile home owner or other claimant may take possession of the mobile home or personal property.

3. If no claim is asserted to the mobile home or personal property or if the judgment is not satisfied at the time of entry, an order shall be entered allowing the real property owner to sell or otherwise dispose of the mobile home and personal property pursuant to section 555B.9. If Except as otherwise ordered by the court, if a claimant satisfies the judgment at the time of entry, the court shall enter an order permitting and directing the claimant to remove the mobile home or personal property from its location within a reasonable time to be fixed by the court. The court shall also determine the amount of further rent or storage charges to be paid by the claimant to the real property owner at the time of removal.

Sec. 23. Section 555B.9, subsections 1, 2, and 4, Code 2022, are amended to read as follows:

1. Pursuant to an order for disposal under section 555B.8, subsection 3, the real property owner shall dispose of the mobile home and personal property by public or private sale in a commercially reasonable manner. If the personal property owner, lienholder, or other claimant has asserted a claim to the mobile home or personal property within the judicial proceedings, that person shall be notified of the sale by restricted certified mail not less than five days before the sale. The notice is deemed given upon the mailing. The real property owner may buy at any public sale, and if the mobile home or personal property is of a type customarily sold in a recognized market or is the subject of widely distributed standard price quotations, the real property owner may buy at a private sale.

2. A sale pursuant to subsection 1 transfers to the purchaser for value, all of the mobile home owner's rights in the mobile home and personal property, and discharges the real property owner's interest in the mobile home and personal property, and any tax lien, and any other lien. The purchaser takes free of all rights and interests even though the real property owner fails to comply with the requirements of this chapter or of any judicial proceedings, if the purchaser acts in good faith.

4. Notwithstanding subsections 1 through 3, the real property owner may propose to retain the mobile home and personal property in satisfaction of the judgment obtained pursuant to section 555B.8. Written notice of the proposal shall be sent to the mobile home owner, lienholder, or other claimant, if that person has asserted a claim to the mobile home or personal property in the judicial proceedings. If the real property owner receives objection in writing from the mobile home owner, lienholder, or other claimant within twenty-one



days after the notice was sent, the real property owner shall dispose of the mobile home and personal property pursuant to subsection 1. If no written objection is received by the real property owner within twenty-one days after the notice was sent, the mobile home and personal property may be retained. Retention of the mobile home and personal property discharges the judgment of the real property owner, ~~and any tax lien, and any other lien.~~

Sec. 24. Section 555B.9, subsection 3, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. Third, to satisfy any other lien for which a claim was asserted pursuant to section 555B.4, subsection 4.

Sec. 25. Section 562B.10, subsection 7, Code 2022, is amended to read as follows:

7. a. If a tenant who was sole owner of a mobile home dies during the term of a rental agreement then that person's heirs at law or legal the personal representative of the decedent's estate, or the landlord shall have the right to cancel the tenant's lease by giving sixty days' written notice to the person's heirs at law or legal the personal representative of the decedent's estate, or to the landlord, whichever is appropriate, and the heirs at law or the legal personal representative of the decedent's estate, shall have the same rights, privileges and liabilities of the original tenant, provided that such heirs at law and personal representative of the estate shall not have the right to occupy or otherwise use the home or mobile home space as a tenant unless approved by the landlord as a tenant. In the event the landlord, after such a written notice is given and the tenant's lease is canceled, brings an action for forcible entry and detainer or action for abandonment, the estate of the tenant and the person's located heirs at law or personal representative shall be named as defendants in the action. The landlord may serve notice upon such defendants pursuant to the method set forth in section 562B.27A, subsection 1, paragraph "c", or by mailing notice by both regular mail and certified mail, as defined in section 618.15, to the defendant's last known address.

b. (1) If a tenant who was sole owner of a mobile home dies during the term of a rental agreement resulting in the mobile home being abandoned as provided in section 562B.27, subsection 1, and the landlord cannot, despite due diligence, locate such a tenant's heirs at law or personal representative, then the landlord may bring an action for abandonment as provided in section 555B.3, naming as defendants the estate of the tenant and all unknown heirs at law of the tenant, and, upon the landlord's filing of an affidavit that personal service cannot be had on any heirs at law, personal representative, or estate of the tenant, the court shall permit original notice of such action to be served by publication pursuant to subparagraph (2).

(2) Publication of original notice shall be made once each week for three consecutive weeks in a newspaper of general circulation published in the county where the petition is filed, pursuant to the Iowa rules of civil procedure. Service is complete after the third consecutive weekly publication.

(3) In the event any tax lien or other liens exist on the mobile home, the landlord may proceed with an action for abandonment as provided in section 555B.3, except that the notice shall be provided to the county treasurer as provided in section 555B.4, subsection 3, if a tax lien exists, and personal service pursuant to the Iowa rules of civil procedure shall be made upon any lienholder no less than twenty days before the hearing. Any notice to a lienholder shall state that failure to assert a claim to the mobile home is deemed a waiver of all rights, title, claims, and interest in the mobile home and is deemed consent to the sale or disposal of the mobile home. If personal service upon the lienholder cannot be completed in time to give the lienholder the minimum notice required by this subsection, the court may set a new hearing date.

Approved May 17, 2022

**CHAPTER 1071****MENTAL HEALTH, SUBSTANCE-RELATED DISORDER, OR HOUSING CRISES — CRISIS INTERVENTION REPORTS — AUTHORITY TO DETAIN***S.F. 513*

**AN ACT** relating to persons experiencing a mental health crisis, substance-related disorder crisis, or housing crisis.

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

Section 1. Section 22.7, Code 2022, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 5A. *a.* A crisis intervention report generated by a law enforcement agency regarding a person experiencing a mental health crisis, substance-related disorder crisis, or housing crisis, when the report is generated for the specific purpose of providing crisis intervention information to assist peace officers under any of the following circumstances:

(1) De-escalating conflicts.

(2) Referring a person experiencing a mental health crisis, substance-related disorder crisis, or housing crisis to a mental health treatment provider, substance-related disorder treatment provider, homeless service provider, or any other appropriate service provider.

*b.* A crisis intervention report generated for the purposes of this subsection shall be made available to the person who is the subject of the report upon the request of the person who is the subject of the report, and may be provided to a mental health treatment provider, substance-related disorder treatment provider, homeless service provider, or any other appropriate service provider in connection with a referral for services.

*c.* Crisis intervention reports generated for the purposes of this subsection are not peace officers' investigative reports under subsection 5.

*d.* Notwithstanding other provisions of this subsection, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this subsection, except where disclosure would pose a clear and present danger to the safety of the person subject to the crisis intervention report or the safety of others.

*e.* For the purposes of this subsection:

(1) "*Crisis intervention report*" or "*report*" means a report generated by a law enforcement agency using a prescribed form created by the department of justice to record the following information relevant to assess the nature of a crisis:

(a) Any biological or chemical causes of the crisis.

(b) Any observed demeanors and behaviors of the person experiencing the crisis.

(c) Persons notified in relation to the crisis.

(d) Whether suicide or injuries occurred in relation to the crisis and the extent of those injuries.

(e) Whether weapons were involved in the crisis and a description of the weapon.

(f) The disposition of the crisis intervention and any crime committed.

(2) "*Housing crisis*" means a situation where a person is experiencing homelessness, a lack of adequate or safe housing, or is in imminent danger of homelessness or lack of adequate or safe housing.

Sec. 2. Section 125.2, Code 2022, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 11A. "*Magistrate*" means the same as defined in section 801.4, subsection 10.

Sec. 3. Section 125.91, subsection 2, Code 2022, is amended to read as follows:

2. *a.* A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph "*b*" or "*c*". Such a person with a substance-related disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress

or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the attending physician and surgeon or osteopathic physician and surgeon may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the attending physician and surgeon or osteopathic physician and surgeon. If the person is a peace officer, the peace officer may do so either in person or by written report.

b. If the attending physician and surgeon or osteopathic physician and surgeon has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the facility shall have the authority to detain the person for a period of no longer than twelve hours. Within twelve hours of detaining a person pursuant to this section, the attending physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10.

c. ~~The~~ Once contacted pursuant to paragraph "b", the magistrate shall, based upon the circumstances described by the attending physician and surgeon or osteopathic physician and surgeon, give the attending physician and surgeon or osteopathic physician and surgeon oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. d. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a person with a substance-related disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the attending physician and surgeon or osteopathic physician and surgeon at the facility to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

Sec. 4. Section 229.1, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "Magistrate" means the same as defined in section 801.4, subsection 10.

Sec. 5. Section 229.22, subsection 2, paragraph a, subparagraphs (4) and (5), Code 2022, are amended to read as follows:

(4) (a) If the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the facility shall have the authority to detain the person for a period of no longer than twelve hours. Within twelve hours of detaining a person pursuant to this section, the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10.

~~(5)~~ (b) ~~The~~ Once contacted pursuant to subparagraph division (a), the magistrate shall, based upon the circumstances described by the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner, give the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner oral instructions either directing that the person be released forthwith or authorizing the person's detention in an appropriate facility. A peace officer from the law

enforcement agency that took the person into custody, if available, during the communication with the magistrate, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any oral or written order issued under this subsection require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

Sec. 6. Section 331.910, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. A region may contract with a receiving agency in a bordering state to secure substance abuse or mental health care and treatment under this subsection for persons who receive substance abuse or mental health care and treatment pursuant to section 125.33 ~~or~~, 125.91, 229.2, or 229.22 through a region.

Sec. 7. Section 331.910, subsection 4, paragraphs a and b, Code 2022, are amended to read as follows:

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75 ~~or~~, 125.91, 229.6, or 229.22 may be civilly committed and treated in another state pursuant to a contract under this subsection.

b. A person who is detained, committed, or placed on an involuntary basis under the civil commitment laws of a bordering state substantially similar to section 125.75 ~~or~~, 125.91, 229.6, or 229.22 may be civilly committed and treated in this state pursuant to a contract under this subsection.

Approved May 23, 2022

## CHAPTER 1072

### ANIMALS USED IN QUALIFIED RESEARCH FACILITIES — ADOPTION PROGRAM

S.F. 2260

**AN ACT** providing for the adoption of certain animals confined by research facilities.

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

Section 1. **NEW SECTION. 162.10 Qualified research facilities — adoption program.**

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

a. “*Animal rescue organization*” means a person other than an animal shelter operating on a nonprofit basis to place unwanted, abandoned, abused, or stray dogs or cats in permanent adopted homes as provided by rules adopted by the department.

b. (1) “*Qualified research facility*” means a research facility, including but not limited to a regents institution, that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose; and that receives moneys from the state or federal government.

(2) “*Qualified research facility*” includes a research facility that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose, in collaboration with a research facility described in subparagraph (1).

c. “*Retired animal*” means a dog or cat confined at a qualified research facility, if the dog or cat has been previously used for research, education, testing, or another scientific purpose; and the dog or cat is no longer required to be confined by the qualified research facility for any of those purposes.

2. A qualified research facility shall establish an adoption program for retired animals confined at the qualified research facility for placement in a permanent adoptive home. In order to be eligible for adoption under the program, the retired animal must have no

substantial medical condition, and pose no safety risk to the public, that would prevent the dog's or cat's successful integration into a permanent adoptive home.

3. Once a dog or cat becomes a retired animal and is eligible for adoption under the adoption program, the qualified research facility must do at least one of the following:

a. Offer to transfer ownership and custody of the retired animal to an animal shelter or animal rescue organization to facilitate the transfer of ownership and custody of the retired animal to a person for placement into the person's permanent adoptive home. A qualified research facility must enter into an agreement with one or more animal shelters or animal rescue organizations electing to participate in the program.

b. Offer to transfer ownership and custody of the retired animal to a person for private placement in the person's permanent adoptive home according to an arrangement agreed to by the qualified research facility and the person.

Approved May 23, 2022

## CHAPTER 1073

### LOCAL EMERGENCY MANAGEMENT COMMISSIONS — 911 SERVICE DUTIES

S.F. 2298

**AN ACT** authorizing a local emergency management commission to assume the duties of a joint 911 service board.

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

Section 1. Section 29C.9, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION.** 9A. The commission shall, if agreed to by a two-thirds majority of the commission and a two-thirds majority of the joint 911 service board, be responsible for the activities of a joint 911 service board if substituted for a joint 911 service board pursuant to section 34A.3, subsection 3A.

Sec. 2. Section 34A.3, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION.** 3A. *Local emergency management commission — alternative to 911 service board.*

a. Subject to section 29C.9, subsection 9A, a local emergency management commission may be substituted for the joint 911 service board required under subsection 1 by the board of supervisors of the county in which the joint 911 service board is maintained.

b. A commission shall have all of the powers of a joint 911 service board if a commission is substituted for the joint 911 service board pursuant to paragraph "a".

c. As used in this chapter, "joint 911 service board" includes a commission if a commission is substituted for the joint 911 service board pursuant to paragraph "a".

Approved May 23, 2022

**CHAPTER 1074****INVENTORY OF LANDS MANAGED OR OWNED BY THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY CONSERVATION BOARDS***S.F. 2323*

**AN ACT** relating to the inventory of lands managed or owned by the department of natural resources or a county conservation board, and including applicability provisions.

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

Section 1. 2018 Iowa Acts, chapter 1172, section 44, subsection 1, is amended to read as follows:

1. a. By December 1, 2018, the department of natural resources shall submit a report to the general assembly including all financial assistance provided to private entities for the acquisition of land and an inventory of all land managed or owned on behalf of the state by the department.

b. The department shall maintain the inventory created in paragraph "a" on the department's internet site and update the inventory within sixty days of the department acquiring new property or acquiring a management interest in any property. The department shall also update the inventory within sixty days of receiving a report of a county conservation board's acquisition of property as required under paragraph "c". The inventory shall include the common name, county, acres acquired, seller, year of acquisition, price paid, federal moneys used, state moneys used, county moneys used, and the manager of all land owned or managed by the department or by a county conservation board.

c. Each county conservation board shall regularly submit to the department in a manner determined by the department and consistent with section 350.4, subsection 3, an inventory of all land owned or managed by the respective county conservation board.

Sec. 2. **APPLICABILITY.** The requirement for the inventory maintained pursuant to this 2022 Iowa Act to include the price paid or the seller of land owned or managed by a county conservation board shall not apply to land acquired by a county conservation board prior to the effective date of this 2022 Iowa Act.

Approved May 23, 2022

**CHAPTER 1075****ASSESSMENT AND TAXATION OF WIND ENERGY CONVERSION PROPERTY***S.F. 2366*

**AN ACT** relating to the assessment and taxation of wind energy conversion property and including effective date, applicability, and retroactive applicability provisions.

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

Section 1. Section 427B.26, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. If in the opinion of the city council or the county board of supervisors continuation of the special valuation provided under this section ceases to be of benefit to the city or county, the city council or the county board of supervisors may repeal the ordinance authorized by this subsection. Property specially valued under this section prior to repeal of the ordinance shall continue to be valued under this section until the end of the nineteenth assessment year following the assessment year in which the property was first assessed. Following repeal of the ordinance and conclusion of the applicable nineteen-year period, the wind energy

conversion property shall be subject to assessment and taxation under chapter 437A, section 441.21, subsection 8, paragraphs “b”, “c”, and “d”, or sections 428.24 through 428.26, 428.28, and 428.29, as applicable.

Sec. 2. Section 427B.26, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

In lieu of the valuation and assessment provisions in chapter 437A, section 441.21, subsection 8, paragraphs “b”, “c”, and “d”, and sections 428.24 through 428.26, 428.28, and 428.29, as applicable, 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. 3. Section 427B.26, subsections 3 and 4, Code 2022, are amended to read as follows:

3. a. 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 chapter 437A, section 441.21, subsection 8, paragraphs “b”, “c”, and “d”, and sections 428.24 through 428.26, 428.28, and 428.29, as applicable.

b. Maintaining, refurbishing, or repowering wind energy conversion property shall not cause the wind energy conversion property to receive a new assessment schedule under subsection 2.

4. For purposes of this section:

a. “Collector substation” means an electrical substation designed to collect energy from multiple electricity-generating sources.

a. b. “Net acquisition cost” means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment. However, except in the case of a clerical error, an adjustment shall not be made after the third year the wind energy conversion property is assessed.

c. “Repowering” means the removal and replacement of components of wind energy conversion property.

b. d. “Wind energy conversion property” means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and collector substation.

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

Sec. 5. RETROACTIVE APPLICABILITY. Except for section 427B.26, subsection 3, paragraph “b”, as enacted in this Act, this Act applies retroactively to assessment years beginning on or after January 1, 2022.

Sec. 6. APPLICABILITY. Section 427B.26, subsection 3, paragraph “b”, as enacted in this Act, applies to assessment schedules commenced under section 427B.26, subsection 2, on or after the effective date of this Act.

Approved May 23, 2022

**CHAPTER 1076****VEHICLES OF EXCESSIVE SIZE AND WEIGHT — ALL-SYSTEMS PERMITS — USE OF FUNDS***S.F. 2376*

**AN ACT** relating to annual all-systems permits issued by the department of transportation for vehicles of excessive weight, and including effective date provisions.

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

Section 1. Section 312.2, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 18. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation seventy-five percent of the moneys deposited in the fund pursuant to section 321E.14, subsection 1, paragraph “0j”. The department shall distribute such moneys to counties having jurisdiction over secondary roads on which vehicles issued a permit pursuant to section 321E.8, subsection 1A, are authorized to operate, which moneys shall be used to inspect, maintain, repair, or construct bridges on the county’s secondary roads. The department shall adopt rules pursuant to chapter 17A governing the distribution of moneys in accordance with this subsection.

Sec. 2. Section 321E.2, subsections 1 and 4, Code 2022, are amended to read as follows:

1. The department and local authorities may in their discretion and upon application and with good cause shown issue permits for the movement of special mobile equipment being temporarily moved on streets, roads, or highways and for vehicles with indivisible loads, or divisible loads where expressly authorized under this chapter, which exceed the maximum dimensions and weights specified in sections 321.452 through 321.466, but not to exceed the limitations imposed in this section and sections 321E.3 through 321E.15 except as provided in section 321E.29.

4. When in the judgment of the permit-issuing authority the movement of a vehicle with an indivisible or divisible load or special mobile equipment which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to infrastructure or other public or private property, the permit shall be denied and the reasons for denial endorsed on the application. Permits shall designate the days when and routes upon which loads and special mobile equipment may be moved within a county on other than primary roads.

Sec. 3. Section 321E.3, subsection 1, Code 2022, is amended to read as follows:

1. a. Permits issued under this chapter shall be issued by the authority responsible for the maintenance of the system of highways or streets. However, the department may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system.

b. The department may issue ~~an all-systems permit~~ permits under section 321E.8 which is are valid for movements on all highways or streets under the jurisdiction of either the state, except the interstate road system if prohibited under section 321E.8, or those local authorities that have indicated to the department in writing, including by means of electronic communication, those streets or highways for which an all-systems permit is not valid.

Sec. 4. Section 321E.8, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Vehicles with indivisible or divisible loads having an overall width not to exceed the width authorized under section 321.454, an overall length not to exceed the length authorized under section 321.457, an overall height not to exceed the height authorized under section 321.456, and a total gross weight not to exceed the gross weight authorized under section 321.463 by more than twelve percent, may operate under an all-systems permit and shall obtain route approval from the department. Permitted vehicles under this subsection with a gross weight exceeding eighty thousand pounds shall not be allowed to travel on any portion of the interstate road system.



Sec. 5. Section 321E.14, subsection 1, paragraph i, Code 2022, is amended to read as follows:

i. One hundred sixty dollars for an annual all-systems permit issued pursuant to section 321E.8, subsection 1, which shall be deposited in the road use tax fund.

Sec. 6. Section 321E.14, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0j. Five hundred dollars for an annual all-systems permit issued pursuant to section 321E.8, subsection 1A, which shall be deposited in the road use tax fund.

Sec. 7. PERMITS — COUNTY AUTHORIZATION AND INDICATION TO DEPARTMENT OF TRANSPORTATION. On or before July 1, 2025, every county shall authorize vehicles issued a permit under section 321E.8, subsection 1A, as enacted in this Act, to operate on certain secondary roads and indicate to the department of transportation in writing, including by means of electronic communication, those secondary roads for which a permit under section 321E.8, subsection 1A, as enacted in this Act, is not valid, as described in section 321E.3, as amended in this Act.

Sec. 8. EFFECTIVE DATE. This Act takes effect January 1, 2023.

Approved May 23, 2022

## CHAPTER 1077

### REDISSEMINATION OF INFORMATION BY CRIMINAL OR JUVENILE JUSTICE AGENCIES — MISSING PERSONS CASES — PHOTOGRAPHS OR DIGITAL IMAGES

H.F. 2123

**AN ACT** authorizing a criminal or juvenile justice agency to redisseminate driver's license photos in missing persons cases, and including effective date provisions.

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

Section 1. Section 692.3, Code 2022, is amended to read as follows:

#### **692.3 Redissemination of arrest data and other information.**

1. A criminal or juvenile justice agency may redisseminate arrest data, and the name, photograph, physical description, and other identifying information, concerning a person who is wanted or being sought if a warrant for the arrest of that person has been issued. Information relating to any threat the person may pose to the public may also be redisseminated. ~~The information may be redisseminated through any written, audio, or visual means utilized by a criminal or juvenile justice agency.~~ Any redissemination of information pursuant to this section subsection shall also include the statement provided in section 692.2, subsection 1, paragraph "b", subparagraph (5).

2. A criminal or juvenile justice agency may redisseminate personal information that is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph obtained from the department of transportation in accordance with section 321.11 of any of the following persons:

a. A missing person, as defined in section 694.1.

b. A person identified in a missing person report involving an unemancipated minor and there are reasonable grounds to suspect that the person is involved with the minor's disappearance.

3. The information described in this section may be redisseminated through any written, audio, or visual means utilized by a criminal or juvenile justice agency.

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

Approved May 23, 2022

## CHAPTER 1078

### MESSAGE THERAPY — CONTINUING EDUCATION — CHILD AND DEPENDENT ADULT ABUSE REPORTING

H.F. 2168

**AN ACT** relating to massage therapy, including child and dependent adult abuse reporting and continuing education requirements, and making penalties applicable.

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

Section 1. Section 152C.3, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. (1) Requirements regarding completion of at least twelve hours of continuing education annually regarding subjects concerning massage and related techniques or the health and safety of the public, subject to reduction by the board if, after public notice and hearing, the board determines that the welfare of the public may be adequately protected with fewer hours.

(2) The board shall allow a licensed massage therapist to include each hour of completed training required pursuant to sections 232.69 and 235B.16 toward the annual continuing education requirement.

Sec. 2. Section 232.69, subsection 1, paragraph b, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) A massage therapist licensed pursuant to chapter 152C.

Sec. 3. Section 235B.3, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. A massage therapist licensed pursuant to chapter 152C.

Approved May 23, 2022

## CHAPTER 1079

### MEDICAID — RELEASE OF NURSING FACILITY REIMBURSEMENT RATES

H.F. 2171

**AN ACT** relating to the release of nursing facility reimbursement rates under the Medicaid program.

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

Section 1. NURSING FACILITY MEDICAID REIMBURSEMENT RATE RELEASE. Notwithstanding any provision of law to the contrary, the department of human services may release nursing facility rates prior to receiving approval of a state plan amendment from the centers for Medicare and Medicaid services of the United States department of health and human services (CMS) to reduce retrospective rate processing.

The department may retroactively adjust or modify nursing facility rates released prior to receipt of federal approval and may retroactively reconcile payments based on such rates as necessary to reflect any differences between the rates submitted and the rates actually approved by CMS and to align the rates with available funding.

Approved May 23, 2022

## CHAPTER 1080

### PERSONS WITH DISABILITIES SPECIAL REGISTRATION PLATES AND PARKING PERMITS — STATEMENT OF DISABILITY — OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND OUT-OF-STATE MEDICAL PROFESSIONALS

*H.F. 2259*

**AN ACT** authorizing licensed occupational therapists, licensed physical therapists, and certain medical professionals licensed in other states to provide a statement for purposes of persons with disabilities special registration plates or parking permits, and making penalties applicable.

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

Section 1. Section 321.34, subsection 14, Code 2022, is amended to read as follows:

14. *Persons with disabilities special plates.* An owner referred to in subsection 12 or an owner of a trailer used to transport a wheelchair who is a person with a disability, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a person with a disability, as defined in section 321L.1, may, upon written application to the department, order special registration plates with a persons with disabilities processed emblem designed by the department bearing the international symbol of accessibility. The special registration plates with a persons with disabilities processed emblem shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, ~~or~~ a chiropractor licensed under chapter 151, an occupational therapist licensed under chapter 148B, or a physical therapist licensed under chapter 148A, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's, occupational therapist's, or physical therapist's stationery, stating the nature of the applicant's or the applicant's child's disability and such additional information as required by rules adopted by the department, including proof of residency of a child who is a person with a disability. If the application is approved by the department, the special registration plates with a persons with disabilities processed emblem shall be issued to the applicant. There shall be no fee in addition to the regular annual registration fee for the special registration plates with a persons with disabilities processed emblem. The authorization for special registration plates with a persons with disabilities processed emblem shall not be renewed without the applicant furnishing evidence to the department that the owner of the vehicle or the owner's child is still a person with a disability as defined in section 321L.1. An owner who has a child who is a person with a disability shall provide satisfactory evidence to the department that the child with a disability continues to reside with the owner. The registration plates with a persons with disabilities processed emblem shall be surrendered in exchange for regular registration plates as provided in subsection 12 when the owner of the vehicle or the owner's child no longer qualifies as a person with a disability as defined in section 321L.1 or when the owner's child who is a person with a disability no longer resides with the owner.

Sec. 2. Section 321L.2, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, ~~or a chiropractor licensed under chapter 151, an occupational therapist licensed under chapter 148B, or a physical therapist licensed under chapter 148A,~~ or a physician, physician assistant, nurse practitioner, or chiropractor, occupational therapist, or physical therapist licensed to practice in ~~a contiguous~~ another state, written on the physician's, physician assistant's, nurse practitioner's, ~~or chiropractor's, occupational therapist's, or physical therapist's~~ stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician assistant's, nurse practitioner's, ~~or chiropractor's, occupational therapist's, or physical therapist's~~ statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The department may waive the requirement that the applicant furnish the applicant's social security number, Iowa driver's license number, or nonoperator's identification card number when the application for a temporary persons with disabilities parking permit is made on behalf of a person who is less than one year old. The department may accept a certification of disability from the United States department of veterans affairs in lieu of a statement from a physician, physician assistant, advanced registered nurse practitioner, ~~or chiropractor, occupational therapist, or physical therapist.~~ The department may adopt rules pursuant to chapter 17A detailing the requirements for an acceptable certification of disability.

Sec. 3. Section 321L.2, subsection 1, paragraph a, subparagraph (3), subparagraph division (a), unnumbered paragraph 1, Code 2022, is amended to read as follows:

A person with a disability may apply for a temporary removable windshield placard valid for a period of up to six months or a standard removable windshield placard valid for a period of five years, as determined by the physician's, physician assistant's, nurse practitioner's, ~~or chiropractor's, occupational therapist's, or physical therapist's~~ statement under this subsection.

Sec. 4. Section 321L.2, subsection 1, paragraph a, subparagraph (3), subparagraph division (a), subparagraph subdivision (ii), Code 2022, is amended to read as follows:

(ii) A standard removable windshield placard shall expire on the last day of the month five years from the date of issuance. A person with a disability may renew a standard removable windshield placard within thirty days before or after the date of expiration by submitting a statement from a physician, physician's assistant, nurse practitioner, ~~or chiropractor, occupational therapist, or physical therapist,~~ as provided in this subsection, to the department that the person has a continuing need for the placard.

Sec. 5. Section 321L.2, subsection 2, Code 2022, is amended to read as follows:

2. Any person providing false information with the intent to defraud on the application for a persons with disabilities parking permit used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. A physician, physician assistant, nurse practitioner, ~~or chiropractor, occupational therapist, or physical therapist~~ who provides false information with the intent to defraud on the physician's, physician assistant's, nurse practitioner's, ~~or chiropractor's, occupational therapist's, or physical therapist's~~ statement used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. In addition to the civil penalty, the department shall revoke the permit issued pursuant to this section.

Sec. 6. Section 321L.2A, subsection 1, paragraph e, Code 2022, is amended to read as follows:

e. The person carries in the motor vehicle a copy of the statement from a physician, physician assistant, advanced registered nurse practitioner, or chiropractor, occupational therapist, or physical therapist which accompanied the person's application for persons with disabilities registration plates under section 321.34 or other persons with disabilities parking permit under section 321L.2 and which indicates the person is permanently unable to walk. The person shall show the copy of the statement to any peace officer upon request.

Approved May 23, 2022

## CHAPTER 1081

### DISASTER EMERGENCIES — REMOVAL OF DEBRIS OR WRECKAGE FROM PUBLIC PROPERTY BY STATE OFFICERS OR EMPLOYEES — LIABILITY

H.F. 2295

**AN ACT** concerning state agency response to a proclamation of disaster emergency.

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

Section 1. Section 29C.6, subsection 4, Code 2022, is amended to read as follows:

4. When a disaster emergency is proclaimed, notwithstanding any other provision of law, through the use of state agencies or the use of any of the political subdivisions of the state, clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety or public or private property. The governor may accept funds from the federal government and utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately owned land or water. Authority shall not be exercised by the governor unless the affected local government, corporation, organization or individual shall first present an additional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, such corporation, organization or individual shall first agree to hold harmless the state or local government against any claim arising from such removal. The state and any of its officers or employees who are engaged in the removal of debris or wreckage on public property shall not be liable to the affected local government on account of any act or omission in good faith while so engaged or on account of the maintenance or use of any equipment or supplies in connection with the removal of debris or wreckage. For purposes of this subsection, "good faith" shall not include willful misconduct, gross negligence, or recklessness. When the governor provides for clearance of debris or wreckage, employees of the designated state agencies or individuals appointed by the state may enter upon private land or waters and perform any tasks necessary to the removal or clearance operation. Any state employee or agent complying with orders of the governor and performing duties pursuant to such orders under this chapter shall be considered to be acting within the scope of employment within the meaning specified in chapter 669.

Approved May 23, 2022

**CHAPTER 1082****PEACE OFFICERS — DESIGNATED DEPARTMENT OF TRANSPORTATION EMPLOYEES  
— REPEAL EXTENDED***H.F. 2345*

**AN ACT** relating to department of transportation employees designated as peace officers, and including effective date provisions.

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

Section 1. 2017 Iowa Acts, chapter 149, section 4, as amended by 2018 Iowa Acts, chapter 1170, section 3, and 2019 Iowa Acts, chapter 7, section 1, is amended to read as follows:

SEC. 4. REPEAL. The section of this Act amending section 321.477 is repealed July 1, 2022 2023.

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

Approved May 23, 2022

**CHAPTER 1083****NONCONSENSUAL TERMINATION OF A HUMAN PREGNANCY — ATTEMPT —  
PENALTY***H.F. 2372*

**AN ACT** relating to the nonconsensual termination of a human pregnancy, and providing penalties.

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

Section 1. Section 707.8, subsection 3, Code 2022, is amended to read as follows:

3. a. A person who intentionally terminates a human pregnancy without the knowledge and voluntary consent of the pregnant person is guilty of a class “C” felony.

b. A person who attempts to intentionally terminate a human pregnancy without the knowledge and voluntary consent of the pregnant person is guilty of a class “D” felony.

Approved May 23, 2022

**CHAPTER 1084****IOWA TRUST CODE — NOTICES, TRUST ACCOUNTING, TRUSTEE POWERS, AND REPRESENTATION BY HOLDERS OF POWERS OF APPOINTMENT OR SIMILAR INTERESTS***H.F. 2484*

**AN ACT** relating to trusts, including optional notices to creditors when a will has been admitted to probate without administration and the trust is the beneficiary of the estate, trust accounting, specific powers of a trustee, and representation of holders of power and similar interests.

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

Section 1. Section 633A.3110, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 12.** The form of notice set forth in subsection 5 may also contain the following optional language in substantially the following form which, if included, shall serve to bar any claim against the assets of the decedent's estate in the same manner and subject to the same limitations as provided in section 633A.3109 with respect to the assets of the trust:

Notice is further given that the will of the decedent has been admitted to probate without present administration in the [above-named] court, that such will designates the trust as the residual beneficiary of the estate, that all persons indebted to the estate of the decedent are requested to make immediate payment to the undersigned trustee, and that any person or entity possessing a claim against the estate must mail proof of the claim to the trustee at the address listed below by certified mail, return receipt requested, by the later to occur of four months from the date of the second publication of this notice or thirty days from the date of mailing this notice if required, or the claim shall be forever barred, unless paid or otherwise satisfied.

Sec. 2. Section 633A.4213, subsection 3, Code 2022, is amended to read as follows:

3. Except as provided in subsection 4, a trustee shall provide annually to each adult beneficiary and the representative of any minor or incompetent beneficiary who may receive a distribution of income or principal during the accounting time period, an accounting, unless an accounting has been waived specifically for that accounting time period. Upon request, the accounting shall include the beginning balance and the ending balance.

Sec. 3. Section 633A.4402, subsection 27, unnumbered paragraph 1, Code 2022, is amended to read as follows:

With respect to any actual or potential violation of any environmental law affecting property held directly or indirectly by the trustee, a trustee ~~shall~~ may do ~~all of~~ the following:

Sec. 4. Section 633A.6302, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** To the extent there is no conflict of interest with respect to the fiduciary matter, the person or persons holding a limited power of appointment and the taker or takers in default of the exercise of such power may together represent and bind persons whose interests are dependent on the affirmative exercise of such power of appointment by the holder or holders of the power.

Sec. 5. Section 633A.6304, Code 2022, is amended to read as follows:

**633A.6304 Representation by holders of similar interests.**

Unless otherwise represented, a minor, ~~or~~ an incompetent, unborn, or unascertained person, or a remote contingent beneficiary may be represented by and bound by another

person having a substantially identical interest with respect to the fiduciary matter but only to the extent that the person's interest is adequately represented.

Approved May 23, 2022

## CHAPTER 1085

### AUDITOR OF STATE, CERTIFIED PUBLIC ACCOUNTANTS, AND PEER REVIEW RECORDS

H.F. 2489

**AN ACT** relating to the auditor of state and including effective date and applicability provisions.

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

Section 1. NEW SECTION. **11.31A Auditor of state — divisions.**

1. The auditor of state shall adopt rules establishing divisions within the office of auditor of state. For each division within the office of auditor of state that is responsible for performing attest services as described in section 542.3, the auditor of state shall appoint a deputy auditor of state that is a certified public accountant to lead that division.

2. If the auditor of state is not a certified public accountant licensed pursuant to chapter 542, the auditor of state shall not sign an attest report issued by the office of auditor of state, but shall defer to the appropriate deputy auditor of state who meets the experience or competency requirements set out in nationally recognized professional standards for such services.

3. The auditor of state shall comply with all applicable rules of professional conduct adopted by the Iowa accountancy examining board pursuant to section 542.4.

Sec. 2. Section 542.3, subsection 20, Code 2022, is amended to read as follows:

20. "*Peer review records*" means a file, report, or other information relating to the professional competence of an applicant in the possession of a peer review team, or information concerning the peer review developed by a peer review team in the possession of an applicant. "*Peer review records*" includes peer review reports.

Sec. 3. Section 542.3, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. "*Peer review reports*" means a study, appraisal, or review of one or more aspects of a certified public accounting firm's compliance with applicable accounting, auditing, and other attestation standards adopted by generally recognized standard-setting bodies.

Sec. 4. Section 542.7, subsection 4, Code 2022, is amended to read as follows:

4. An applicant for initial issuance or renewal of a permit to practice as a certified public accounting firm is required to register each office of the firm within this state with the board and to show that all attest and compilation services rendered in this state are under the charge of a person holding a valid certificate issued under section 542.6 or 542.19, or by another state if the holder has a practice privilege under section 542.20. However, the requirements of this subsection shall not apply to the office of auditor of state if the auditor of state otherwise complies with the requirements of section 11.31A and this section.

Sec. 5. Section 542.7, subsection 10, Code 2022, is amended to read as follows:

10. a. Peer review records are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion. Peer review records are not admissible in evidence in a judicial, administrative, or arbitration proceeding. Unless the subject of a peer review timely objects in writing to the administering entity of the peer review program, the



administering entity shall make available to the board within thirty days of the issuance of the peer review acceptance letter the final peer review report or such peer review records as are designated by the peer review program in which the administering entity participates. The subject of a peer review may voluntarily submit the final peer review report directly to the board. Information or documents discoverable from sources other than a peer review team do not become nondiscoverable from such other sources because they are made available to or are in the possession of a peer review team. Information or documents publicly available from the American institute of certified public accountants relating to quality or peer review are not privileged or confidential under this subsection. A person or organization participating in the peer review process shall not testify as to the findings, recommendations, evaluations, or opinions of a peer review team in a judicial, administrative, or arbitration proceeding.

b. However, notwithstanding any provision of this subsection to the contrary, peer review reports concerning the office of auditor of state shall be considered a public record pursuant to chapter 22.

Sec. 6. NEW SECTION. 542.7A Office of auditor of state.

1. The office of auditor of state shall qualify as a certified public accounting firm subject to the requirements of sections 11.31, 11.31A, and 542.7.

2. For purposes of section 542.7, the auditor of state shall be deemed to be the owner of the office of auditor of state and the office of auditor of state shall be deemed to comply with the ownership requirements of section 542.7 if the auditor of state is a certified public accountant or all divisions of the office of auditor of state performing attest services are led by a certified public accountant.

3. The provisions of sections 542.9, 542.17, and 542.18 shall not apply to the office of auditor of state as a certified public accounting firm under this chapter.

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

Sec. 8. RETROACTIVE APPLICABILITY. This Act applies retroactively to July 1, 2002.

Approved May 23, 2022

## CHAPTER 1086

### CRANES OF EXCESSIVE SIZE AND WEIGHT — ANNUAL PERMIT

*H.F. 2518*

**AN ACT** relating to annual overweight permits for cranes, and including effective date provisions.

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

Section 1. Section 321E.8, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Cranes that are being temporarily moved on highways and that have an overall width not to exceed the width authorized under section 321.454, an overall height not to exceed the height authorized under section 321.456, and an overall length not to exceed the length authorized under section 321.457 may be moved on highways specified by the permit-issuing authority if the total gross weight of the crane does not exceed eighty thousand pounds. The department shall adopt rules pursuant to chapter 17A to administer this subsection.

Sec. 2. Section 321E.14, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. Four hundred dollars for an annual permit issued pursuant to section 321E.8, subsection 2 or 2A.

Sec. 3. EFFECTIVE DATE. This Act takes effect January 1, 2023.

Approved May 23, 2022

## CHAPTER 1087

### AUTHORIZED EMERGENCY VEHICLES — OPERATION — EQUIPMENT — LIABILITY S.F. 333

**AN ACT** relating to authorized emergency vehicles, 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 321.231, subsection 1, Code 2022, is amended to read as follows:

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or misdemeanor, or in response to an incident dangerous to the public, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

Sec. 2. Section 321.231, subsection 2, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Drive the vehicle on the shoulder or median of a highway.

NEW PARAGRAPH. d. Disregard laws or regulations governing turning the vehicle in specified directions.

NEW PARAGRAPH. e. Disregard laws or regulations governing overtaking or passing other motorists.

Sec. 3. Section 321.231, subsections 3 and 4, Code 2022, are amended to read as follows:

3. The driver of a an official fire department vehicle, police vehicle, rescue vehicle, ~~or~~ ambulance, emergency medical services vehicle, or emergency management vehicle, or a peace officer riding a police bicycle in the line of duty, may do any of the following:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be to or maintaining a speed deemed necessary for safe operation by the driver based on information known to the driver at the time.

b. Exceed the maximum speed limits so long as the driver does not recklessly endanger life or property.

4. a. The exemptions granted to the driver of an authorized emergency vehicle under subsection 2 and to a the driver of an official fire department vehicle, police vehicle, rescue vehicle, or ambulance, emergency medical services vehicle, or emergency management vehicle as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling warning device meeting the requirements of section 321.433 or a visual signaling device, ~~except that use of an audible or visual signaling device shall not be required when exercising the authorized under this chapter.~~

b. The exemption granted under subsection 3, paragraph “b”, ~~when the vehicle is operated by a peace officer~~ shall be granted to a peace officer or reserve peace officer operating an authorized emergency vehicle without using an audible warning device or visual signaling device if such action occurs over the shortest distance necessary, does not recklessly endanger persons or property, and if the officer is pursuing a suspected violator of the

speed restrictions imposed by or pursuant to this chapter for the purpose of determining the speed of travel of such suspected violator, or if the officer reasonably believes based on the facts and circumstances at the time that a suspected violator's knowledge of the officer's proximity may cause the suspected violator to destroy evidence of a suspected felony or aggravated misdemeanor, evade apprehension, or endanger the public or the officer.

c. The exemption granted under subsection 3, paragraph "b", shall be granted to the driver of an authorized emergency vehicle transporting a patient to a hospital without using a visual signaling device or audible warning device if a certified emergency medical care provider reasonably believes the patient's condition warrants rapid transport.

Sec. 4. Section 321.231, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A peace officer operating an authorized emergency vehicle may execute a pursuit intervention technique if such execution is reasonable under the circumstances based on the information perceived by the officer at the time, and the officer has completed a training course approved by the Iowa law enforcement academy that instructs participants in the proper execution of pursuit intervention techniques. For purposes of this subsection, "*pursuit intervention technique*" means a method by which a peace officer operating a motor vehicle in pursuit of a fleeing motor vehicle causes or attempts to cause the fleeing motor vehicle to stop, including by use of reasonable force. This subsection shall not be construed to limit a peace officer's objectively reasonable use of force in connection with a pursuit.

Sec. 5. NEW SECTION. 321.231A Authorized emergency vehicles — parades and events.

1. The driver of an authorized emergency vehicle may operate the vehicle as part of an official governmental event for the purposes of the safety and security of an elected official, candidate for public office, or the public, or as part of a parade or other public service event if the parade or event is approved by the state or a municipality, as defined in section 670.1, at least one day prior to the date on which the parade or event will occur.

2. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a parade or event may display any of the vehicle's lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons.

Sec. 6. NEW SECTION. 321.231B Authorized emergency vehicles — immunity from liability.

1. The following shall not be liable for the consequence of any injury or loss arising from the operation of an authorized emergency vehicle in response to an emergency call or to an incident dangerous to the public unless the driver operates the authorized emergency vehicle with reckless disregard for the safety of persons or property:

a. A fire fighter operating the authorized emergency vehicle who is certified by the fire service training bureau, as described in section 100B.6, as a fire apparatus driver operator, or an operator who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the fire service training bureau.

b. An emergency medical care provider, as defined in section 147A.1, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the department of public health.

c. A peace officer, as defined in section 801.4, or a reserve peace officer, as defined in section 80D.1A, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the Iowa law enforcement academy.

d. An emergency management agency employee operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the local or joint emergency management commission, and where the local or joint emergency management commission

has adopted a written policy related to emergency vehicle operations. For purposes of this paragraph, “*emergency management agency employee*” means a member of the personnel, including but not limited to the coordinator, an operations officer, or an emergency management assistant, of a local or joint emergency management commission.

e. Any entity, including a nonprofit corporation, on whose behalf the fire fighter, emergency medical care provider, peace officer, reserve peace officer, or emergency management agency employee is operating the authorized emergency vehicle.

2. The protections from liability set forth in subsection 1 apply only when, in response to an emergency call or to an incident dangerous to the public, the driver operating the authorized emergency vehicle is utilizing a siren meeting the requirements of section 321.433 or flashing blue and red lights authorized under this chapter. The protections from liability provided by subsection 1 apply in addition to any other defense to liability provided by law. This section shall not be construed to lower the standard of recklessness to recover against any entity or authorized emergency vehicle driver.

3. a. The driver of an authorized emergency vehicle, and any entity on whose behalf the driver is operating the authorized emergency vehicle, shall not be liable for any injury or loss arising from the operation of the authorized emergency vehicle unless reckless disregard for the safety of persons or property is proven by a preponderance of the evidence.

b. If a person brings a tort claim against the driver of an authorized emergency vehicle, a municipality, as defined in section 670.1, this state, or any other entity on whose behalf the driver is operating the authorized emergency vehicle, for any injury or loss arising from the operation of the authorized emergency vehicle, the court shall determine, on motion by any party or on its own motion, whether the person has presented sufficient, admissible evidence to support a prima facie finding of recklessness before the matter proceeds to trial.

Sec. 7. Section 321.324A, Code 2022, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 3A. a. The driver of an authorized emergency vehicle may operate the vehicle as part of a funeral procession, and a peace officer may provide traffic control relating to a funeral procession upon request or when necessary for the safety of all persons.

b. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a funeral procession or for traffic control relating to a funeral procession may display any of the vehicle’s lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons.

Sec. 8. Section 321.433, Code 2022, is amended to read as follows:

**321.433 Sirens, whistles, air horns, 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 or any other provision of law.

2. 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.

3. Any authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet, ~~but the.~~

4. An authorized emergency medical services program, fire department, or law enforcement agency may equip one or more vehicles with an air horn or a low-frequency siren.

5. An official fire department vehicle, emergency medical services program vehicle, or law enforcement vehicle owned by the state, a municipality, as defined in section 670.1, or a corporation providing emergency medical services, that was purchased, delivered, or refurbished on or after July 1, 2022, excluding an all-terrain vehicle or a special service vehicle, shall be equipped with an electric or electronic siren capable of emitting at least two distinct siren tones, and one or more compatible siren speakers.

6. An authorized emergency vehicle’s siren, whistle, air horn, 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, in a parade or designated public service event,

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, air horn, or bell when the driver reasonably believes necessary to warn pedestrians and other drivers of the approach of the vehicle.

2. 7. 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.

8. For purposes of this section:

a. “Electric siren” means an audible warning device that produces sound using an electric motor with an attached rotating slotted or perforated disc.

b. “Electronic siren” means an audible warning device that produces sound electronically using amplifiers and electromagnetic speakers.

c. “Low-frequency siren” means a siren that produces low-frequency sound waves and is used in addition to an electric or electronic siren.

Sec. 9. Section 321.451, subsection 1, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. A vehicle owned by a certified chief or certified fire officer of a volunteer fire department, a fire department comprised of a combination of volunteer and paid members, or a nonprofit corporation that delivers emergency services on behalf of a municipality, as defined in section 670.1, pursuant to a written contract, if the application for a certificate of designation is requested by the certified chief or certified fire officer of the fire department. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the fire service training bureau, as described in section 100B.6, provided proof of certification as a fire officer, and provided proof of financial liability coverage or risk pool coverage.

NEW PARAGRAPH. h. A vehicle owned by a chief, medical director, or certified medical provider of an authorized emergency medical service, if the application for a certificate of designation is requested by the chief, medical officer, or medical director of the authorized emergency medical service. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the department of public health, and provided proof of financial liability coverage or risk pool coverage.

Sec. 10. Section 321.451, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 4. A public or private entity shall not require an employee or volunteer to apply for or maintain a certificate of designation pursuant to this section as a condition of employment or of permitting the person to continue to volunteer. A person shall not be required to operate or use a vehicle designated as an authorized emergency vehicle pursuant to this section.

NEW SUBSECTION. 5. This section shall not be construed to exempt the state or a municipality, as defined in section 670.1, from any duty to purchase, equip, maintain, or otherwise provide authorized emergency vehicles to meet any requirement to provide public services, including law enforcement, fire protection, rescue, emergency medical services, or emergency management.

Sec. 11. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 12. APPLICABILITY. The following applies to causes of action accrued on or after the effective date of this Act:

The section of this Act enacting section 321.231B.

**CHAPTER 1088****OCCUPATIONAL THERAPY LICENSURE AND AUDIOLOGY AND SPEECH LANGUAGE  
PATHOLOGY INTERSTATE COMPACTS**

S.F. 463

**AN ACT** establishing the occupational therapy licensure compact and the audiology and speech language pathology interstate compact.

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

Section 1. **NEW SECTION. 147E.1 Occupational therapy licensure compact.**

1. *Purpose.* The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The compact preserves the regulatory authority of the states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

- a. Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses.
- b. Enhance the states' ability to protect the public's health and safety.
- c. Encourage the cooperation of member states in regulating multistate occupational therapy practice.
- d. Support spouses of relocating military members.
- e. Enhance the exchange of licensure, investigative, and disciplinary information between member states.
- f. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.
- g. Facilitate the use of telehealth technology in order to increase access to occupational therapy services.

2. *Definitions.* As used in this compact, and except as otherwise provided, the following definitions shall apply:

a. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ch. 1209 or 1211, respectively.

b. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

c. "Alternative program" means a nondisciplinary monitoring process approved by an occupational therapy licensing board.

d. "Compact privilege" means the authorization, which is equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or practice as an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient or client is located at the time of the patient or client encounter.

e. "Continuing competence or education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to the practice or area of work.

f. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

g. "Data system" means a repository of information about licensees, including but not limited to license status, investigative information, compact privileges, and adverse actions.

h. “*Encumbered license*” means a license in which an adverse action restricts the practice of occupational therapy by the licensee or said adverse action has been reported to the national practitioners data bank.

i. “*Executive committee*” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

j. “*Home state*” means the member state that is the licensee’s primary state of residence.

k. “*Impaired practitioner*” means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

l. “*Investigative information*” means information, records, or documents received or generated by an occupational therapy licensing board pursuant to an investigation.

m. “*Jurisprudence requirement*” means the assessment of an individual’s knowledge of the laws and rules governing the practice of occupational therapy in a state.

n. “*Licensee*” means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant.

o. “*Member state*” means a state that has enacted the compact.

p. “*Occupational therapist*” means an individual who is licensed by a state to practice occupational therapy.

q. “*Occupational therapy*”, “*occupational therapy practice*”, and “*practice of occupational therapy*” mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state’s statutes and regulations.

r. “*Occupational therapy assistant*” means an individual who is licensed by a state to assist in the practice of occupational therapy.

s. “*Occupational therapy compact commission*” or “*commission*” means the national administrative body whose membership consists of all states that have enacted the compact.

t. “*Occupational therapy licensing board*” or “*licensing board*” means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants.

u. “*Primary state of residence*” or “*home state*” means the state in which an occupational therapist or occupational therapy assistant who is not active duty military declares a primary residence for legal purposes as verified by a driver’s license, federal income tax return, lease, deed, mortgage, voter registration, or other verifying documentation as further defined by commission rules.

v. “*Remote state*” means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

w. “*Rule*” means a regulation promulgated by the commission that has the force of law.

x. “*Single-state license*” means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a compact privilege in any other member state.

y. “*State*” means any state, commonwealth, district, or territory of the United States that regulates the practice of occupational therapy.

z. “*Telehealth*” means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention, or consultation.

3. *State participation in the compact.*

a. To participate in the compact, a member state shall do all of the following:

(1) License occupational therapists and occupational therapy assistants.

(2) Participate fully in the commission’s data system, including but not limited to using the commission’s unique identifier as defined in rules of the commission.

(3) Have a mechanism in place for receiving and investigating complaints about licensees.

(4) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(5) Implement or utilize procedures for considering the criminal history records of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records.

(a) A member state shall, within a time frame established by the commission, require a criminal background check for a licensee seeking or applying for a compact privilege

whose primary state of residence is that member state, by receiving the results of the federal bureau of investigation criminal record search, and shall use the results in making licensure decisions.

(b) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under Pub. L. No. 92-544.

(6) Comply with the rules of the commission.

(7) Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission.

(8) Have continuing competence or education requirements as a condition for license renewal.

b. A member state shall grant the compact privilege to a licensee holding a valid, unencumbered license in another member state in accordance with the terms of the compact and rules.

c. A member state may charge a fee for granting a compact privilege.

d. A member state shall provide for the state's delegate to attend all occupational therapy compact commission meetings.

e. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the compact privilege in any other member state.

f. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

4. *Compact privilege.*

a. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall do all of the following:

(1) Hold a license in the home state.

(2) Have a valid United States social security number or national practitioner identification number.

(3) Have no encumbrance on any state license.

(4) Be eligible for a compact privilege in any member state in accordance with paragraphs "d", "f", "g", and "h".

(5) Have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege, and two years have elapsed from the date of such completion.

(6) Notify the commission that the licensee is seeking the compact privilege within a remote state.

(7) Pay any applicable fees, including any state fee, for the compact privilege.

(8) Complete a criminal background check in accordance with subsection 3, paragraph "a", subparagraph (5). The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.

(9) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege.

(10) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

b. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of paragraph "a" to maintain the compact privilege in the remote state.

c. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

d. Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a compact privilege in that remote state.

e. A licensee providing occupational therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its



citizens. The licensee may be ineligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

f. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all of the following occur:

(1) The home state license is no longer encumbered.

(2) Two years have elapsed from the date on which the home state license is no longer encumbered in accordance with subparagraph (1).

g. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of paragraph "a" to obtain a compact privilege in any remote state.

h. If a licensee's compact privilege in any remote state is removed, the individual may lose the compact privilege in any other remote state until all of the following occur:

(1) The specific period of time for which the compact privilege was removed has ended.

(2) All fines have been paid and all conditions have been met.

(3) Two years have elapsed from the date of completing the requirements of subparagraphs (1) and (2).

(4) The compact privilege is reinstated by the commission, and the compact data system is updated to reflect reinstatement.

i. If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the compact data system.

j. Once the requirements of paragraph "h" have been met, the licensee must meet the requirements of paragraph "a" to obtain a compact privilege in a remote state.

5. *Obtaining a new home state license by virtue of compact privilege.*

a. An occupational therapist or occupational therapy assistant may hold a home state license, which allows for compact privileges in member states, in only one member state at a time.

b. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states:

(1) The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission.

(2) Upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in subsection 4 via the data system, without the need for primary source verification except for all of the following:

(a) A federal bureau of investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Pub. L. No. 92-544.

(b) Any other criminal background check as required by the new home state.

(c) Submission of any requisite jurisprudence requirements of the new home state.

(3) The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission.

(4) Notwithstanding any other provision of this compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in subsection 4, the new home state shall apply its requirements for issuing a new single-state license.

(5) The occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state in order to be issued a new home state license.

c. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single-state license in the new state.

d. Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license.

e. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

6. *Active duty military personnel or their spouses.* Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in subsection 5.

7. *Adverse actions.*

a. A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state.

b. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following:

(1) Take adverse action against an occupational therapist's or occupational therapy assistant's compact privilege within that member state.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.

c. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

d. The home state shall complete any pending investigations of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state where the investigations were initiated shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the occupational therapy compact commission data system. The occupational therapy compact commission data system administrator shall promptly notify the new home state of any adverse actions.

e. A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.

f. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

g. *Joint investigations.*

(1) In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

h. If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's compact privilege is deactivated in all member states during the pendency of the order.

i. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

j. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

8. *Establishment of the occupational therapy compact commission.*

a. The compact member states hereby create and establish a joint public agency known as the occupational therapy compact commission.

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

b. *Membership, voting, and meetings.*

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be either of the following:

(a) A current member of the licensing board who is an occupational therapist, occupational therapy assistant, or public member.

(b) An administrator of the licensing board.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission within ninety days of the vacancy.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(6) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(7) The commission shall establish by rule a term of office for delegates.

c. The commission shall have the following powers and duties:

(1) Establish a code of ethics for the commission.

(2) Establish the fiscal year of the commission.

(3) Establish bylaws.

(4) Maintain its financial records in accordance with the bylaws.

(5) Meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(7) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected.

(8) Purchase and maintain insurance and bonds.

(9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.

(10) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(12) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(14) Establish a budget and make expenditures.

(15) Borrow money.

(16) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(17) Provide and receive information from, and cooperate with, law enforcement agencies.

(18) Establish and elect an executive committee.

(19) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of occupational therapy licensure and practice.

*d. The executive committee.* The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive committee shall be composed of the following nine members:

(a) Seven voting members who are elected by the commission from the current membership of the commission.

(b) One ex officio, nonvoting member from a recognized national occupational therapy professional association.

(c) One ex officio, nonvoting member from a recognized national occupational therapy certification organization.

(2) The ex officio members will be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in bylaws.

(4) The executive committee shall meet at least annually.

(5) The executive committee shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Perform other duties as provided in rules or bylaws.

*e. Meetings of the commission.*

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in subsection 10.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss any of the following:

(a) Noncompliance of a member state with its obligations under the compact.

(b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(c) Current, threatened, or reasonably anticipated litigation.

(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(e) Accusing any person of a crime or formally censuring any person.

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(h) Disclosure of investigative records compiled for law enforcement purposes.

(i) Disclosure of information related to any investigative reports prepared by, on behalf of, or for use of the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to the compact.

(j) Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

*f. Financing of the commission.*

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

*g. Qualified immunity, defense, and indemnification.*

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or

responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

9. *Data system.*

a. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

b. A member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable, utilizing a unique identifier, as required by the rules of the commission, including all of the following:

- (1) Identifying information.
- (2) Licensure data.
- (3) Adverse actions against a license or compact privilege.
- (4) Nonconfidential information related to alternative program participation.
- (5) Any denial of application for licensure, and the reason for such denial.
- (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.
- (7) Current significant investigative information.

c. Current significant investigative information and other investigative information pertaining to a licensee in any member state will only be available to other member states.

d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

10. *Rulemaking.*

a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

b. The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect.

c. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

d. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

e. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking in all of the following places:

- (1) On the internet site of the commission or other publicly accessible platform.
- (2) On the internet site of each member state occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

f. The notice of proposed rulemaking shall include all of the following:

- (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.
- (2) The text of the proposed rule or amendment and the reason for the proposed rule.
- (3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

g. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

h. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

(1) At least twenty-five persons.

(2) A state or federal governmental subdivision or agency.

(3) An association or organization having at least twenty-five members.

i. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings will be recorded. A copy of the recording will be made available on request.

(4) Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection.

j. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

k. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

l. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

m. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(4) Protect public health and safety.

n. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision shall be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

11. *Oversight, dispute resolution, and enforcement.*

a. *Oversight.*

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

*b. Default, technical assistance, and termination.*

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do all of the following:

(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission.

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

*c. Dispute resolution.*

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

*d. Enforcement.*

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

12. *Date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment.*

a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation



of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the date the compact becomes law in that state.

c. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

d. Nothing contained in this compact shall be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

13. *Construction and severability.* This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

14. *Binding effect of compact and other laws.*

a. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

b. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

c. Any laws in a member state in conflict with the compact are superseded to the extent of the conflict.

d. Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

e. All agreements between the commission and the member states are binding in accordance with their terms.

f. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

**Sec. 2. NEW SECTION. 147F.1 Audiology and speech language pathology interstate compact.**

1. *Purpose.* The purpose of this compact is to facilitate interstate practice of audiology and speech language pathology with the goal of improving public access to audiology and speech language pathology services. The practice of audiology and speech language pathology occurs in the state where the patient, client, or student is located at the time of the patient, client, or student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

a. Increase public access to audiology and speech language pathology services by providing for the mutual recognition of other member state licenses.

b. Enhance the states' ability to protect the public's health and safety.

c. Encourage the cooperation of member states in regulating multistate audiology and speech language pathology practice.

d. Support spouses of relocating active duty military personnel.

e. Enhance the exchange of licensure, investigative, and disciplinary information between member states.

f. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

g. Allow for the use of telehealth technology to facilitate increased access to audiology and speech language pathology services.

2. *Definitions.* As used in this compact, and except as otherwise provided, the following definitions shall apply:

a. "*Active duty military*" means full-time duty status in the active uniformed service of the United States, including members of the national guard and the reserves on active duty orders pursuant to 10 U.S.C. §1209 and 10 U.S.C. §1211.

b. "*Adverse action*" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction of the licensee's practice.

c. "*Alternative program*" means a nondisciplinary monitoring process approved by an audiology or speech language pathology licensing board to address impaired practitioners.

d. "*Audiologist*" means an individual who is licensed by a state to practice audiology.

e. "*Audiology*" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

f. "*Audiology and speech language pathology compact commission*" or "*commission*" means the national administrative body whose membership consists of all states that have enacted the compact.

g. "*Audiology and speech language pathology licensing board*", "*audiology licensing board*", "*speech language pathology licensing board*", or "*licensing board*" means the agency of a state that is responsible for the licensing and regulation of audiologists or speech language pathologists.

h. "*Compact privilege*" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech language pathologist in the remote state under its laws and rules. The practice of audiology or speech language pathology occurs in the member state where the patient, client, or student is located at the time of the patient, client, or student encounter.

i. "*Current significant investigative information*" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

j. "*Data system*" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, compact privilege, and adverse action.

k. "*Encumbered license*" means a license in which an adverse action restricts the practice of audiology or speech language pathology by the licensee and said adverse action has been reported to the national practitioners data bank.

l. "*Executive committee*" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

m. "*Home state*" means the member state that is the licensee's primary state of residence.

n. "*Impaired practitioner*" means an individual whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

o. "*Licensee*" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech language pathologist.

p. "*Member state*" means a state that has enacted the compact.

q. "*Privilege to practice*" means a legal authorization permitting the practice of audiology or speech language pathology in a remote state.

r. “*Remote state*” means a member state, other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

s. “*Rule*” means a regulation, principle, or directive promulgated by the commission that has the force of law.

t. “*Single-state license*” means an audiology or speech language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

u. “*Speech language pathologist*” means an individual who is licensed by a state to practice speech language pathology.

v. “*Speech language pathology*” means the care and services provided by a licensed speech language pathologist as set forth in the member state’s statutes and rules.

w. “*State*” means any state, commonwealth, district, or territory of the United States that regulates the practice of audiology and speech language pathology.

x. “*State practice laws*” means a member state’s laws, rules, and regulations that govern the practice of audiology or speech language pathology, define the scope of audiology or speech language pathology practice, and create the methods and grounds for imposing discipline.

y. “*Telehealth*” means the application of telecommunication, audiovisual, or other technologies that meet the applicable standard of care to deliver audiology or speech language pathology services at a distance for assessment, intervention, or consultation.

3. *State participation in the compact.*

a. A license issued to an audiologist or speech language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech language pathologist to practice audiology or speech language pathology, under a privilege to practice, in each member state.

b. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records.

(1) A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.

(2) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under the Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973, Pub. L. No. 92-544.

c. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, and whether any adverse action has been taken against any license or privilege to practice held by the applicant.

d. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state’s qualifications for licensure or renewal of licensure as well as all other applicable state laws.

e. For an audiologist:

(1) Must meet one of the following educational requirements:

(a) On or before December 31, 2007, has graduated with a master’s degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(b) On or after January 1, 2008, has graduated with a doctoral degree in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its

successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(c) Has graduated from an audiology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the board.

(3) Has successfully passed a national examination approved by the commission.

(4) Holds an active, unencumbered license.

(5) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law.

(6) Has a valid United States social security or national practitioner identification number.

f. For a speech language pathologist:

(1) Must meet one of the following educational requirements:

(a) Has graduated with a master's degree from a speech language pathology program that is accredited by an organization recognized by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(b) Has graduated from a speech language pathology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission.

(3) Has completed a supervised postgraduate professional experience as required by the commission.

(4) Has successfully passed a national examination approved by the commission.

(5) Holds an active, unencumbered license.

(6) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech language pathology, under applicable state or federal criminal law.

(7) Has a valid United States social security or national practitioner identification number.

g. The privilege to practice is derived from the home state license.

h. An audiologist or speech language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech language pathology shall include all audiology and speech language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech language pathology in a member state under a privilege to practice shall subject an audiologist or speech language pathologist to the jurisdiction of the licensing board and the courts and the laws of the member state in which the client is located at the time service is provided.

i. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

j. Member states may charge a fee for granting a compact privilege.

k. Member states must comply with the bylaws and rules and regulations of the commission.

4. *Compact privilege.*

a. To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech language pathologist shall do all of the following:

- (1) Hold an active license in the home state.
  - (2) Have no encumbrance on any state license.
  - (3) Be eligible for a compact privilege in any member state in accordance with subsection 3.
  - (4) Have not had any adverse action against any license or compact privilege within the previous two years from date of application.
  - (5) Notify the commission that the licensee is seeking the compact privilege within a remote state.
  - (6) Pay any applicable fees, including any state fee, for the compact privilege.
  - (7) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.
    - b. For the purposes of the compact privilege, an audiologist or speech language pathologist shall only hold one home state license at a time.
    - c. Except as provided in subsection 6, if an audiologist or speech language pathologist changes primary state of residence by moving between two member states, the audiologist or speech language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.
    - d. The audiologist or speech language pathologist may apply for licensure in advance of a change in the primary state of residence.
    - e. A license shall not be issued by the new home state until the audiologist or speech language pathologist provides satisfactory evidence of a change in the primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.
    - f. If an audiologist or speech language pathologist changes the primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.
    - g. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection 4, paragraph "a", to maintain the compact privilege in the remote state.
    - h. A licensee providing audiology or speech language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
    - i. A licensee providing audiology or speech language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens.
    - j. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until both of the following occur:
      - (1) The home state license is no longer encumbered.
      - (2) Two years have elapsed from the date of the adverse action.
    - k. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection 4, paragraph "a", to obtain a compact privilege in any remote state.
    - l. Once the requirements of subsection 4, paragraph "j", have been met, the licensee must meet the requirements in subsection 4, paragraph "a", to obtain a compact privilege in a remote state.
5. *Compact privilege to practice telehealth.*
    - a. Member states shall recognize the right of an audiologist or speech language pathologist, licensed by a home state in accordance with subsection 3 and under rules promulgated by the commission, to practice audiology or speech language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.
    - b. A licensee providing audiology or speech language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the state where the patient or client is located.
  6. *Active duty military personnel or their spouses.*

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

*7. Adverse actions.*

a. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following:

(1) Take adverse action against an audiologist's or speech language pathologist's privilege to practice within that member state.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(3) Only the home state shall have the power to take adverse action against an audiologist's or speech language pathologist's license issued by the home state.

b. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

c. The home state shall complete any pending investigations of an audiologist or speech language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

d. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech language pathologist.

e. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

*f. Joint investigations.*

(1) In addition to the authority granted to a member state by its respective audiology or speech language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

g. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

h. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

i. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

*8. Establishment of the audiology and speech language pathology compact commission.*

a. The compact member states hereby create and establish a joint public agency known as the audiology and speech language pathology compact commission.

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

b. *Membership, voting, and meetings.*

(1) Each member state shall have two delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech language pathologist.

(2) An additional five delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring on the commission within ninety days of a vacancy.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

c. The commission shall have the following powers and duties:

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Establish a code of ethics.

(4) Maintain its financial records in accordance with the bylaws.

(5) Meet and take actions as are consistent with the provisions of this compact and the bylaws.

(6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states to the extent and in the manner provided for in the compact.

(7) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech language pathology licensing board to sue or be sued under applicable law shall not be affected.

(8) Purchase and maintain insurance and bonds.

(9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.

(10) Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(12) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(14) Establish a budget and make expenditures.

(15) Borrow money.

(16) Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws.

(17) Provide and receive information from, and cooperate with, law enforcement agencies.

(18) Establish and elect an executive committee.

(19) Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech language pathology licensure and practice.

d. The commission shall have no authority to change or modify the laws of the member states which define the practice of audiology and speech language pathology in the respective states.

e. *The executive committee.* The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive committee shall be composed of ten members:

(a) Seven voting members who are elected by the commission from the current membership of the commission.

(b) Two ex officio members, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech language pathology association.

(c) One ex officio, nonvoting member from the recognized membership organization of the audiology and speech language pathology licensing boards.

(d) The ex officio members shall be selected by their respective organizations.

(2) The commission may remove any member of the executive committee as provided in the bylaws.

(3) The executive committee shall meet at least annually.

(4) The executive committee shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Other duties as provided in rules or bylaws.

(5) *Meetings of the commission.*

All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in subsection 10.

(6) (a) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss any of the following:

(i) Noncompliance of a member state with its obligations under the compact.

(ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(iii) Current, threatened, or reasonably anticipated litigation.

(iv) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(v) Accusing any person of a crime or formally censuring any person.

(vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(viii) Disclosure of investigative records compiled for law enforcement purposes.



(ix) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(x) Matters specifically exempted from disclosure by federal or member state statute.

(b) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(7) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(8) *Financing the commission.*

(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

*f. Qualified immunity, defense, and indemnification.*

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph "f" shall be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within

the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

9. *Data system.*

a. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

b. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following:

- (1) Identifying information.
- (2) Licensure data.
- (3) Adverse actions against a license or compact privilege.
- (4) Nonconfidential information related to alternative program participation.
- (5) Any denial of application for licensure, and the reason for denial.
- (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

c. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

10. *Rulemaking.*

a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

b. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

c. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

d. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking in all of the following locations:

- (1) On the internet site of the commission or other publicly accessible platform.
- (2) On the internet site of each member state audiology or speech language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

e. A notice of proposed rulemaking shall include all of the following:

- (1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon.
- (2) The text of the proposed rule or amendment and the reason for the proposed rule.
- (3) A request for comments on the proposed rule from any interested person.
- (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

f. Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

g. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

- (1) At least twenty-five persons.

(2) A state or federal governmental subdivision or agency.

(3) An association having at least twenty-five members.

*h.* If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording shall be made available on request.

(4) Nothing in this paragraph “*h*” shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this paragraph “*h*”.

*i.* Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

*j.* If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

*k.* The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

*l.* Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

*m.* The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

11. *Oversight, dispute resolution, and enforcement.*

*a. Dispute resolution.*

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

*b. Enforcement.*

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive

relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

12. *Date of implementation of the interstate commission for audiology and speech language pathology practice and associated rules, withdrawal, and amendment.*

a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

c. A member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech language pathology licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

d. Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

13. *Construction and severability.*

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

14. *Binding effect of compact and other laws.*

a. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

b. All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

c. All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

d. All agreements between the commission and the member states are binding in accordance with their terms.

e. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

**CHAPTER 1089****FIRE FIGHTERS AND EMERGENCY MEDICAL SERVICES MEMBERS — MOTOR VEHICLE OPERATION, EQUIPMENT, AND TRAINING — EMERGENCIES****S.F. 551**

**AN ACT** relating to fire fighters and emergency medical services members operating certain vehicles.

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

Section 1. **NEW SECTION. 321.231A Fire fighters and emergency medical services members responding to emergency situations.**

1. Notwithstanding section 321.231, the driver of a vehicle making use of a blue light pursuant to section 321.423, subsection 3, or displaying fire fighter or emergency medical services registration plates issued pursuant to section 321.34, subsection 10 or 10A, may reasonably exceed the maximum speed limits based on the facts and circumstances at the time, only if all of the following apply:

a. The driver is a current member of a paid or volunteer fire department or emergency medical services agency.

b. The driver is responding to, but not returning from, an emergency call or fire alarm.

c. The driver has received emergency vehicle operations training.

2. The provisions of this section shall not relieve the driver from the duty to drive with due regard for the safety of all other persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

3. A court shall dismiss and expunge from a driver's record any excessive speed violation citations issued to a driver under circumstances in which the driver complied with subsection 1, if the driver presents to the court a signed statement from the applicable fire chief or chief officer of an emergency medical services agency providing details about the driver's operation of the vehicle while responding to an emergency call or fire alarm, which operation resulted in the citation. This subsection does not apply to a driver who holds a commercial driver's license or commercial learner's permit.

Sec. 2. Section 321.423, subsection 3, paragraph a, subparagraph (2), Code 2022, is amended to read as follows:

(2) A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, ~~and~~ necessity for authorization is demonstrated in the request, and the member has received emergency vehicle operations training.

Sec. 3. Section 321.423, subsection 3, paragraph a, Code 2022, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (03) A vehicle authorized by the chief officer of an emergency medical services agency, if the vehicle is owned by a member of the emergency medical services agency, the request for authorization is made by the member on forms provided by the department, and necessity for authorization to respond to an emergency call or fire alarm under section 321.231A is demonstrated in the request.

Sec. 4. Section 321.423, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph "a", subparagraph (1), ~~or (2), or (03).~~

Approved May 24, 2022

**CHAPTER 1090**  
**CERTIFICATE OF NONVIABLE BIRTH**  
*S.F. 577*

**AN ACT** relating to a certificate of nonviable birth.

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

Section 1. NEW SECTION. **144.31B Certificate of nonviable birth.**

1. As used in this section:

a. “*Certificate of nonviable birth*” means a document issued based upon a nonviable birth.

b. “*Health care provider*” means the same as defined in section 144.29A.

c. “*Hospital*” means the same as defined in section 135B.1.

d. “*Nonviable birth*” means an unintentional, spontaneous fetal demise occurring after demonstration of a doppler-detected heartbeat and prior to the twentieth week of gestation during a pregnancy that has been verified by a health care provider.

2. A health care provider who attends or diagnoses a nonviable birth or a hospital at which a nonviable birth occurs shall advise a patient who experiences a nonviable birth that the patient may request a certificate of nonviable birth as provided in this section and, upon request by the patient, shall provide a letter certifying the nonviable birth to the patient.

3. The department may prescribe by rules adopted pursuant to chapter 17A the form and content of a request and the process for requesting a certificate of nonviable birth.

4. The department shall issue a certificate of nonviable birth to a patient within sixty days of receipt of a request and certification letter.

5. a. The department shall prescribe by rules adopted pursuant to chapter 17A the form and content of and the fee for the preparation of a certificate of nonviable birth, which fee shall not exceed the actual cost of preparation of the certificate.

b. At a minimum, the rules shall require that the certificate of nonviable birth contain all of the following:

(1) The date of the nonviable birth.

(2) The name and gender, if known. If the name is not furnished by the patient, the department shall complete the certificate with the name “baby boy” or “baby girl” and the last name of the patient. If the gender is unknown, the department shall complete the certificate with the name “baby” and the last name of the patient.

(3) The statement: “This certificate is not proof of live birth.”

6. The fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state and the vital records fund in accordance with section 144.46.

7. A certificate of nonviable birth shall not be required to be filed or registered. The department shall not register the nonviable birth associated with a certificate issued under this section or use the nonviable birth in calculating live birth statistics.

8. A certificate of nonviable birth shall not be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a nonviable birth.

9. This section shall only apply to, and a certificate of nonviable birth may be requested and issued only for, nonviable births occurring on or after January 1, 2000.

Approved May 24, 2022

**CHAPTER 1091****CHILD LABOR — OPERATION OF PIZZA DOUGH ROLLERS***S.F. 2190*

**AN ACT** relating to the use of child labor for certain bakery machine occupations utilizing pizza dough rollers.

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

Section 1. Section 92.8, subsection 10, Code 2022, is amended to read as follows:

10. Occupations involved in the operation of certain power-driven bakery machines. Except as otherwise provided in this subsection, this subsection does not apply to the operation of pizza dough rollers that are a type of dough sheeter that have been constructed with safeguards contained in the basic design so as to prevent fingers, hands, or clothing from being caught in the in-running point of the rollers, that have gears that are completely enclosed, and that have microswitches that disengage the machinery if the backs or sides of the rollers are removed, only when all the safeguards detailed in this subsection are present on the machinery, are operational, and have not been overridden. However, this subsection does apply to the setting up, adjusting, repairing, oiling, or cleaning of pizza dough rollers as described in this subsection.

Approved May 24, 2022

**CHAPTER 1092****USED CATALYTIC CONVERTER TRANSACTIONS***S.F. 2287*

**AN ACT** relating to used catalytic converter transactions, providing penalties, and making penalties applicable.

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

Section 1. Section 714.1, subsection 4, Code 2022, is amended to read as follows:

4. Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer. The fact that the person is found in possession of property which has been stolen from two or more persons on separate occasions, or that the person is a dealer or other person familiar with the value of such property and has acquired it for a consideration which is far below its reasonable value, or that the person violated section 714.27A in a transaction involving the property, shall be evidence from which the court or jury may infer that the person knew or believed that the property had been stolen.

Sec. 2. Section 714.27, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. "Scrap metal" means any metal suitable for reprocessing. "Scrap metal" does not include a motor vehicle, ~~but does include~~ or a catalytic converter detached from a motor vehicle.

Sec. 3. Section 714.27, subsection 5, paragraph a, Code 2022, is amended to read as follows:

a. Transactions in which the total sale price is fifty dollars or less, ~~except transactions for the sale of catalytic converters.~~

Sec. 4. Section 714.27, subsection 5, paragraph b, Code 2022, is amended by striking the paragraph.

Sec. 5. **NEW SECTION. 714.27A Used catalytic converter transactions — reporting — penalties.**

1. For purposes of this section:

a. “*Business transaction*” means an exchange of consideration for a catalytic converter between a scrap metal dealer, as defined in section 714.27, and another scrap metal dealer, an authorized vehicle recycler licensed under chapter 321H operating a business at a fixed location, a motor vehicle dealer licensed under chapter 322 operating a business at a fixed location, a towable recreational vehicle dealer licensed under chapter 322C operating a business at a fixed location, a mechanic or an automotive repair facility operating a business at a fixed location, or a person operating a similar business at a fixed location in another state.

b. “*Catalytic converter*” means a catalytic converter that was previously installed in a motor vehicle and subsequently removed.

2. a. A person shall not sell a catalytic converter in this state unless the person provides to the purchaser, at or before the time of sale, the person’s name, address, and place of business, if any, and presents to the purchaser a valid driver’s license or nonoperator’s identification card, military identification card, passport, or other government-issued photo identification.

b. For a business transaction in which the person selling the catalytic converter operates a business at a fixed location in this state, the person shall provide to the purchaser a copy of the person’s valid sales tax permit issued pursuant to chapter 423. For a business transaction in which the person selling the catalytic converter operates a business at a fixed location in another state and is authorized to conduct a business transaction in this state, the person shall provide to the purchaser a copy of the person’s valid sales tax permit issued pursuant to chapter 423, if the person has such a permit, or a copy of the person’s valid business license or permit from the other state. If a person is unable to provide the documentation required in this paragraph, the person shall instead comply with paragraph “c”.

c. For transactions other than business transactions, the person selling the catalytic converter shall provide to the purchaser an original receipt or invoice for a replacement catalytic converter purchased fewer than thirty days before the person sells the replaced catalytic converter, or a junking certificate for a vehicle that was issued fewer than thirty days before the person sells the catalytic converter.

(1) The receipt, invoice, or junking certificate presented by the person to the purchaser must be unmarked by a purchaser pursuant to subsection 3.

(2) This paragraph does not apply to a transaction if the person presents proof, unmarked pursuant to subsection 3, to the purchaser that the sale is approved by the sheriff of the county in which the vehicle from which the catalytic converter was removed is registered.

3. a. A person shall not purchase a catalytic converter from a seller without demanding and receiving the information required by subsection 2.

b. A person who purchases a catalytic converter shall mark the receipt, invoice, junking certificate, or proof of sheriff approval presented under subsection 2 to indicate the catalytic converter has been sold. The person shall take a photograph of the catalytic converter that clearly identifies the item as a catalytic converter.

c. A person who purchases a catalytic converter shall have a residence or fixed business address within this state.

4. A person who purchases a catalytic converter shall keep a confidential register or log of each transaction, including a copy of the information required by subsections 2, 3, and 5. All records and information kept pursuant to this subsection shall be retained for at least two years, and shall be provided to a law enforcement agency or other officer or employee designated by a county or city to enforce this section upon request during normal business hours when the law enforcement agency or designated officer or employee of a county or city has reasonable grounds to request such information as part of an investigation. A law enforcement agency or designated officer or employee of a county or city shall preserve the confidentiality of the information provided under this subsection and shall not disclose it to a third party, except as may be necessary in enforcement of this section or the prosecution of a criminal violation.



5. A transaction under this section shall make use of a traceable payment method including but not limited to payment made by check, voucher, issuance of a prepaid bank, credit, or debit card, or electronic funds transfer.

6. A person, including a person who conducts a business transaction on behalf of another person, who violates this section shall be subject to a civil penalty as follows:

- a. For an initial violation, one thousand dollars.
- b. For a second violation within two years, five thousand dollars.
- c. For a third or subsequent violation within two years, ten thousand dollars.

7. Proof that a person, including a person who conducted a business transaction on behalf of another person, violated subsection 2 or 3 shall be evidence from which the court or jury may infer any of the following:

a. The person aided and abetted the underlying theft of the catalytic converter involved in the transaction from a vehicle, under section 703.1.

b. The person had knowledge that a public offense has been committed and that a certain person committed it, for purposes of proving the person acted as an accessory after the fact under section 703.3.

Sec. 6. Section 805.8C, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. *Used catalytic converter transaction violations.* For violations of section 714.27A, the scheduled fine is one thousand dollars for a first violation, five thousand dollars for a second violation within two years, and ten thousand dollars for a third or subsequent violation within two years. The scheduled fine under this subsection is a civil penalty which shall be deposited into the general fund of the county or city if imposed by a designated officer or employee of a county or city, or deposited in the general fund of the state if imposed by a state agency, and the crime services surcharge under section 911.1 shall not be added to the penalty.

Approved May 24, 2022

## CHAPTER 1093

### TURKEY HUNTING — AUTHORIZED SHOTGUNS AND SHOT SIZES

*S.F. 2334*

**AN ACT** relating to shotguns that may be used to hunt turkey.

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

Section 1. Section 483A.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The commission shall authorize a person hunting turkey with a license that authorizes the use of a shotgun to use a caliber .410 shotgun or a 28-gauge shotgun. A caliber .410 shotgun or a 28-gauge shotgun used for hunting turkey shall only shoot shot not smaller than shot size number 10.

Approved May 24, 2022

**CHAPTER 1094****DEAF AND HARD-OF-HEARING CHILDREN — LANGUAGE AND DEVELOPMENTAL RESOURCES***H.F. 604*

**AN ACT** relating to language and literacy development for deaf and hard-of-hearing children.

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

Section 1. **NEW SECTION. 256B.10 Deaf and hard-of-hearing children.**

1. *a.* The department of education shall work with the state school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the department of public health for purposes of coordinating, developing, and disseminating resources for use by parents or guardians, early hearing detection and intervention programs, the state school for the deaf, area education agencies, school districts, and accredited nonpublic schools to inform deaf and hard-of-hearing children's expressive and receptive language acquisition or development.

*b.* The duties of the department of education shall, at a minimum, include all of the following:

(1) Coordinating the development and collection of language milestones for each age, from birth through age eight, in American sign language, English, and other languages as needed pursuant to subsection 3, which may include milestone assessments for deaf and hard-of-hearing children.

(2) Coordinating the development and distribution of resources for parents pertaining to language development pursuant to subsection 4.

(3) Coordinating the development and distribution of resources for early interventionists, educators, hospitals, and health care providers pertaining to language development.

(4) Monitoring the need for valid and reliable language assessments and distribution of resources toward language development in American sign language and English.

(5) Coordinating a parent-friendly procedure for outreach and follow-up.

(6) Coordinating the collection of regular language milestone assessment data for deaf and hard-of-hearing children.

(7) Summarizing data outcomes for parents, guardians, and partner agencies to use, including the annual report published pursuant to subsection 7.

(8) Working with stakeholders to maintain a valid and reliable two-fold language assessment approach, utilizing both American sign language and English, in selecting milestones, compiling data, employing qualified personnel, and distributing resources.

2. The parent resource developed pursuant to subsection 1 shall meet all of the following requirements:

*a.* Include American sign language and English language developmental milestones selected under subsection 1.

*b.* Be appropriate for use, in both content and administration, with deaf and hard-of-hearing children from birth through age eight who use American sign language or English, or both.

*c.* Present the language developmental milestones in terms of typical development of all children from birth through age eight, by age range.

*d.* Be written for clarity and ease of use by parents and guardians.

*e.* Be aligned to the department of education's existing infant, toddler, and preschool guidelines, standards for evaluating eligibility and progress for early intervention or special education under federal law, and state standards in English language arts.

*f.* Clearly specify that the parent resource is not a formal assessment of language and literacy development, and that the observations of a child by the child's parent or guardian may differ from formal assessment data presented at an individualized family service plan or individualized education program meeting.

*g.* Clearly specify that a parent or guardian may bring the parent resource to an individualized family service plan or individualized education program meeting for purposes of sharing the parent's or guardian's observations regarding the child's development.

3. The department of education, in consultation with the state school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the department of public health, shall select existing tools or assessments that may be used by qualified educators to assess American sign language and English language and literacy development of deaf and hard-of-hearing children from birth through age eight.

a. Educator tools or assessments selected under this subsection shall meet the following criteria:

(1) Be in a format that shows stages of language development.

(2) Be selected for use by educators to track the development of deaf and hard-of-hearing children's expressive and receptive language acquisition or developmental stages toward American sign language and English literacy.

(3) Be appropriate in both content and administration for use with deaf and hard-of-hearing children.

b. Educator tools or assessments selected under this subsection may be used, in addition to any assessment required by federal law, by the child's individualized family service plan or individualized education program team, as applicable, to track deaf and hard-of-hearing children's progress in improving expressive and receptive language skills, and to establish or modify individualized family service plans or individualized education programs.

4. The department of education shall disseminate the parent resource developed pursuant to this section to parents and guardians of deaf and hard-of-hearing children and, consistent with federal law, shall disseminate the educator tools and assessments selected pursuant to subsection 3 to early hearing detection and intervention programs, area education agencies, school districts, accredited nonpublic schools, and the state school for the deaf for use in the development and modification of individualized family service or individualized education program plans, and shall provide materials and training on the use of such materials to assist deaf and hard-of-hearing children in kindergarten readiness using American sign language or English, or both, from birth through age eight.

5. a. If moneys are appropriated by the general assembly for a fiscal year for the purpose provided in this subsection, the department of education shall develop guidelines for a comprehensive family support mentoring program that meets the language and communication needs of families.

b. The department of education shall work with the early hearing detection and intervention program in the Iowa department of public health, the state school for the deaf, and the area education agencies when developing the guidelines. The department of education, in consultation with the Iowa school for the deaf, shall administer the family support mentoring program for deaf or hard-of-hearing children.

c. With the consent of the parent of the deaf or hard-of-hearing child, the family support mentoring program shall pair families based on the specific need, experience, or want of the parent of the deaf or hard-of-hearing child with another family mentor or deaf or hard-of-hearing adult mentor to provide support.

d. In establishing the family support mentoring program, the department of education may do all of the following:

(1) Hire a family support mentoring coordinator.

(2) Utilize the parent resource created in subsection 2 as well as other resources to provide families with information and guidance on language, communication, social, and emotional development of their child.

(3) Recruit family support mentors to serve the needs of the family support mentoring program. A family support mentor may be any of the following:

(a) A parent who has experience raising a child who is deaf or hard-of-hearing and who has experience supporting the child's communication and language development.

(b) A deaf or hard-of-hearing adult who serves as a deaf or hard-of-hearing role model for the children and their families. Deaf or hard-of-hearing family support mentors may provide parents with an understanding of American sign language and English, including instructional philosophies for both, such as bilingual bimodal, listening and spoken language, total communication, and other philosophies, as well as other forms of communication, deaf culture, deaf community, and self-identity.

(4) Train parents of a deaf or hard-of-hearing child to become family support mentors and train deaf or hard-of-hearing adults to become deaf or hard-of-hearing adult family support mentors.

(5) Reach out to parents of children identified through the early hearing detection and intervention program in the Iowa department of public health and share information about the family support mentoring program services available to such parents.

(6) Reach out to families referred by primary care providers, the area education agencies, and from other agencies who provide services to deaf or hard-of-hearing children.

(7) Provide follow-up contact, as necessary, to establish services after initial referral.

e. The department of education shall coordinate family support mentoring activities with the early hearing detection and intervention program in the Iowa department of public health, the state school for the deaf, the area education agencies, and nonprofit organizations that provide family support mentoring to parents with deaf or hard-of-hearing children.

f. The department of education shall adopt rules pursuant to chapter 17A to administer this subsection.

6. All activities of the department of education in implementing this section shall be consistent with federal law for the education of children from birth through age eight.

7. The department of education shall annually compile, and publish on the department's internet site, a report using existing data reported in compliance with the state performance plan on pupils with disabilities, required under federal law, that is specific to language and literacy development in deaf and hard-of-hearing children from birth through age eight, including those children who are deaf or hard-of-hearing and have other disabilities, relative to the children's peers who are not deaf or hard-of-hearing.

8. For purposes of this section, unless the context otherwise requires:

a. "English" includes spoken English, written English, or English with the use of visual supplements.

b. "Federal law" means the federal Individuals with Disabilities Education Act, as amended by the federal Individuals with Disabilities Improvement Act, Pub. L. No. 108-446, 20 U.S.C. §1400 et seq., as amended.

Approved May 24, 2022

## CHAPTER 1095

### EVIDENCE — CRIMINAL OR POSTCONVICTION RELIEF ACTIONS — VICTIMS OF PHYSICAL OR SEXUAL ABUSE

*H.F. 2239*

**AN ACT** relating to the discovery of evidence in a criminal or postconviction relief action involving victims of sexual abuse, and the admissibility of evidence in a prosecution for physical abuse or a sexual offense upon or against a child, person with an intellectual disability, person with a cognitive impairment, or person with a developmental disability.

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

Section 1. NEW SECTION. **622.31A Evidence — victims of sexual abuse.**

1. The provision of rule of evidence 5.412 involving a victim of sexual abuse shall apply to discovery conducted in a criminal case or in a postconviction relief proceeding under chapter 822 including but not limited to depositions.

2. If a defendant in a criminal action or an applicant for postconviction relief wishes to conduct discovery involving evidence subject to rule of evidence 5.412, the defendant or applicant shall comply with substantially the same procedural requirements for evidence sought to be offered at trial including timelines, offers of proof, service, purpose of proposed

discovery, in camera hearings, relevancy, and the balancing of the probative value of the evidence with the danger of unfair prejudice.

3. Discovery, by deposition or otherwise, shall not be permitted for evidence that would not be admissible at trial under rule of evidence 5.412.

Sec. 2. NEW SECTION. **622.31B Admissibility of evidence in certain physical abuse and sexual offense cases.**

1. As used in this section:

a. “*Child*” means a person under fourteen years of age.

b. “*Cognitive impairment*” means a deficiency in a person’s short-term or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; or judgment as it relates to safety awareness.

c. “*Developmental disability*” means the same as defined under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Pub. L. No. 106-402, as codified in 42 U.S.C. §15002(8).

d. “*Intellectual disability*” means a disability of children and adults who as a result of inadequately developed intelligence have a significant impairment in ability to learn or to adapt to the demands of society.

2. In a prosecution for physical abuse or a sexual offense including but not limited to a sexual offense in violation of section 709.2, 709.3, 709.4, 709.11, 709.12, 709.14, 709.15, 709.16, or 709.23, upon or against a child, a person with an intellectual disability, person with a cognitive impairment, or person with a developmental disability, the following evidence shall be admitted as an exception to the hearsay rule if all of the requirements in subsection 3 apply:

a. Testimony by the victim concerning an out-of-court statement, whether consistent or inconsistent, made by the victim to another person that is an initial disclosure of the offense.

b. Testimony by another concerning an out-of-court statement, whether consistent or inconsistent, made by the victim that is an initial disclosure of an offense charged for physical abuse or a sexual offense against the victim.

3. The testimony described in subsection 2 shall be admitted into evidence at trial as an exception to the hearsay rule if all of the following apply:

a. The party intending to offer the statement does all of the following:

(1) Notifies the adverse party of the intent to offer the statement.

(2) Provides the adverse party with the name of the witness through whom the statement will be offered.

(3) Provides the adverse party with a written summary of the statement to be offered.

b. The court finds, in a hearing conducted outside the presence of the jury, that the timing of the statement, the content of the statement, and the circumstances surrounding the making of the statement provide sufficient safeguards of reliability.

c. The child, person with an intellectual disability, person with a cognitive impairment, or a person with a developmental disability testifies at the trial.

4. If a statement is admitted pursuant to this section, the court shall instruct the jury that it is for the jury to determine the weight and credibility to be given to the statement, and in making that determination, the jury shall consider the age and maturity of the child or the disability of the person with an intellectual disability, person with a cognitive impairment, or person with a developmental disability; the nature of the statement; the circumstances under which the statement was made, and any other relevant factors.

5. This section shall not prevent the admission of any evidence based upon forfeiture by wrongdoing.

**CHAPTER 1096****DEPARTMENT OF HUMAN SERVICES — CHILD CARE ASSISTANCE PROGRAM, CHILD AND FAMILY SERVICES, FOSTER CARE, ADOPTION, AND THE DEPENDENT ADULT ABUSE INFORMATION REGISTRY***H.F. 2252*

**AN ACT** relating to programs and services under the purview of the department of human services including child care assistance, child and family services, foster care, adoption, and the dependent adult abuse information registry.

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

**DIVISION I****STATE CHILD CARE ASSISTANCE PROGRAM ELIGIBILITY**

Section 1. Section 237A.13, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. The child's parent, guardian, or custodian is absent ~~for a limited period of time~~ due to hospitalization, physical illness, or mental illness, or is present but is unable to care for the child ~~for a limited period~~ as verified by a physician.

**DIVISION II****CHILD AND FAMILY SERVICES — FOSTER CARE SERVICE PAYMENTS**

Sec. 2. Section 234.1, subsection 2, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Child" means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets all of the following conditions:

a. The person was placed by court order issued pursuant to chapter 232 in foster care or in an institution listed in section 218.1 and either of the following situations apply to the person:

(1) After reaching eighteen years of age, the person has remained continuously and voluntarily under the care of an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or in a supervised apartment living arrangement, in this state.

(2) The person aged out of foster care after reaching eighteen years of age and subsequently voluntarily applied for placement with an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or for placement in a supervised apartment living arrangement, in this state.

b. The person has demonstrated a willingness to participate in case planning and to complete the responsibilities prescribed in the person's case permanency plan.

c. The department has made an application for the person for adult services upon a determination that it is likely the person will need or be eligible for services or other support from the adult services system.

Sec. 3. Section 234.35, subsection 3, Code 2022, is amended to read as follows:

3. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

a. ~~For a child who is eighteen years of age, family~~ Family foster care or ~~independent supervised apartment living arrangements.~~

b. ~~For a child who is nineteen years of age, independent living arrangements.~~

e. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a general education development diploma, if the services are in the child's best interests interest, funding is available for the services, and an appropriate alternative service is unavailable.

Sec. 4. Section 234.35, subsection 4, Code 2022, is amended by striking the subsection.

Sec. 5. Section 237.15, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

“*Child receiving foster care*” means a child ~~defined in section 234.1~~ who is described by any of the following circumstances:

#### DIVISION III ADOPTION

Sec. 6. Section 600.5, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. If the parents of the person to be adopted had their parental rights terminated pursuant to chapter 232, the petition shall included<sup>1</sup> the names of any known siblings placed separately from the person to be adopted and either the plan for ongoing contact between the siblings if a court found that continued contact is in the best interest of each sibling or a statement that the court found continued contact between the siblings is not in the best interest of each sibling.

Sec. 7. Section 600.6, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If parental rights were terminated pursuant to chapter 232, a copy of any court orders concerning whether ongoing contact between siblings not placed with the person to be adopted is in the best interest of each sibling.

Sec. 8. Section 600.8, subsection 1, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Whether the minor person to be adopted was the subject of a termination of parental rights proceeding pursuant to chapter 232, whether there are siblings not placed with the minor person to be adopted, and whether, if there are siblings, there is an ongoing relationship between the siblings and the minor child to be adopted or a court order finding contact between the siblings is in the best interest of each sibling.

Sec. 9. Section 600.11, subsection 2, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) Any siblings of the person to be adopted due to either an ongoing relationship or a court finding that ongoing contact with the person to be adopted is in the best interest of each sibling if the person to be adopted was a minor child when the minor child’s parents had their parental rights terminated pursuant to chapter 232 and the person to be adopted and the person’s siblings were not placed together.

Sec. 10. Section 600.16A, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Subject to section 235A.15, the juvenile court or court shall order the opening of the permanent adoption record of the juvenile court or court, the permanent termination of parental rights record under chapter 232, or both, pertaining to an adopted person who is an adult, upon request of the adopted person if the parents of the adopted person had their parental rights terminated pursuant to chapter 232.

#### DIVISION IV DEPENDENT ADULT ABUSE INFORMATION REGISTRY — DISCLOSURE OF INFORMATION

Sec. 11. Section 235B.3, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. If, in the course of assessment, evaluation, or investigation of a report of dependent adult abuse, the department determines that disclosure is necessary for the protection of a dependent adult’s resources, the department may disclose the initiation and status of the dependent adult abuse evaluation to the dependent adult’s bank, savings association, credit union, broker-dealer as defined in section 502.102, subsection 4,

<sup>1</sup> See chapter 1153, §13 herein

investment advisor as defined in section 502.102, subsection 15, financial advisor, or other financial institution, or the administrator as defined in section 502.102, subsection 1.

Sec. 12. Section 235B.6, subsection 2, paragraph e, Code 2022, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (20) To a bank, savings association, credit union, broker-dealer as defined in section 502.102, subsection 4, investment advisor as defined in section 502.102, subsection 15, financial advisor, or other financial institution as deemed necessary by the department to protect the dependent adult's resources.

NEW SUBPARAGRAPH. (21) To the social security administration.

NEW SUBPARAGRAPH. (22) To the administrator as defined in section 502.102, subsection 1.

Sec. 13. Section 235B.6, subsection 3, Code 2022, is amended to read as follows:

3. Access to unfounded dependent adult abuse information is authorized only to those persons identified in subsection 2, paragraph "a", paragraph "b", subparagraphs (2), (5), and (6), and paragraph "e", subparagraphs (2), (5), and (10), (20), (21), and (22).

Approved May 24, 2022

## CHAPTER 1097

### RADON TESTING AND MITIGATION IN PUBLIC SCHOOLS

H.F. 2412

**AN ACT** requiring radon testing and mitigation in public schools, and including applicability provisions.

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

Section 1. NEW SECTION. **280.32 Radon testing and mitigation.**

1. For purposes of this section, "short-term test" means a test using a device that remains in an area for two to seven days to determine the amount of radon in the air.

2. The board of directors of each public school district shall establish a radon plan and schedule for short-term tests for radon gas to be performed at each attendance center under its control at least once by July 1, 2027, and at least once every five years thereafter. Each school district shall publish testing results on the district's internet site in a timely manner.

3. Radon testing pursuant to this section conducted on and after July 1, 2022, shall be conducted by a person certified to conduct such testing pursuant to section 136B.1 or by district employees that have completed a school radon testing training program approved by the department of education and the department of public health. District employees that have completed training shall not perform testing services in locations other than the employee's employing district. The department of public health shall maintain and make available to school districts a list of such approved school radon testing training programs. Testing shall be based on recognized national standards that outline school radon testing practices.

4. *a.* If the results of a short-term test at an attendance center are at or above four picocuries per liter, the board of directors of the public school district shall conduct a second short-term test for radon gas and radon decay products in the spaces with elevated results within sixty days of the first test.

*b.* If the averaged results of the first and second tests at an attendance center pursuant to paragraph "a" are at or above four picocuries per liter, the board of directors of the public school district shall retain or employ a person credentialed pursuant to section 136B.1 to develop a radon mitigation plan that may include further diagnostic testing, corrective



measures, and active mitigation. The board shall complete the radon mitigation plan within two years of the first test. A district is not required to mitigate radon at an attendance center if the district intends to abandon the building within five years or has a plan to renovate the attendance center within five years and the renovation will include radon mitigation.

5. All new school construction shall incorporate radon resistant construction techniques.

6. In consultation with appropriate stakeholders and the department of education, the department of public health shall adopt rules to administer this section.

Sec. 2. Section 423F.3, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. If the board of directors adopts a resolution to use funds received under the operation of this chapter solely for providing property tax relief by reducing indebtedness from the levies specified under section 298.2 or 298.18, or for radon testing pursuant to section 280.32, the board of directors may approve a revenue purpose statement for that purpose without submitting the revenue purpose statement to a vote of the electors.

Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16 or revenues from the secure an advanced vision for education fund under section 423F.3. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

Sec. 4. APPLICABILITY. Section 423F.3, subsection 8, does not apply to this Act.

Approved May 24, 2022

## CHAPTER 1098

### JUVENILE JUSTICE AND CHILD AND FAMILY WELFARE

#### H.F. 2507

**AN ACT** relating to juvenile justice including juvenile delinquency, child in need of assistance and family in need of assistance proceedings, juvenile justice reform, and juvenile court expenses and costs, and including effective date, applicability, and retroactive applicability provisions, and making appropriations.

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

#### DIVISION I

#### JUVENILE JUSTICE — CONSTRUCTION AND DEFINITIONS

Section 1. Section 232.1, Code 2022, is amended to read as follows:

##### **232.1 Rules of construction.**

This chapter shall be liberally construed to the end that each child under the jurisdiction of the court shall receive, preferably in the child's own home, the care, guidance and control that will best serve the child's welfare and the best interest of the state. When a child is removed from the control of the child's parents, the court shall secure the least restrictive care for the child care as nearly as possible equivalent to that which should have been given by the parents child's placement with a preference for placement with the child's family or a fictive kin.

Sec. 2. Section 232.2, subsection 6, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

6. “*Child in need of assistance*” means a child who has been found to meet the grounds for adjudication pursuant to section 232.96A.

Sec. 3. Section 232.2, subsection 9, Code 2022, is amended to read as follows:

9. “*Court appointed special advocate*” means a person duly certified by the child advocacy board created in section 237.16 for participation in the court appointed special advocate program and appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding carry out duties pursuant to section 237.24.

Sec. 4. Section 232.2, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 20A. “*Fictive kin*” means an adult person who is not a relative of a child but who has an emotionally positive significant relationship with the child or the child’s family.

NEW SUBSECTION. 20B. “*Foster care*” means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment, or other care, to a child on a full-time basis by a person, including an adult relative or fictive kin of the child, and where the child is under the placement, care, or supervision of the department, juvenile court services, or tribes with whom the department has entered into an agreement pursuant to a court order or voluntary placement, but not including a guardian of the child.

Sec. 5. Section 232.2, subsection 21, paragraph a, Code 2022, is amended to read as follows:

a. “*Guardian*” means a person who is not the parent of a child, but who has been appointed by a court or juvenile court having jurisdiction over the child, to have a permanent self-sustaining relationship with the child and to make important decisions which have a permanent effect on the life and development of that child and to promote the general welfare of that child. A guardian may be a court or a juvenile court. Guardian does not mean conservator, as defined in section 633.3, although a person who is appointed to be a guardian may also be appointed to be a conservator.

Sec. 6. Section 232.2, subsection 22, paragraph a, Code 2022, is amended to read as follows:

a. “*Guardian ad litem*” means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, ~~and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, subsection 1, paragraphs “a” and “d”, section 232.103, subsection 2, paragraph “c”, and section 232.111.~~

Sec. 7. Section 232.2, subsection 22, paragraph b, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Unless otherwise enlarged or circumscribed after a finding of good cause by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include the following:

Sec. 8. Section 232.2, subsection 22, paragraph b, Code 2022, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (8) Submitting a written report to the juvenile court and to each of the parties detailing compliance with this subsection. If the guardian ad litem is also appointed to represent the child as an attorney, the written report shall contain an assessment of this dual role and whether there is a need for the court to appoint a separate guardian ad litem. A written report shall be submitted for each court hearing unless otherwise ordered by the court.

NEW SUBPARAGRAPH. (9) Providing a sibling of a child not placed with the child with the reasons why the child and the sibling have not been placed together and an explanation of the efforts being made to facilitate placement together or why efforts to place the child and sibling together are not appropriate. This subparagraph shall not apply if the sibling's age or mental state makes such explanations inappropriate.

Sec. 9. Section 232.2, subsection 22, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* In determining the best interests of the child, rather than relying solely on a guardian ad litem's life experiences or instinct, a guardian ad litem shall, with the primary goal of achieving permanency for the child by preserving the child's family or reunifying the child with the child's family, do all of the following:

(1) Determine the child's circumstances through a full, independent, and efficient investigation, including the information gathered from the child's medical, mental health, and education professionals, social workers, other relevant experts, and other sources obtained in accordance with this subsection.

(2) Assess the child and the totality of the child's circumstances at the time of each placement determination, including any potential trauma to the child that may be caused by any recommended action.

(3) Examine all options available to the child in light of the permanency plans.

(4) Incorporate a child's expressed wishes in recommendations and reports.

Sec. 10. Section 232.2, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 35A. "*Neglect*" means the failure on the part of a person responsible for the care of a child to provide for adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so.

Sec. 11. Section 232.2, subsection 42, Code 2022, is amended to read as follows:

42. ~~"Physical abuse or neglect" or "abuse or neglect"~~ "Physical abuse" means any nonaccidental physical injury suffered by a child as the result of the acts or omissions of the child's parent, guardian, or custodian or other person legally responsible for the child.

Sec. 12. Section 232.2, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 045A. "*Putative father*" means a person who has been identified by the mother of a child as the child's potential biological father or a person who claims to be the biological father of a child and who was not married to the child's mother at the time of the child's birth, when all of the following circumstances apply:

a. Biological testing has not excluded the person as the child's biological father.

b. No legal father has been established, biological testing excludes the previously identified father, or previous paternity has otherwise been disestablished.

c. Information sufficient to identify and find the person has been provided to the county attorney by the mother, the person, or a party to proceedings under this chapter.

d. The person has not been found by a court to be uncooperative with genetic testing.

Sec. 13. Section 232.2, subsection 46A, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

46A. "*Relative*" means an individual related to a child within the fourth degree of consanguinity or affinity, by marriage, or through adoption. For purposes of subchapters III and IV, "*relative*" includes the parent of a sibling of the child if the sibling's parent's parental rights were not previously terminated in relation to the child.

Sec. 14. Section 232.2, subsection 52, Code 2022, is amended to read as follows:

52. "*Sibling*" means an individual who is related to another individual by blood, adoption, or affinity through a common legal or biological parent, regardless of whether a common legal or biological parent's parental rights have been terminated.

Sec. 15. Section 232.3, subsection 1, Code 2022, is amended to read as follows:

1. During the pendency of an action under this chapter, a party to the action is estopped from litigating concurrently the custody, guardianship, or placement of a child who is the subject of the action, in a court other than the juvenile court. A district judge, district associate judge, magistrate, or judicial hospitalization referee, upon notice of the pendency of an action under this chapter, shall not issue an order, finding, or decision relating to the custody, guardianship, or placement of the child who is the subject of the action, under any law, including but not limited to chapter 232D, 598, 598B, or 633.

#### DIVISION II

#### JUVENILE DELINQUENCY PROCEEDINGS — TAKING A CHILD INTO CUSTODY

Sec. 16. Section 232.19, subsection 1, paragraph c, Code 2022, is amended to read as follows:

c. By a peace officer, when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian, or custodian, for the purposes of determining whether the child shall be reunited with the child's parents, guardian, or custodian, or placed in shelter care, or, if the child is a chronic runaway and the county has an approved county runaway treatment plan, placed in a runaway assessment center under section 232.196.

#### DIVISION III

#### JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL PROCEEDINGS

Sec. 17. Section 232.37, subsection 4, Code 2022, is amended to read as follows:

4. Service of summons or notice shall be made personally by the sheriff by delivering a copy of the summons or notice to the person being served. If the court determines that personal service of a summons or notice is impracticable, the court may order service by certified mail addressed to the last known address, by publication, or by electronic mail or other electronic means with the consent of the party to be served. Service of summons or notice shall be made not less than five days before the time fixed for hearing. Service of summons, notice, subpoenas or other process, after an initial valid summons or notice, shall be made in accordance with the rules of the court governing such service in civil actions.

Sec. 18. Section 232.57, subsection 2, paragraphs d, e, f, and g, Code 2022, are amended to read as follows:

d. The parent has been convicted of the murder of another child ~~of the parent~~.

e. The parent has been convicted of the voluntary manslaughter of another child ~~of the parent~~.

f. The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child ~~of the parent~~.

g. The parent has been convicted of a felony assault which resulted in serious bodily injury of the child or of another child ~~of the parent~~.

#### DIVISION IV

#### CHILD IN NEED OF ASSISTANCE PROCEEDINGS — CHILD ABUSE REPORTING, ASSESSMENT, AND REHABILITATION

Sec. 19. Section 232.67, Code 2022, is amended to read as follows:

#### **232.67 Legislative findings — purpose and policy.**

Children in this state are in urgent need of protection from abuse. It is the purpose and policy of ~~this part 2~~ of subchapter III to provide the greatest possible protection to victims or potential victims of abuse through encouraging the increased reporting of suspected cases of abuse, ensuring the thorough and prompt assessment of these reports, and providing rehabilitative services, where appropriate and whenever possible to abused children and their families which will stabilize the home environment so that the family can remain intact without further danger to the child. The state recognizes removing a child from the child's

family will cause the child harm and that the harm caused by a child's removal must be weighed against the potential harm in allowing a child to remain with the child's family.

Sec. 20. Section 232.68, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), Code 2022, is amended to read as follows:

(a) The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so and the failure occurred within five years of a report.

Sec. 21. Section 232.68, subsection 2, paragraph a, subparagraph (7), Code 2022, is amended to read as follows:

(7) The person responsible for the care of a child, in the presence of a child, as defined in section ~~232.2, subsection 6, paragraph "p"~~ 232.96A, subsection 16, paragraph "e", unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance, as defined in section ~~232.2, subsection 6, paragraph "p"~~ 232.96A, subsection 16, paragraph "f", or knowingly allows such use, possession, manufacture, cultivation, or distribution by another person in the presence of a child; possesses a product with the intent to use the product as a precursor or an intermediary to a dangerous substance in the presence of a child; or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance specified in section ~~232.2, subsection 6, paragraph "p", subparagraph (2), subparagraph division (a), (b), or (c)~~ 232.96A, subsection 16, paragraph "f", subparagraph (1), (2), or (3), in a child's home, on the premises, or in a motor vehicle located on the premises and the incident occurred within five years of a report to the department.

Sec. 22. Section 232.70, subsection 1, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

1. Each report made by a mandatory reporter, as defined in section 232.69, subsection 1, or a permissive reporter, as defined in section 232.69, subsection 2, shall be oral.

Sec. 23. Section 232.71B, subsection 11, Code 2022, is amended to read as follows:

11. *Multidisciplinary team.* In each county or multicounty area in which more than fifty child abuse reports are made per year, the department shall establish a multidisciplinary team, as defined in section 235A.13, subsection 8. Upon the department's request, a multidisciplinary team shall assist the department in the assessment, diagnosis, and disposition of a child abuse assessment and the subsequent provision of services.

#### DIVISION V

#### CHILD IN NEED OF ASSISTANCE PROCEEDINGS — TEMPORARY CUSTODY OF A CHILD

Sec. 24. Section 232.78, subsection 1, paragraph b, Code 2022, is amended to read as follows:

~~b. It appears~~ The court has found that substantial evidence exists to demonstrate that the need for removal outweighs the potential harm removal of the child would cause the child, including but not limited to any physical, emotional, social, and mental trauma the removal may cause the child.

c. The court finds that the child's immediate removal is necessary to avoid imminent danger to the child's life or health. The circumstances or conditions indicating the presence of such imminent danger shall include but are not limited to any of the following:

(1) The refusal or failure of the person responsible for the care of the child to comply with the request of a peace officer, juvenile court officer, or child protection worker for such person to obtain and provide to the requester the results of a physical or mental examination of the child. The request for a physical examination of the child may specify the performance of a medically relevant test.

(2) The refusal or failure of the person responsible for the care of the child or a person present in the person's home to comply with a request of a peace officer, juvenile court officer,

or child protection worker for such a person to submit to and provide to the requester the results of a medically relevant test of the person.

Sec. 25. Section 232.78, subsection 7, Code 2022, is amended to read as follows:

7. Any order entered under this section authorizing temporary removal of a child must include ~~both~~ all of the following:

a. A determination made by the court that continuation of the child in the child's home would be contrary to the welfare of the child. Such a determination must be made on a case-by-case basis. The grounds for the court's determination must be explicitly documented and stated in the order. However, preserving the safety of the child must be the court's paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determination shall not be a prerequisite to the removal of the child.

b. A determination made by the court that the necessity of the removal of the child from the child's home, due to an imminent risk to the child's life or health, is greater than the potential harm including but not limited to physical, emotional, social, and mental trauma the removal may cause the child.

~~b.~~ c. A statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

Sec. 26. Section 232.78, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. If the juvenile court determines that the child should be temporarily removed from the child's home under this section, the court shall consider placing the child in the custody of another parent of the child. If the juvenile court determines placing custody of the child with any of the child's parents is not in the child's best interests, the child's custody shall be transferred to the department for placement of the child in any of the following categories in the following order of priority:

(1) An adult relative of the child including but not limited to adult siblings and parents of siblings.

(2) A fictive kin.

(3) Any other suitable placement identified by the child's relatives.

(4) An individual licensed to provide foster care pursuant to chapter 237. If the child is placed with a licensed foster care provider, the department shall assign decision-making authority to the foster care provider for the purpose of applying the reasonable and prudent parent standard during the child's placement.

(5) A group care facility, shelter care facility, or other residential treatment facility.

b. (1) If the court places custody of the child with the department pursuant to paragraph "a", the court may identify a category listed in paragraph "a" for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

(2) The court shall give deference to the department's decision for placement of a child. A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

c. A juvenile court shall not order placement of a child in a category listed in paragraph "a", subparagraph (2), (3), (4), or (5), without a specific finding that placement with a relative is not in the child's best interests and shall provide reasons for the court's finding.

Sec. 27. Section 232.79, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. Make every reasonable effort to place the child with an adult relative or a fictive kin of the child.

Sec. 28. Section 232.79A, Code 2022, is amended to read as follows:

**232.79A Children without adult supervision.**

If a peace officer determines that a child does not have adult supervision because the child's parent, guardian, or other person responsible for the care of the child has been arrested and detained or has been unexpectedly incapacitated, and that no adult who is legally responsible

for the care of the child can be located within a reasonable period of time, the peace officer shall attempt to place the child with an adult relative of the child, ~~an adult person who cares for the child, or another adult person who is known to the child or a fictive kin~~. The person with whom the child is placed is authorized to give consent for emergency medical treatment of the child and shall not be held liable for any action arising from giving the consent. Upon the request of the peace officer, the department shall assist in making the placement. The placement shall not exceed a period of twenty-four hours and shall be terminated when a person who is legally responsible for the care of the child is located and takes custody of the child. If a person who is legally responsible for the care of the child cannot be located within the twenty-four hour period or a placement in accordance with this section is unavailable, the provisions of section 232.79 shall apply. If the person with whom the child is placed charges a fee for the care of the child, the fee shall be paid from funds provided in the appropriation to the department for protective child care.

**Sec. 29. NEW SECTION. 232.79B Safety plans.**

1. For the purposes of this section, “*safety plan*” means a short-term, time-limited agreement entered into between the department and a child’s parent designed to address signs of imminent or impending danger to a child identified by the department.

2. Upon the department’s determination that potential harm to a child may be mitigated by the development of a safety plan, the department may enter into a safety plan with the child’s parent.

3. A safety plan shall not be construed as a removal from parental custody absent a court order placing the child with a person or facility other than the parent who entered into the safety plan.

4. The department shall adopt rules to implement this section.

Sec. 30. Section 232.82, Code 2022, is amended to read as follows:

**232.82 Removal of sexual offenders, and physical abusers, and domestic abusers from the residence pursuant to court order.**

1. Notwithstanding section 561.15, if it is alleged by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion, that a parent, guardian, custodian, or an adult member of the household in which a child resides has committed a sexual offense with or against the child, pursuant to chapter 709 or section 726.2, or a physical abuse as defined by in section 232.2, subsection 42, or domestic abuse assault as defined in section 708.2A, against the child or another household member at a location or in a manner a reasonably prudent person would know the child could see, hear, or otherwise experience, the juvenile court may enter an ex parte order requiring the alleged sexual offender, ~~or physical abuser, or domestic abuser~~ to vacate the child’s residence upon a showing that probable cause exists to believe that the sexual offense, ~~or physical abuse, or domestic abuse~~ has occurred and that substantial evidence exists to believe that the presence of the alleged sexual offender, ~~or physical abuser, or domestic abuser~~ in the child’s residence presents a danger to the child’s life or physical, emotional, or mental health.

2. If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the county attorney, the department of human services, or a juvenile court officer within three days of the entering of the order.

3. The juvenile court may order on its own motion, or shall order upon the request of the alleged sexual offender, ~~or physical abuser, or domestic abuser~~ a hearing to determine whether the order to vacate the residence should be upheld, modified, or vacated. The hearing shall be held within thirty days of removal of the alleged sexual offender, physical abuser, or domestic abuser from the residence. The juvenile court may in any later child in need of assistance proceeding uphold, modify, or vacate the order to vacate the residence.

Sec. 31. Section 232.84, subsection 2, Code 2022, is amended to read as follows:

2. ~~Within~~ Unless the custody of a child is transferred from one of the child’s parents to another parent of the child, within thirty days after the entry of an order under this chapter transferring custody of a child to an agency for placement removing a child from the custody of a parent or parents of the child, the agency department shall exercise due diligence in

identifying and providing notice to the child's grandparents, aunts, uncles, adult siblings, parents of the child's siblings, and adult relatives suggested by the child's parents, subject to exceptions due to the presence of family or domestic violence.

Sec. 32. Section 232.84, Code 2022, is amended by adding the following new subsections:

**NEW SUBSECTION.** 4. The agency may share information as necessary to explore a child's potential placement with any adult relative who may receive notice pursuant to subsection 2.

**NEW SUBSECTION.** 5. If an adult relative entitled to notice pursuant to subsection 2 is later discovered by or identified to the department, the department shall provide notice to that relative within thirty days of that relative becoming known to the department.

Sec. 33. **NEW SECTION. 232.96A Child in need of assistance adjudication.**

The court may adjudicate a child in need of assistance if such child is unmarried and meets any of the following requirements:

1. The child's parent, guardian, or other custodian has abandoned or deserted the child.
2. The child's parent, guardian, other custodian, or other member of the household in which the child resides has physically abused or neglected the child, or is imminently likely to physically abuse or neglect the child.
3. The child has suffered or is imminently likely to suffer harmful effects as a result of any of the following:
  - a. Mental injury caused by the acts of the child's parent, guardian, or custodian.
  - b. The failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child.
  - c. The child's parent, guardian, custodian, or person responsible for the care of a child as defined in section 232.68, has knowingly disseminated or exhibited obscene material, as defined in section 728.1, to the child.
4. The child has been, or is imminently likely to be, sexually abused by the child's parent, guardian, custodian, or other member of the household in which the child resides.
5. The child is in need of medical treatment to cure, alleviate, or prevent serious physical injury or illness and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.
6. The child is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward the child's self or others and the child's parent, guardian, or custodian is unwilling to provide such treatment.
7. The child's parent, guardian, or custodian fails to exercise a minimal degree of care in supplying the child with adequate food, clothing, or shelter and refuses other means made available to provide such essentials.
8. The child has committed a delinquent act as a result of pressure, guidance, or approval from a parent, guardian, custodian, or other member of the household in which the child resides.
9. The child has been the subject of or a party to sexual activities for hire or who poses for live display or for photographic or other means of pictorial reproduction or display which is designed to appeal to the prurient interest, is patently offensive, and taken as a whole, lacks serious literary, scientific, political, or artistic value.
10. The child is without a parent, guardian, or other custodian.
11. The child's parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody.
12. The child for good cause desires to have the child's parents relieved of the child's care and custody.
13. The child is in need of treatment to cure or alleviate chemical dependency and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.
14. The child's parent, guardian, or custodian suffers from a mental incapacity, a mental condition, imprisonment, or drug or alcohol abuse that results in the child not receiving adequate care or being imminently likely not to receive adequate care.



15. The child's body has an illegal drug present as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian. The presence of the drug shall be determined in accordance with a medically relevant test as defined in section 232.73.

16. The child's parent, guardian, custodian, or other adult member of the household in which a child resides does any of the following:

a. Unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance in the presence of the child.

b. Knowingly allows the use, possession, manufacture, cultivation, or distribution of a dangerous substance by another person in the presence of the child.

c. Possesses a product with the intent to use the product as a precursor or an intermediary to a dangerous substance in the presence of the child.

d. Unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance listed in paragraph "f", subparagraph (1), (2), or (3), in the child's home, on the premises, or in a motor vehicle located on the premises.

e. For the purposes of this subsection, "*in the presence of a child*" means in the physical presence of a child or occurring under other circumstances in which a reasonably prudent person would know that the use, possession, manufacture, cultivation, or distribution of a dangerous substance may be seen, smelled, ingested, or heard by a child.

f. For the purposes of this subsection, "*dangerous substance*" means any of the following:

(1) Amphetamine, its salts, isomers, or salts of its isomers.

(2) Methamphetamine, its salts, isomers, or salts of its isomers.

(3) A chemical or combination of chemicals that poses a reasonable risk of causing an explosion, fire, or other danger to the life or health of persons who are in the vicinity while the chemical or combination of chemicals is used or is intended to be used in any of the following:

(a) The process of manufacturing an illegal or controlled substance.

(b) As a precursor in the manufacturing of an illegal or controlled substance.

(c) As an intermediary in the manufacturing of an illegal or controlled substance.

(4) Cocaine, its salts, isomers, salts of its isomers, or derivatives.

(5) Heroin, its salts, isomers, salts of its isomers, or derivatives.

(6) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

17. The child is a newborn infant whose parent has voluntarily released custody of the child in accordance with chapter 233.

#### DIVISION VI

#### CHILD IN NEED OF ASSISTANCE PROCEEDINGS — JUDICIAL PROCEEDINGS

Sec. 34. Section 232.89, subsection 1, Code 2022, is amended to read as follows:

1. Upon the filing of a petition the parent, guardian, putative father, or custodian identified in the petition shall have the right to counsel in connection with all subsequent hearings and proceedings. If that person desires but is financially unable to employ counsel, the court shall appoint counsel. A putative father is not a necessary party to a proceeding until the putative father's paternity is established.

Sec. 35. Section 232.89, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. If the child is represented by counsel and the court determines there is a conflict of interest between the child and the child's parent, guardian, putative father, or custodian and that the retained counsel could not properly represent the child as a result of the conflict, the court shall appoint other counsel to represent the child, who shall be compensated pursuant to the provisions of subsection 3.

Sec. 36. Section 232.89, subsection 4, Code 2022, is amended to read as follows:

4. The same person may serve both as the child's counsel and as guardian ad litem. However, the court may appoint a separate guardian ad litem, if the same person cannot properly represent the legal interests of the child as legal counsel and also represent the best interest interests of the child as guardian ad litem in accordance with section 232.2, subsection 22, paragraph "e", or a separate guardian ad litem is required to fulfill the

requirements of subsection 2. If a child's guardian ad litem is also acting as an attorney for the child, each report submitted to a court by the guardian ad litem shall contain a statement indicating whether a separate guardian ad litem is required based on the guardian ad litem's interviews and investigations conducted until the time a report is submitted to the court.

Sec. 37. Section 232.91, subsections 1, 2, 3, and 4, Code 2022, are amended to read as follows:

1. Any hearings or proceedings under this subchapter subsequent to the filing of a petition shall not take place without the presence of the child's parent, guardian, custodian, or guardian ad litem in accordance with and subject to section 232.38. A parent without custody ~~may petition the court to~~ shall be made a party to proceedings under this subchapter.

2. An agency, facility, institution, ~~or person~~ adult relative with a substantial relationship to the child, fictive kin, including a foster parent or an individual providing preadoptive care, or individual providing custodial care to the child may petition the court to be made a party to proceedings under this subchapter.

3. Any person who is entitled under section 232.88 to receive notice of a hearing concerning a child shall be given the opportunity to be heard in any other review or hearing involving the child. A foster parent, adult relative, or other individual with whom a child has been placed for preadoptive care shall have the right to be heard in any proceeding involving the child. If a child is of an age appropriate to attend the hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interests of a child ~~fourteen~~ ten years of age or older to attend all hearings.

4. If a child is of an age appropriate to attend a hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interests of a child ~~fourteen~~ ten years of age or older to attend all hearings and all staff or family meetings involving placement options or services provided to the child. The department shall allow the child to attend all such hearings and meetings unless the attorney for the child finds the child's attendance is not in the best interests of the child. If the child is excluded from attending a hearing or meeting, the department shall maintain a written record detailing the reasons for excluding the child. Notwithstanding sections 232.147 through 232.151, a copy of the written record shall be made available to the child upon the request of the child after reaching the age of majority.

Sec. 38. **NEW SECTION. 232.94B Continuances.**

A court may grant a continuance in a child in need of assistance proceeding or a termination of a parent-child relationship proceeding only for good cause shown.

Sec. 39. Section 232.95, subsection 2, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

2. Upon such hearing, the court may do any of the following:

a. Return the child to a person with legal custody of the child pending a final order of disposition.

b. Remove the child from home and place the child with a parent of the child pending a final order of disposition.

c. Remove the child from home and place custody of the child with the department for placement of the child, pending a final order of disposition, in any of the following categories in the following order of priority:

(1) An adult relative of the child including but not limited to adult siblings and parents of siblings.

(2) A fictive kin.

(3) Any other suitable placement identified by the child's relatives.

(4) An individual licensed to provide foster care pursuant to chapter 237. If the child is placed with a licensed foster care provider, the department shall assign decision-making authority to the foster care provider for the purpose of applying the reasonable and prudent parent standard during the child's placement.

(5) A group care facility, shelter care facility, or other residential treatment facility.

d. Authorize a physician, physician assistant, or hospital to provide medical or surgical procedures if such procedures are necessary to safeguard the child's life or health.

Sec. 40. Section 232.95, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 5. a. If the court orders a removal pursuant to subsection 2, paragraph "b" or "c", the court shall, in addition, make a determination that continuation of the child in the child's home would be contrary to the welfare of the child, and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home. The court shall also make a finding that substantial evidence exists to demonstrate that the need for removal due to an imminent risk to the child's life or health is greater than the potential harm including but not limited to any physical, emotional, social, or mental trauma the removal may cause the child.

b. The court's determination regarding continuation of the child in the child's home and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be specifically documented and stated in the court order. However, preserving the safety of the child must be the court's paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for temporary removal of the child.

NEW SUBSECTION. 6. a. (1) If the court places custody of the child with the department pursuant to subsection 2, paragraph "c", the court may identify a category listed in subsection 2, paragraph "c", for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

(2) The court shall give deference to the department's decision for placement of a child. A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

b. The court shall not order placement of a child in a category identified in subsection 2, paragraph "c", subparagraph (2), (3), (4), or (5), without a specific finding that placement with an adult relative is not in the child's best interests and providing reasons for the finding.

c. If the court orders the removal of a child pursuant to subsection 2, paragraph "b" or "c", the order shall also include a statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

Sec. 41. Section 232.96, subsection 6, Code 2022, is amended to read as follows:

6. A report, study, record, or other writing or an audiotape or videotape recording made by the department of human services, a juvenile court officer, a peace officer, a child protection center, or a hospital relating to a child in a proceeding under this subchapter is admissible notwithstanding any objection to hearsay statements contained in it provided it is relevant and material and provided its probative value substantially outweighs the danger of unfair prejudice to the child's parent, guardian, or custodian. The circumstances of the making of the report, study, record or other writing or an audiotape or videotape recording, including the maker's lack of personal knowledge, may be proved to affect its weight.

Sec. 42. Section 232.96, subsection 10, Code 2022, is amended to read as follows:

10. If the court enters an order adjudicating the child to be a child in need of assistance, the court, if it has not previously done so, may issue an order authorizing temporary removal of the child from the child's home as set forth in section 232.95, subsection 2, paragraph "~~a~~" "b" or "c", pending a final order of disposition. The order shall include ~~both~~ all of the following:

a. A determination that continuation of the child in the child's home would be contrary to the welfare of the child, ~~and that reasonable efforts, as defined in section 232.102, have been made to prevent or eliminate the need for removal of the child from the child's home and the court has found that substantial evidence exists to demonstrate that the need for removal due to an imminent risk to the child's life or health is greater than the potential harm including~~

but not limited to any physical, emotional, social, or mental trauma the removal may cause the child. The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child is the paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for temporary removal of the child.

b. A statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

c. If the court orders a removal of a child pursuant to this subsection and placement of a child pursuant to section 232.95, subsection 2, paragraph "c", subparagraph (2), (3), (4), or (5), a specific finding that placement with an adult relative is not in the child's best interests and the reasons for the finding.

Sec. 43. Section 232.96, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 11. a. If the court places custody of the child with the department pursuant to subsection 10, the court may identify a category listed in section 232.95, subsection 2, paragraph "c", for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

b. The court shall give deference to the department's decision for placement of a child. A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

Sec. 44. Section 232.97, subsection 3, Code 2022, is amended to read as follows:

3. The social report shall not be disclosed except as provided in this section and except as otherwise provided in this chapter. At least five days prior to the hearing at which the disposition is determined, ~~the court~~ the department shall send file a copy of the social report to with the court and the court shall restrict access of the social report to counsel for the child, counsel for the child's parent, guardian, or custodian, the department, the court appointed special advocate, a local board as defined in section 237.15, the county attorney, the state's counsel, and the guardian ad litem. The court may in its discretion order counsel not to disclose parts of the report to the child, or to the parent, guardian, or custodian ~~if disclosure would seriously harm the treatment or rehabilitation of the child or would violate a promise of confidentiality given to a source of information.~~ If the report indicates the child or parent has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has committed sexual abuse, or the child has been a victim ~~or perpetrator~~ of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person with custody of or providing substantial care to the child shall be provided with that information.

Sec. 45. Section 232.102, subsection 1, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. After a dispositional hearing, the court may enter an order transferring the legal custody of the child to a parent of the child. If the court finds that custody with either of the child's parents is not in the child's best interests, the child's custody shall be transferred to the department for placement of the child in any of the following categories in the following order of priority:

(1) An adult relative of the child including but not limited to adult siblings and parents of siblings.

(2) A fictive kin.

(3) Any other suitable placement identified by the child's relatives.

(4) An individual licensed to provide foster care pursuant to chapter 237. If the child is placed with a licensed foster care provider, the department shall assign decision-making authority to the foster care provider for the purpose of applying the reasonable and prudent parent standard during the child's placement.

(5) A group care facility, shelter care facility, or other residential treatment facility.

b. (1) If the court places custody of the child with the department pursuant to paragraph "a", the court may identify a category listed in paragraph "a" for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

(2) The court shall give deference to the department's decision for placement of a child. A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

c. A court shall not order placement of a child in a category identified in paragraph "a", subparagraph (2), (3), (4), or (5) without a specific finding that placement with an adult relative is not in the child's best interests and providing reasons for the court's finding.

d. If the child is fourteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

Sec. 46. Section 232.102, subsection 2, Code 2022, is amended to read as follows:

2. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located unless the group foster care meets the requirements established by the department by rule.

Sec. 47. Section 232.102, subsections 5, 11, and 12, Code 2022, are amended by striking the subsections.

Sec. 48. Section 232.102, subsection 10, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

10. Unless prohibited by court order or the department or juvenile court services finds that allowing the visitation would not be in the child's best interests, the department or juvenile court services may authorize reasonable visitation between the child and the child's adult relative or a fictive kin.

Sec. 49. **NEW SECTION. 232.102A Reasonable efforts.**

1. For the purposes of this subchapter:

a. "*Reasonable efforts*" means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. Reasonable efforts include but are not limited to giving consideration, if appropriate, to interstate placement of a child in the permanency planning decisions involving the child and giving consideration to in-state and out-of-state placement options at a permanency hearing and when using concurrent planning. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely

manner to finalize a permanency plan for the child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include but are not limited to family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider all of the following:

(1) The type, duration, and intensity of services or support offered or provided to the child and the child's family. If family-centered services were not provided, the court record shall enumerate the reasons the services were not provided, including but not limited to whether the services were not available, not accepted by the child's family, judged to be unable to protect the child and the child's family during the time the services would have been provided, judged to be unlikely to be successful in resolving the problems which would lead to removal of the child, or other services were found to be more appropriate.

(2) The relative risk to the child of remaining in the child's home versus removal of the child.

b. "Family-centered services" means services and other support intended to safely maintain a child with the child's family or with an adult relative, to safely and in a timely manner return a child to the home of the child's parent or relative, or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections. Family-centered services include services adapted to the individual needs of a family in regard to the specific services and other support provided to the child's family and the intensity and duration of service delivery and services intended to preserve a child's connections to the child's neighborhood, community, and family and to improve the overall capacity of the child's family to provide for the needs of the children in the family.

2. Family interactions shall continue regardless of a parent's failure to comply with the requirements of a court order or the department, provided there is no finding by a court or the department that such interaction would be detrimental to the child.

3. The performance of reasonable efforts to place a child for adoption or with a guardian may be made concurrently with making reasonable efforts as defined in this section.

4. If the court determines by clear and convincing evidence that aggravated circumstances exist supported by written findings of fact based upon evidence in the record, the court may waive the requirement for making reasonable efforts. The existence of aggravated circumstances is indicated by any of the following:

a. The parent has abandoned the child.

b. The court finds the circumstances described in section 232.116, subsection 1, paragraph "i", are applicable to the child.

c. The parent's parental rights have been terminated under section 232.116 or involuntarily terminated by an order of a court of competent jurisdiction in another state with respect to another child who is a member of the same family, and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child's removal.

d. The parent has been convicted of the murder of another child.

e. The parent has been convicted of the voluntary manslaughter of another child.

f. The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child.

g. The parent has been convicted of a felony assault which resulted in serious bodily injury to the child or another child.

5. Prior services the state provided to the family shall not be considered in making a determination as to whether a waiver of reasonable efforts is appropriate.

Sec. 50. Section 232.103, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. The child's parent, guardian or custodian, except that such motion may be filed by that person not more often than once every ~~six months~~ sixty days except with leave of court for good cause shown.

Sec. 51. Section 232.103A, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A court-appointed attorney shall be paid by the state public defender's office for work done relating to a bridge order.

Sec. 52. Section 232.104, subsection 2, paragraph d, subparagraphs (1) and (2), Code 2022, are amended by striking the subparagraphs and inserting in lieu thereof the following:

- (1) Transfer sole custody of the child from one parent to another parent.
- (2) Transfer guardianship and custody of the child to an adult relative, a fictive kin, or another suitable person.

Sec. 53. Section 232.104, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. A court shall apply the priority of placement requirements of section 232.102, subsection 1, paragraphs "a" and "c", when entering a permanency order pursuant to subsection 2, paragraph "d".

Sec. 54. Section 232.108, subsections 1, 2, and 3, Code 2022, are amended to read as follows:

1. If the court orders the transfer of custody of a child and siblings to the department or other agency for placement under ~~this subchapter, under subchapter II, relating to juvenile delinquency proceedings, or under any other provision of this chapter,~~ the department or other agency shall make a reasonable ~~effort~~ efforts to place the child and siblings together ~~in the same placement whenever possible if such placement is in the best interests of each child.~~ The requirement of this subsection remains applicable to custody transfer orders made at separate times and provided the requirement will not jeopardize the stability of placements and is in the best interests of each child. The requirement of this subsection also applies in addition to efforts made by the department or agency to place the child with a an adult relative.

2. If the requirements of subsection 1 apply but the siblings are not placed in the same placement together, the ~~department or other agency~~ child's attorney or guardian ad litem shall provide the siblings with the reasons why and the efforts being made to facilitate such placement, or why making efforts for such placement is not appropriate. An explanation is not required if the ages or mental states of the siblings make such an explanation inappropriate. Unless visitation or ongoing interaction with siblings is suspended or terminated by the court, the ~~department or agency~~ shall make reasonable ~~effort~~ efforts to provide for frequent visitation or other ongoing interaction between the child and the child's siblings from the time of the child's out-of-home placement until the child returns home or is in a permanent placement. The department shall make reasonable efforts for such visitations or interactions to occur at least once every thirty days unless more frequent or less frequent visitation is ordered by the court based on the child's circumstances.

3. A person who wishes to assert a sibling relationship with a child who is subject to an order under this chapter for an out-of-home placement and to request frequent visitation or other ongoing interaction with the child may file a motion or petition with the court with jurisdiction over the child. Unless the court determines it would not be in the child's best ~~interest~~ interests, upon finding that the person is a sibling of the child, the provisions of this section providing for frequent visitation or other ongoing interaction between the siblings shall apply. Nothing in this section is intended to provide or expand a right to counsel under this chapter beyond the right provided and persons specified in sections 232.89 and 232.113.

## DIVISION VII

### TERMINATION OF PARENT-CHILD RELATIONSHIP PROCEEDINGS

Sec. 55. Section 232.111, subsection 2, paragraph a, subparagraphs (2), (4), (5), and (6), Code 2022, are amended to read as follows:

(2) A court has determined aggravated circumstances exist and has waived the requirement for making reasonable efforts ~~under, as defined in section 232.102~~ 232.102A because the court has found the circumstances described in section 232.116, subsection 1, paragraph "i", are applicable to the child.

(4) The parent has been convicted of the murder or the voluntary manslaughter of another child of the parent.

(5) The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child of the parent.

(6) The parent has been convicted of a felony assault which resulted in serious bodily injury of the child or of another child of the parent.

Sec. 56. Section 232.112, subsection 3, Code 2022, is amended to read as follows:

3. Notice under this section shall be served personally, sent by restricted certified mail, or sent by electronic mail or other electronic means with the consent of the party to be served, whichever is determined by the court to be the most effective means of notification. If the court determines that personal service is impracticable, the court may order service by publication. Such notice shall be made according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. Notice by personal delivery and notice sent by electronic mail or other electronic means with the consent of the party to be served shall be served not less than seven days prior to the hearing on termination of parental rights. Notice by restricted certified mail shall be sent not less than fourteen days prior to the hearing on termination of parental rights. A notice by restricted certified mail which is refused by the necessary party given notice shall be sufficient notice to the party under this section.

Sec. 57. Section 232.116, subsection 1, paragraph d, subparagraph (1), Code 2022, is amended to read as follows:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding. This paragraph shall not be construed to require that a finding of sexual abuse or neglect requires a finding of a nonaccidental physical injury.

Sec. 58. Section 232.116, subsection 1, paragraph i, subparagraph (1), Code 2022, is amended to read as follows:

(1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents. This paragraph shall not be construed to require that a finding of sexual abuse or neglect requires a finding of a nonaccidental physical injury.

Sec. 59. Section 232.116, subsection 1, paragraph l, subparagraphs (1) and (2), Code 2022, are amended by striking the subparagraphs and inserting in lieu thereof the following:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe substance-related disorder as described by either of the following:

(a) The severe substance-related disorder meets the definition for that term as defined in the most current edition of the diagnostic and statistical manual prepared by the American psychiatric association, and the parent presents a danger to self or others as evidenced by prior acts.

(b) The disorder is evidenced by continued and repeated use through the case, the parent's refusal to obtain a substance abuse evaluation or treatment after given the opportunity to do so, and the parent presents a danger to self or others as evidenced by prior acts.

Sec. 60. Section 232.117, subsection 3, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

3. If the court concludes that facts sufficient to sustain the petition have been established by clear and convincing evidence, the court may order parental rights terminated. If the court terminates the parental rights of a child's parent, the court shall transfer the guardianship and



custody of the child to a parent of the child whose parental rights have not been terminated. If the court finds guardianship and custody with the child's parents is not in the child's best interests, guardianship and custody shall be transferred for placement of the child in any of the following categories in the following order of priority:

a. The department if the department had custody of the child at the time of the filing of the petition for termination of parental rights, or if custody with the department is necessary to facilitate the permanency or adoption goal, unless the department waives its priority.

b. An adult relative of the child, including but not limited to adult siblings or parents of siblings.

c. A fictive kin.

d. A child-placing agency or other suitable private agency, facility, or institution which is licensed or otherwise authorized by law to receive and to provide care for the child.

Sec. 61. Section 232.117, subsection 4, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

4. If the court orders a termination of parental rights and siblings are not placed together but have an existing relationship, the court shall order ongoing contact between the siblings in accordance with section 232.108 if the court finds that either visitation or ongoing interaction is in the best interests of each sibling. This subsection shall not be construed to require visitation between a child and a parent whose parental rights have been terminated as to that child, even if a sibling remains with the parent.

Sec. 62. Section 232.118, subsection 1, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. a. The moving party or a party opposed to the actions of the guardian has the burden to establish that the court-appointed guardian failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge the guardian's duties in finding a suitable adoptive home for the child.

NEW PARAGRAPH. b. The court shall give deference to the decision of the guardian.

#### DIVISION VIII FAMILY IN NEED OF ASSISTANCE PROCEEDINGS

Sec. 63. Section 232.126, subsection 2, Code 2022, is amended to read as follows:

2. The court may appoint a court appointed special advocate ~~to act as guardian ad litem.~~ The court appointed special advocate 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. The court appointed special advocate shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. The court appointed special advocate shall submit reports to the court and the parties to the proceedings containing the information required in reports submitted by a court appointed special advocate under section ~~232.89, subsection 5~~ 237.24, subsection 2, paragraphs "g" and "h". In addition, the court appointed special advocate shall file other reports to the court as required by the court.

Sec. 64. Section 232.127, subsection 8, Code 2022, is amended to read as follows:

8. The court shall not order group foster care placement of the child which is a charge upon the state ~~if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located~~ unless the group foster care meets requirements as established by the department by rule.

Sec. 65. NEW SECTION. 237.24 Court appointed special advocates.

1. A court appointed special advocate shall receive notice of all depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed.

2. The duties of a court appointed special advocate with respect to a child, unless otherwise enlarged or circumscribed by a court or juvenile court with jurisdiction over the child after a finding of good cause, shall include all of the following:

- a. Conducting in-person interviews with the child every thirty days, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child as needed, if authorized by counsel.
- b. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.
- c. Interviewing any person providing medical, mental health, social, educational, or other services to the child.
- d. Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the court appointed special advocate is appointed.
- e. Attending any depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed for the purpose of supporting the child and advocating for the child's protection.
- f. Assisting the transition committee in the development of a transition plan if the child's case permanency plan calls for the development of a transition plan.
- g. (1) Submitting a written report to the juvenile court and to each of the parties identified in section 237.21, subsection 4, prior to each court hearing unless otherwise ordered by the court.  
(2) The report shall include but not be limited to the identified strengths of the child and the child's family, concerns identified by the court appointed special advocate, the court appointed special advocate's recommendations regarding the child's placement, and other recommendations the court appointed special advocate believes are in the child's best interests.
- h. Submitting periodic reports to the court or juvenile court with jurisdiction over a child and interested parties detailing the child's situation as long as the child remains under the jurisdiction of the court or juvenile court.
- i. Filing other reports as ordered by a court or juvenile court.

#### DIVISION IX

#### JUVENILE COURT EXPENSES AND COSTS — SHELTER AND DETENTION HOMES

Sec. 66. Section 232.141, subsection 8, Code 2022, is amended to read as follows:

8. This subsection applies only to placements in a juvenile shelter care home which is publicly owned, operated as a county or multicounty shelter care home, organized under a chapter 28E agreement, or operated by a private juvenile shelter care home. If the actual and allowable costs of a child's shelter care placement exceed the amount the department is authorized to pay ~~in accordance with law and administrative rule~~, the unpaid costs may be recovered from the child's custodial parent's county of residence. However, the maximum amount of the unpaid costs which may be recovered under this subsection is limited to the difference between the amount the department is authorized to pay and the statewide average of the actual and allowable rates ~~in effect in May of the preceding fiscal year for reimbursement of juvenile shelter care homes as reasonably determined by the department annually. In no case shall the A home may only be reimbursed for more than the lesser of the home's actual and allowable costs or the statewide average of the actual and allowable rates as determined by the department in effect on the date the costs were paid.~~ The unpaid costs are payable pursuant to filing of verified claims against the child's custodial parent's county of residence. A detailed statement of the facts upon which a claim is based shall accompany the claim. Any dispute between counties arising from filings of claims pursuant to this subsection shall be settled in the manner provided to determine residency in section 331.394.

Sec. 67. Section 232.142, subsections 3, 4, 5, and 6, Code 2022, are amended to read as follows:

3. A county or multicounty juvenile detention home approved pursuant to this section shall receive financial aid from the state in a manner approved by the director, the director of the department of human rights, or a designee of the director of the department of human rights. Aid paid by the state shall be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of the home. This subsection is repealed July 1, 2023.

4. The director, the director of the department of human rights, or a designee of the director of the department of human rights shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, residing in, or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes. This subsection is repealed July 1, 2023.

5. The director, the director of the department of human rights, or a designee of the director of the department of human rights shall approve annually all such homes established and maintained under the provisions of this chapter. A home shall not be approved unless it complies with minimal rules and standards adopted by the director and has been inspected by the department of inspections and appeals. The statewide number of beds in the homes approved by the director shall not exceed two hundred seventy-two beds beginning July 1, 2017. This subsection is repealed July 1, 2023.

6. A juvenile detention home fund is created in the state treasury under the authority of the department or the department of human rights as the department and the department of human rights agree. The fund shall consist of moneys deposited in the fund pursuant to section 602.8108. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes. This subsection is repealed July 1, 2023.

Sec. 68. Section 232.142, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 7. A county or multicounty juvenile detention home approved pursuant to this section shall receive financial aid from the state in a manner approved by the director of the department of human rights or a designee of the director of the department of human rights. Aid paid by the state shall be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of the home.

NEW SUBSECTION. 8. The director of the department of human rights or a designee of the director of the department of human rights shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, residing in, or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes.

NEW SUBSECTION. 9. The director of the department of human rights or a designee of the director of the department of human rights shall approve annually all such homes established and maintained under the provisions of this chapter. A home shall not be approved unless it complies with minimal rules and standards adopted by the director and has been inspected by the department of inspections and appeals. The statewide number of beds in the homes approved by the director shall not exceed two hundred seventy-two beds.

NEW SUBSECTION. 10. The juvenile detention home fund in the state treasury shall be under the authority of the department of human rights. The fund shall consist of moneys deposited in the fund pursuant to section 602.8108. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes.

## DIVISION X

## JUVENILE JUSTICE REFORM — DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING INITIATIVE — EARLY INTERVENTION PROGRAMS

Sec. 69. Section 232.188, subsection 5, paragraph b, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Notwithstanding section 8.33, moneys designated for a project's decategorization services funding pool that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure as directed by the project's governance board for child welfare and juvenile justice systems enhancements and other purposes of the project for the next ~~two~~ three succeeding fiscal years. Such moneys shall be known as "carryover funding". Moneys may be made available to a funding pool from one or more of the following sources:

Sec. 70. NEW SECTION. 232.192 Early intervention and follow-up programs.

1. Contingent on a specific appropriation for juvenile delinquent graduated sanctions services, juvenile court services shall do the following:

a. Develop or expand programs providing specific life skills and interpersonal skills training for adjudicated delinquent youth who pose a low or moderate risk to the community.

b. Develop or expand a school-based program addressing truancy and school behavioral problems for youth ages twelve through seventeen.

c. Develop or expand an intensive tracking and supervision program for adjudicated delinquent youth at risk for placement who have been released from resident facilities, which shall include telephonic or electronic tracking and monitoring and intervention by juvenile authorities.

d. Develop or expand supervised community treatment for adjudicated delinquent youth who experience significant problems and who constitute a moderate community risk.

2. The supreme court shall prescribe rules to implement this section.

## DIVISION XI

## JUDICIAL BRANCH NONREVERSION OF CERTAIN MONEYS — CHILD WELFARE AND JUVENILE JUSTICE

Sec. 71. NONREVERSION OF CERTAIN MONEYS RELATED TO CHILD WELFARE AND JUVENILE JUSTICE.

1. a. Notwithstanding any other provision of law to the contrary, and subject to subsection 2, for the fiscal years beginning on or after July 1, 2020, federal funds received by the state pursuant to Tit. IV-B or Tit. IV-E of the federal Social Security Act or the federal Family First Prevention Services Act of 2018, Pub. L. No. 115-123, as the result of the expenditure of state funds by the judicial branch, including state funds expended during a previous state fiscal year, are appropriated to the judicial branch to be used as additional funding for juvenile court services, juvenile delinquent graduated sanctions services, and court-ordered services, including but not limited to qualified expenses and administrative costs.

b. Notwithstanding section 8.33, moneys appropriated to the judicial branch under paragraph "a" that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available to the judicial branch for expenditure for juvenile court services, juvenile delinquent graduated sanctions services, and court-ordered services, including but not limited to qualified expenses and administrative costs, for the next two succeeding fiscal years.

2. The department of human services may retain and is appropriated the portion of the federal funds received pursuant to subsection 1 in an amount equal to the administrative costs incurred by the department of human services in obtaining such funds.

Sec. 72. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 73. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to the fiscal year beginning July 1, 2020.

DIVISION XII  
CONFORMING CODE CHANGES

Sec. 74. Section 232.52, subsection 3, paragraph c, Code 2022, is amended to read as follows:

c. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state ~~if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located unless the group foster care placement meets requirements as established by the department by rule.~~

Sec. 75. Section 232.70, subsection 4, Code 2022, is amended by striking the subsection.

Sec. 76. Section 232.71B, subsection 16, Code 2022, is amended to read as follows:

16. *Conclusion of family assessment.* At the conclusion of a family assessment, the department shall transfer the case, if appropriate, to a contracted provider to review the service plan for the child and family. The contracted provider shall make a referral to the department abuse hotline if a family's noncompliance with a service plan places a child at risk. If any of the criteria for child abuse as defined in section 232.68, subsection 2, paragraph "a", are met, the department shall commence a child abuse assessment. If any of the criteria for a child in need of assistance, ~~as defined in pursuant to section 232.2, subsection 6 232.96A,~~ are met, the department shall determine whether to request a child in need of assistance petition.

Sec. 77. Section 232.83, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Anyone authorized to conduct a preliminary investigation in response to a complaint may apply for, or the court on its own motion may enter an ex parte order authorizing a physician or hospital to conduct an outpatient physical examination or authorizing a physician, a psychologist certified under section 154B.7, or a community mental health center accredited pursuant to chapter 230A to conduct an outpatient mental examination of a child if necessary to identify the nature, extent, and causes of any injuries, emotional damage, or other such needs of a child as specified in section ~~232.2, subsection 6, paragraph "c", "e", or "f" 232.96A,~~ subsection 3, 5, or 6, provided that all of the following apply:

Sec. 78. Section 232.89, subsection 5, Code 2022, is amended by striking the subsection.

Sec. 79. Section 232.98, subsection 1, paragraph b, subparagraph (1), Code 2022, is amended to read as follows:

(1) Probable cause exists to believe that the child is a child in need of assistance pursuant to section ~~232.2, subsection 6, paragraph "e" or "f" 232.96A,~~ subsection 5 or 6.

Sec. 80. Section 232.102, subsection 9, unnumbered paragraph 1, Code 2022, is amended to read as follows:

An agency, facility, institution, or person to whom custody of the child has been transferred pursuant to this section shall file a written report with the court at least every six months concerning the status and progress of the child. The court shall hold a periodic dispositional review hearing for each child in placement pursuant to this section in order to determine whether the child should be returned home, an extension of the placement should be made, a permanency hearing should be held, or a termination of the parent-child relationship proceeding should be instituted. The placement shall be terminated and the child returned to the child's home if the court finds by a preponderance of the evidence that the child will not suffer harm in the manner specified in section ~~232.2, subsection 6 232.96A.~~ If the placement is extended, the court shall determine whether additional services are necessary to facilitate the return of the child to the child's home, and if the court determines such services are needed, the court shall order the provision of such services. When the child is not returned to the child's home and if the child has been previously placed in a licensed

foster care facility, the department or agency responsible for the placement of the child shall consider placing the child in the same licensed foster care facility.

Sec. 81. Section 232.117, subsection 5, Code 2022, is amended to read as follows:

5. If after a hearing the court does not order the termination of parental rights but finds that there is clear and convincing evidence that the child is a child in need of assistance, ~~under pursuant to section 232.2, subsection 6~~ 232.96A, due to the acts or omissions of one or both of the child's parents the court may adjudicate the child to be a child in need of assistance and may enter an order in accordance with the provisions of section 232.100, 232.101, 232.102, or 232.104.

Sec. 82. Section 234.6, subsection 1, paragraph e, subparagraph (3), Code 2022, is amended to read as follows:

(3) Family-centered services, as defined in section ~~232.102, subsection 10, paragraph "b"~~ 232.102A, subsection 1, paragraph "b".

Sec. 83. Section 234.35, subsection 1, paragraph e, Code 2022, is amended to read as follows:

e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to section 232.46, section 232.52, subsection 2, paragraph "d", or section 232.102, subsection 1. However, payment shall not be made for a group foster care placement ~~shall be limited to those placements which conform to a service area group foster care plan established pursuant to section 232.143~~ unless the group foster care meets requirements as established by the department by rule.

Sec. 84. Section 234.35, subsection 1, paragraph i, Code 2022, is amended by striking the paragraph.

Sec. 85. Section 234.35, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. ~~For a child who is eighteen years of age, family~~ Family foster care or ~~independent supervised apartment~~ living arrangements.

Sec. 86. Section 234.35, subsection 3, paragraph b, Code 2022, is amended by striking the paragraph.

Sec. 87. Section 234.35, subsection 4, Code 2022, is amended by striking the subsection.

Sec. 88. Section 237.21, subsection 5, Code 2022, is amended to read as follows:

5. Members of the state board and local boards, court appointed special advocates, and the employees of the department and the department of inspections and appeals are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A. Members of the state and local boards, court appointed special advocates, and employees of the department and the department of inspections and appeals who disclose information or records of the board or department, other than as provided in subsections 2, 3, and 4, ~~sections 232.89 and~~ section 232.126, and section 237.20, subsection 2, are guilty of a simple misdemeanor.

Sec. 89. Section 709A.5, Code 2022, is amended to read as follows:

**709A.5 Interpretative clause.**

For the purposes of this chapter the word "dependency" shall mean all the conditions as enumerated in section ~~232.2, subsection 6~~ 232.96A.

DIVISION XIII  
REPEALS

Sec. 90. REPEAL. Sections 232.107, 232.143, 232.175, 232.176, 232.177, 232.178, 232.179, 232.180, 232.181, 232.182, 232.183, 232.195, and 232.196, Code 2022, are repealed.

Sec. 91. FUTURE REPEAL. Sections 232.189 and 232.191, Code 2022, are repealed effective July 1, 2023.

DIVISION XIV  
EFFECTIVE DATES

Sec. 92. EFFECTIVE DATE. The following take effect July 1, 2023:

1. The section of this Act enacting section 232.142, subsections 7, 8, 9, and 10.
2. The section of this Act enacting section 232.192.

DIVISION XV  
APPLICABILITY

Sec. 93. APPLICABILITY. The section of this Act enacting section 232.79B shall apply beginning on the effective date specified in rules adopted by the department of human services pursuant to chapter 17A to implement that section.

Approved May 24, 2022

## CHAPTER 1099

### REGULATION OF FOOD AND BEVERAGES — ALCOHOLIC BEVERAGE CONTROL AND RESTAURANT FOOD DELIVERY

*S.F. 2374*

**AN ACT** concerning the regulation of food and beverages, relating to alcoholic beverage control and delivery of restaurant food, providing for fees and civil penalties, and including effective date and applicability provisions.

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

DIVISION I  
RETAIL ALCOHOL LICENSES

Section 1. Section 123.30, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**123.30 Retail alcohol licenses — classes.**

1. *a.* A retail alcohol license may be issued to any person who is of good moral character as defined by this chapter.

*b.* As a condition for issuance of a retail alcohol license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff or deputy sheriff; members of the department of public safety; representatives of the division and of the department of inspections and appeals; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of this chapter or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under section 421.17 or a warrant is required for inspection of private records, a private business office, or attached living quarters. Persons who are not certified peace officers shall limit the scope of their inspections of licensed premises to the regulatory authority under which the inspection is conducted. All persons who enter upon a licensed premises to conduct an inspection shall present appropriate identification to the owner of the establishment or the person who appears to be in charge of the establishment prior to

commencing an inspection; however, this provision does not apply to undercover criminal investigations conducted by peace officers.

c. As a further condition for the issuance of a class “E” retail alcohol license, the applicant shall post a bond in a sum of not less than five thousand nor more than fifteen thousand dollars as determined on a sliding scale established by the division; however, a bond shall not be required if all purchases of alcoholic liquor from the division by the licensee are made by means that ensure that the division will receive full payment in advance of delivery of the alcoholic liquor.

d. A class “E” retail alcohol license may be issued to a city council for premises located within the limits of the city if there are no class “E” retail alcohol licensees operating within the limits of the city and no other applications for a class “E” license for premises located within the limits of the city at the time the city council’s application is filed. If a class “E” retail alcohol license is subsequently issued to a private person for premises located within the limits of the city, the city council shall surrender its license to the division within one year of the date that the class “E” retail alcohol licensee begins operating, liquidate any remaining assets connected with the liquor store, and cease operating the liquor store.

2. A retail alcohol license shall not be issued for premises which do not constitute a safe and proper place or building and which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator in the form of a living quarters permit.

3. Retail alcohol licenses issued under this chapter shall be of the following classes:

a. Class “B”.

(1) (a) A class “B” retail alcohol license may be issued and shall authorize the holder to purchase wine from a class “A” wine permittee only and beer from a class “A” beer permittee only, and to sell wine and beer in original unopened containers at retail to patrons for consumption off the licensed premises.

(b) The holder of a class “B” retail alcohol license may sell wine to class “C”, special class “C”, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period.

(c) The holder of a class “B” retail alcohol license may sell beer to class “C”, special class “C”, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division.

(2) A special class “B” retail native wine license shall authorize the holder to purchase wine from a native winery holding a class “A” wine permit and to sell native wine only at retail for consumption off the licensed premises.

b. Class “C”.

(1) (a) A class “C” retail alcohol license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business.

(b) The holder of a class “C” retail alcohol license shall be authorized to purchase alcoholic beverages as follows:

(i) Alcoholic liquors in original unopened containers from class “E” retail alcohol licensees only.

(ii) Wine from class “A” wine permittees.

(iii) Wine from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(iv) Beer from class “A” beer permittees.

(v) Beer from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a



twenty-four-hour period. A class "A" beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph subdivision.

(c) The holder of a class "C" retail alcohol license shall be authorized 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".

(d) The holder of a class "C" retail alcohol license may also hold a special class "A" beer permit for the premises licensed under a class "C" retail alcohol license for the purpose of operating a brewpub pursuant to this chapter.

(2) (a) A special class "C" retail alcohol license may be issued to a commercial establishment.

(b) The holder of a special class "C" retail alcohol license shall be authorized to purchase alcoholic beverages as follows:

(i) Wine from class "A" wine permittees.

(ii) Wine from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(iii) Beer from class "A" beer permittees.

(iv) Beer from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class "A" beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph subdivision.

(c) The holder of a special class "C" retail alcohol license shall be authorized to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, wine and beer in original unopened containers may also be sold for consumption off the premises.

(d) The license issued to holders of a special class "C" retail alcohol license shall clearly state on its face that the license is limited.

c. Class "D".

(1) A class "D" retail alcohol license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages to passengers for consumption only on trains, watercraft as described in this section, or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under chapter 99F, the owner shall obtain a separate class "D" retail alcohol license for each excursion gambling boat operating in the waters of this state.

(2) A class "D" retail alcohol licensee who operates a train or a watercraft intrastate only, or an excursion gambling boat licensed under chapter 99F, shall be authorized to purchase alcoholic beverages as follows:

(a) Alcoholic liquors in original unopened containers from class "E" retail alcohol licensees only.

(b) Wine from class "A" wine permittees.

(c) Wine from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(d) Beer from class "A" beer permittees.

(e) Beer from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class "A" beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division.

d. Class "E".

(1) A class “E” retail alcohol license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the division only, wine from a class “A” wine permittee only, and beer from a class “A” beer permittee only; to sell alcoholic liquor, wine, and beer in original unopened containers at retail to patrons for consumption off the licensed premises; and to sell alcoholic liquor and high alcoholic content beer at wholesale to other retail alcohol licensees, provided the holder has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) A holder of a class “E” retail alcohol license may hold other retail alcohol licenses, but the premises licensed under a class “E” retail alcohol license shall be separate from other licensed premises, though the separate premises may have a common entrance.

(3) The holder of a class “E” retail alcohol license may sell wine to class “C”, special class “C”, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period.

(4) The holder of a class “E” retail alcohol license may sell beer to class “C”, special class “C”, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph.

(5) The division may issue a class “E” retail alcohol license for premises covered by a retail alcohol license for on-premises consumption under any of the following circumstances:

(a) If the premises are in a county having a population under nine thousand five hundred in which no other class “E” retail alcohol license has been issued by the division, and no other application for a class “E” retail alcohol license has been made within the previous twelve consecutive months.

(b) If, notwithstanding any provision of this chapter to the contrary, the premises covered by a retail alcohol license is a grocery store that is at least five thousand square feet.

e. Class “F”.

(1) A class “F” retail alcohol license may be issued to a club and shall authorize the holder to sell alcoholic beverages to bona fide members and their guests by the individual drink for consumption on the premises only.

(2) The holder of a class “F” retail alcohol license shall be authorized to purchase alcoholic beverages as follows:

(a) Alcoholic liquors in original unopened containers from class “E” retail alcohol licensees only.

(b) Wine from class “A” wine permittees.

(c) Wine from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four—hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(d) Beer from class “A” beer permittees.

(e) Beer from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division.

4. Notwithstanding any provision of this chapter to the contrary, a person holding a retail alcohol license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee’s agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of this subsection is subject to the requirements of sections 321.284 and 321.284A. A person holding a retail alcohol license to sell alcoholic

beverages for consumption on the licensed premises may permit a customer to carry an open container of wine from the person's licensed premises into another immediately adjacent licensed premises that is covered by a license or permit that authorizes the consumption of wine, a temporarily closed public right-of-way, or a private place.

Sec. 2. Section 123.31, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**123.31 Retail alcohol licenses — application.**

1. A person applying for a retail alcohol license shall submit a completed application electronically, or in a manner prescribed by the administrator, which shall set forth under oath the following:

- a. The name and place of residence of the applicant.
- b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.
- c. The location of the premises where the applicant intends to operate.
- d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.
- e. When required by the administrator, and in such form and containing such information as the administrator may require, a description of the premises where the applicant intends to use the license, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.
- f. Whether any person specified in paragraph "b" has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.
- g. Any other information as required by the administrator.

2. The retail alcohol license shall only be issued to an applicant who establishes all of the following:

- a. That the applicant has submitted a completed application as required by subsection 1.
- b. That the applicant is a person of good moral character as provided in section 123.3, subsection 40.
- c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.
- d. That the premises where the applicant intends to use the license conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building and that the applicant shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator in the form of a living quarters permit.
- e. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt.

Sec. 3. NEW SECTION. **123.31A Authority under class "B", class "C", special class "C", and class "E" retail alcohol license.**

1. The holder of a class "B", class "C", special class "C", or class "E" retail alcohol license shall be allowed to sell beer and wine to consumers at retail for consumption off the premises. The sales made pursuant to this section shall be made in original containers except as provided in subsection 3.

2. Every person holding a class "B", class "C", special class "C", or class "E" retail alcohol license having more than one place of business where beer and wine is sold which places do not constitute a single premises within the meaning of section 123.3, subsection 29, shall be required to have a separate license for each separate place of business, except as otherwise provided by this chapter.

3. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The beer or wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale.

b. The person transferring the beer or wine from the original container to the container to be sold shall be eighteen years of age or older.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer or wine has been tampered with or the sealed container has otherwise been reopened.

4. A container of beer or wine other than the original container that is sold and sealed in compliance with the requirements of subsection 3 and the division's rules 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.

5. a. The holder of a class "C" or special class "C" retail alcohol license, or the licensee's agents or employees, shall not sell beer or wine to other retail alcohol license holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment.

b. A holder of any retail alcohol permit shall not sell wine except wine which is purchased from a person holding a class "A" wine permit and on which the tax imposed by section 123.183 has been paid.

Sec. 4. NEW SECTION. **123.31B Authority under special class "B" retail native wine license.**

1. A person holding a special class "B" retail native wine license may sell native wine only at retail for consumption off the premises. Native wine shall be sold for consumption off the premises in original containers.

2. A special class "B" retail native wine licensee having more than one place of business where wine is sold shall obtain a separate license for each place of business.

Sec. 5. REPEAL. Sections 123.128, 123.129, 123.131, 123.132, 123.140, 123.178, 123.178A, and 123.178B, Code 2022, are repealed.

Sec. 6. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

## DIVISION II ALCOHOLIC BEVERAGE CONTROL FEES

Sec. 7. Section 123.23, subsection 1, Code 2022, is amended to read as follows:

1. Any manufacturer, distiller, or importer of alcoholic liquors shipping, selling, or having alcoholic liquors brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the administrator for that purpose. No brand of alcoholic liquor shall be sold by the division in this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise suspended or revoked for cause. Each completed application for a certificate of compliance or renewal shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of  ~~fifty~~  two hundred dollars payable to the division. However, this subsection need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed, as defined and allowed by divisional rules adopted under this chapter.

Sec. 8. Section 123.36, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**123.36 Retail alcohol license fees.**

1. The following fees shall be paid to the division annually for retail alcohol licenses issued under section 123.30:

a. Class "B" retail alcohol license fees shall be determined as follows:

(1) For premises located within the corporate limits of a city with a population of two thousand five hundred or less, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, seventy-five dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, one hundred fifty dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, two hundred fifty dollars.

(d) For a premises with a square footage over five thousand, three hundred fifty dollars.

(2) For premises located within the corporate limits of a city with a population of more than two thousand five hundred but less than fifteen thousand, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, one hundred fifty dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, two hundred fifty dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, three hundred fifty dollars.

(d) For a premises with a square footage over five thousand, five hundred dollars.

(3) For premises located within the corporate limits of a city with a population of fifteen thousand or more, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, two hundred fifty dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, three hundred fifty dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, five hundred dollars.

(d) For a premises with a square footage over five thousand, seven hundred fifty dollars.

(4) For premises located outside the corporate limits of any city, a fee equal to that charged to a premises with the same square footage in the incorporated city located nearest the premises to be licensed. If there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if the premises is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

b. Special class "B" retail native wine license fees shall be one hundred twenty-five dollars.

c. Class "C" retail alcohol license fees shall be determined as follows:

(1) Commercial establishments located within the corporate limits of cities of two thousand five hundred population or less, five hundred fifty dollars.

(2) Commercial establishments located within the corporate limits of cities of over two thousand five hundred and less than fifteen thousand population, nine hundred dollars.

(3) Commercial establishments located within the corporate limits of cities of fifteen thousand population and over, one thousand two hundred fifty dollars.

(4) Commercial establishments located outside the corporate limits of any city, a fee equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if a commercial establishment is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

d. Special class "C" retail alcohol license fees shall be determined as follows:

(1) Commercial establishments located within the corporate limits of cities of two thousand five hundred population or less, one hundred fifty dollars.

(2) Commercial establishments located within the corporate limits of cities of over two thousand five hundred and less than fifteen thousand population, three hundred dollars.

(3) Commercial establishments located within the corporate limits of cities of fifteen thousand population and over, four hundred fifty dollars.

(4) Commercial establishments located outside the corporate limits of any city, a fee equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if a commercial establishment is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

e. Class “D” retail alcohol license fees shall be determined as follows:

- (1) For watercraft, one hundred fifty dollars.
- (2) For trains, five hundred dollars.
- (3) For air common carriers, each company shall pay five hundred dollars.

f. Class “E” retail alcohol license fees shall be determined as follows:

(1) For premises located within the corporate limits of a city with a population of two thousand five hundred or less, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, seven hundred fifty dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, one thousand five hundred dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, two thousand five hundred dollars.

(d) For a premises with a square footage over five thousand, three thousand five hundred dollars.

(2) For premises located within the corporate limits of a city with a population of more than two thousand five hundred but less than fifteen thousand, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, one thousand five hundred dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, two thousand five hundred dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, three thousand five hundred dollars.

(d) For a premises with a square footage over five thousand, five thousand dollars.

(3) For premises located within the corporate limits of a city with a population of fifteen thousand or more, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, two thousand five hundred dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, three thousand five hundred dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, five thousand dollars.

(d) For a premises with a square footage over five thousand, seven thousand five hundred dollars.

(4) For premises located outside the corporate limits of any city, a fee equal to that charged to a premises with the same square footage in the incorporated city located nearest the premises to be licensed. If there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if the premises is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

g. Class “F” retail alcohol license fees shall be six hundred dollars, except that for class “F” licenses in cities of less than two thousand population, and for clubs of less than two hundred fifty members, the license fee shall be four hundred dollars; however, the fee shall be two hundred dollars for any club which is a post, branch, or chapter of a veterans organization chartered by the Congress of the United States, if the club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than a total of fifty-two days in a year, and if the application for a license states that the club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than a total of fifty-two days in a year.

2. The division shall credit all fees to the beer and liquor control fund. The division shall remit to the appropriate local authority a sum equal to sixty-five percent of the fees collected

for each class “B”, class “C”, or class “F” license except special class “C” licenses or class “E” licenses, covering premises located within the local authority’s jurisdiction. The division shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class “C” license covering premises located within the local authority’s jurisdiction. Those fees collected for each class “E” retail alcohol license shall be credited to the beer and liquor control fund.

3. There is imposed a surcharge on the fee for each class “C”, special class “C”, or class “F” retail alcohol license equal to thirty percent of the scheduled license fee. The surcharges collected under this subsection shall be deposited in the beer and liquor control fund, and notwithstanding subsection 2, no portion of the surcharges collected under this subsection shall be remitted to the local authority.

Sec. 9. Section 123.41, subsection 1, Code 2022, is amended to read as follows:

1. Each completed application to obtain or renew a manufacturer’s license shall be submitted to the division electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of three hundred ~~five~~ fifty dollars payable to the division. The administrator may in accordance with this chapter grant and issue to a manufacturer a manufacturer’s license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

Sec. 10. Section 123.43, subsection 3, Code 2022, is amended to read as follows:

3. A class “A” native distilled spirits license for a native distillery shall be issued and renewed annually upon payment of a fee of ~~five~~ three hundred dollars.

Sec. 11. Section 123.134, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**123.134 Beer permit fees.**

1. The annual permit fee for a class “A” beer permit is seven hundred fifty dollars.
2. The annual permit fee for a class “A” beer permit for a native brewery is three hundred dollars.
3. The annual permit fee for a special class “A” beer permit is three hundred dollars.

Sec. 12. Section 123.135, subsection 1, Code 2022, is amended to read as follows:

1. A manufacturer, brewer, bottler, importer, or vendor of beer, or any agent thereof, desiring to ship or sell beer, or have beer brought into this state for resale by a class “A” beer permittee, shall first make application for and be issued a brewer’s certificate of compliance by the administrator for that purpose. The certificate of compliance expires at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise revoked for cause. Each completed application for a certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of ~~five~~ two hundred dollars payable to the division. Each holder of a certificate of compliance shall furnish the information in a manner the administrator requires.

Sec. 13. Section 123.179, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**123.179 Wine permit and license fees.**

1. The annual permit fee for a class “A” wine permit that is not issued to a native wine manufacturer is seven hundred fifty dollars.
2. The annual permit fee for a class “A” wine permit issued to a native wine manufacturer is one hundred dollars.
3. The fee for a charity beer, spirits, and wine special event license is one hundred dollars.

Sec. 14. Section 123.180, subsection 1, Code 2022, is amended to read as follows:

1. A manufacturer, vintner, bottler, importer, or vendor of wine, or an agent thereof, desiring to ship, sell, or have wine brought into this state for sale at wholesale by a class “A” permittee shall first make application for and shall be issued a vintner’s certificate of

compliance by the administrator for that purpose. The vintner's certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise revoked for cause. Each completed application for a vintner's certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of ~~one~~ two hundred dollars payable to the division. Each holder of a vintner's certificate of compliance shall furnish the information required by the administrator in the form the administrator requires. A vintner or wine bottler whose plant is located in Iowa and who otherwise holds a class "A" wine permit to sell wine at wholesale is exempt from the fee, but not the other terms and conditions. The holder of a vintner's certificate of compliance may also hold a class "A" wine permit.

Sec. 15. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

### DIVISION III ALCOHOLIC BEVERAGE CONTROL

Sec. 16. Section 123.3, subsections 9, 11, 22, 29, and 30, Code 2022, are amended to read as follows:

9. "*Brewpub*" means a commercial establishment authorized to sell beer at retail for consumption on or off the premises that is operated by a person who holds a class "C" ~~liquor control~~ or special class "C" retail alcohol license ~~or a class "B" beer permit~~ and who also holds a special class "A" beer permit that authorizes the holder to manufacture and sell beer pursuant to this chapter.

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~~ one-half of one 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.

22. "*High alcoholic content beer*" means beer which contains more than six and twenty-five hundredths percent of alcohol by volume, but not more than ~~fifteen~~ nineteen percent of alcohol by volume, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than one and five-tenths percent of the volume of a "*high alcoholic content beer*" may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

29. "*Licensed premises*" or "*premises*" means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator where alcoholic beverages, wine, or beer is sold or consumed under authority of a ~~liquor control~~ retail alcohol license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds.

30. "*Local authority*" means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or deny applications for retail ~~beer or wine permits and liquor control~~ alcohol licenses; empowered to recommend that such ~~permits or~~ licenses be granted and issued by the division; and empowered to take other actions reserved to them by this chapter.

Sec. 17. Section 123.3, subsection 40, paragraph b, Code 2022, is amended to read as follows:

b. The person is not prohibited by section 123.40 from obtaining a ~~liquor control~~ retail alcohol license or a wine or beer permit.



Sec. 18. Section 123.3, subsection 45, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

45. “Retail alcohol license” means a class “B”, class “C”, special class “C”, class “D”, class “E”, or class “F” retail alcohol license, or a special class “B” retail native wine license issued under this chapter.

Sec. 19. Section 123.3, subsection 46, Code 2022, is amended by striking the subsection.

Sec. 20. Section 123.9, subsections 5 and 7, Code 2022, are amended to read as follows:

5. To grant and issue beer permits, wine permits, ~~liquor control~~ retail alcohol licenses, and other licenses; and to suspend or revoke all such permits and licenses for cause under this chapter.

7. To accept alcoholic liquors ordered delivered to the alcoholic beverages division pursuant to chapter 809A, and offer for sale and deliver the alcoholic liquors to class “E” ~~liquor control~~ retail alcohol licensees, unless the administrator determines that the alcoholic liquors may be adulterated or contaminated. If the administrator determines that the alcoholic liquors may be adulterated or contaminated, the administrator shall order their destruction.

Sec. 21. Section 123.10, subsections 3, 6, and 14, Code 2022, are amended to read as follows:

3. Regulating the purchase of alcoholic liquor generally and the furnishing of the liquor to class “E” ~~liquor control~~ retail alcohol licensees under this chapter, and determining the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses.

6. Providing for the issuance and electronic distribution of price lists which show the price to be paid by class “E” ~~liquor control~~ retail alcohol licensees for each brand, class, or variety of liquor kept for sale by the division, providing for the filing or posting of prices charged in sales between class “A” beer and class “A” wine permit holders and retailers, as provided in this chapter, and establishing or controlling the prices based on minimum standards of fill, quantity, or alcoholic content for each individual sale of alcoholic beverages as deemed necessary for retail or consumer protection. However, the division shall not regulate markups, prices, discounts, allowances, or other terms of sale at which alcoholic liquor may be purchased by the retail public or ~~liquor control~~ retail alcohol licensees from class “E” ~~liquor control~~ retail alcohol licensees or at which wine may be purchased and sold by class “A” and retail wine permittees, or change, nullify, or vary the terms of an agreement between a holder of a vintner certificate of compliance and a class “A” wine permittee.

14. Prescribing the uniform fee to be assessed against a class “B” ~~beer permittee, class “C” native wine permittee, or liquor control~~ retail alcohol licensee, except a class “B”, special class “B”, or class “E” ~~liquor control~~ retail alcohol licensee, to cover the administrative costs incurred by the division resulting from the failure of the licensee or ~~permittee~~ to maintain dramshop liability insurance coverage pursuant to section 123.92, subsection 2, paragraph “a”.

Sec. 22. Section 123.15, Code 2022, is amended to read as follows:

**123.15 Favors from licensee or permittee.**

A person responsible for the administration or enforcement of this chapter shall not accept or solicit donations, gratuities, political advertising, gifts, or other favors, directly or indirectly, from any ~~liquor control~~ retail alcohol licensee, wine permittee, or beer permittee.

Sec. 23. Section 123.16, subsections 6 and 7, Code 2022, are amended to read as follows:

6. The number of ~~liquor control~~ retail alcohol licenses, wine permits, and beer permits issued, by class, the number in effect on the last day included in the report, and the number which have been suspended or revoked during the period covered by the report.

7. Amount of fees paid to the division from ~~liquor control~~ retail alcohol licenses, wine permits, and beer permits, in gross, and the amount of ~~liquor control~~ retail alcohol license fees returned to local subdivisions of government as provided under this chapter.

Sec. 24. Section 123.22, subsection 1, Code 2022, is amended to read as follows:

1. The division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter, and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding nine liters per calendar month that the individual personally obtained outside the state. Alcoholic liquor imported by an individual pursuant to this subsection shall be for personal consumption only in a private home or other private accommodation. A distillery shall not sell alcoholic liquor within the state to any person but only to the division, except as otherwise provided in this chapter. This section vests in the division exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. The division shall receive alcoholic liquor on a bailment system for resale by the division in the manner set forth in this chapter. The division shall act as the sole wholesaler of alcoholic liquor to class "E" ~~liquor control~~ retail alcohol licensees.

Sec. 25. Section 123.24, Code 2022, is amended to read as follows:

**123.24 Alcoholic liquor sales by the division — dishonored payments — liquor prices.**

1. The division shall sell alcoholic liquor at wholesale only. The division shall sell alcoholic liquor to class "E" ~~liquor control~~ retail alcohol licensees only. The division shall offer the same price on alcoholic liquor to all class "E" ~~liquor control~~ retail alcohol licensees without regard for the quantity of purchase or the distance for delivery.

2. The price of alcoholic liquor sold by the division shall consist of the following:

a. The manufacturer's price.

b. A markup of up to fifty percent of the wholesale price paid by the division for the alcoholic liquor. The division may increase the markup on selected kinds of alcoholic liquor sold by the division if the average return to the division on all sales of alcoholic liquor does not exceed the wholesale price paid by the division and the fifty percent markup.

c. A split case charge in an amount determined by the division when alcoholic liquor is sold in quantities which require a case to be split.

d. A bottle surcharge in an amount sufficient, when added to the amount not refunded to class "E" ~~liquor control~~ retail alcohol licensees pursuant to section 455C.2, to pay the costs incurred by the division for collecting and properly disposing of the liquor containers. The amount collected pursuant to this paragraph, in addition to any amounts not refunded to class "E" ~~liquor control~~ retail alcohol licensees pursuant to section 455C.2, shall be deposited in the beer and liquor control fund established under section 123.17.

3. a. The division may accept from a class "E" ~~liquor control~~ retail alcohol licensee electronic funds transferred by automated clearing house, wire transfer, or another method deemed acceptable by the administrator, in payment of alcoholic liquor. If a payment is subsequently dishonored, the division shall cause a notice of nonpayment and penalty to be served upon the class "E" ~~liquor control~~ retail alcohol licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored payment is not made within ten days of the service of notice, the licensee's ~~liquor control~~ retail alcohol license may be suspended under section 123.39. The notice of nonpayment and penalty shall be in a form prescribed by the administrator, and shall be sent by certified mail.

b. If upon notice and hearing under section 123.39 and pursuant to the provisions of chapter 17A concerning a contested case hearing, the administrator determines that the class "E" ~~liquor control~~ retail alcohol licensee failed to satisfy the obligation for which the payment was issued within ten days after the notice of nonpayment and penalty was served on the licensee as provided in paragraph "a" of this subsection, the administrator may suspend the licensee's class "E" ~~liquor control~~ retail alcohol license for a period not to exceed ten days.

4. The administrator may refuse to sell alcoholic liquor to a class "E" ~~liquor control~~ retail alcohol licensee who tenders a payment which is subsequently dishonored until the outstanding obligation is satisfied.

Sec. 26. Section 123.26, Code 2022, is amended to read as follows:

**123.26 Restrictions on sales — seals — labeling.**

Alcoholic liquor shall not be sold by a class “E” ~~liquor control retail alcohol~~ licensee except in a sealed container with identifying markers as prescribed by the administrator and affixed in the manner prescribed by the administrator, and no such container shall be opened upon the premises of a state warehouse. The division shall cooperate with the department of natural resources so that only one identifying marker or mark is needed to satisfy the requirements of this section and section 455C.5, subsection 1. Possession of alcoholic liquors which do not carry the prescribed identifying markers is a violation of this chapter except as provided in section 123.22.

Sec. 27. Section 123.28, subsections 2 and 5, Code 2022, are amended to read as follows:

2. The division shall deliver alcoholic liquor purchased by class “E” ~~liquor control retail alcohol~~ licensees. Class “E” ~~liquor control retail alcohol~~ licensees may deliver alcoholic liquor purchased by class “A”, class “B”, class “C”, class “C” native distilled spirits, or class “D” ~~liquor control~~, or class “F” retail alcohol licensees, and class “A”, class “B”, class “C”, class “C” native distilled spirits, or class “D” ~~liquor control~~, or class “F” retail alcohol licensees may transport alcoholic liquor purchased from class “E” ~~liquor control retail alcohol~~ licensees.

5. This section does not affect the right of a ~~liquor control retail alcohol~~ license holder to purchase, possess, or transport alcoholic liquors subject to this chapter.

Sec. 28. Section 123.32, Code 2022, is amended to read as follows:

**123.32 Action by local authorities and division on applications for ~~liquor control retail alcohol~~ licenses, native distilled spirits licenses, and wine and beer permits.**

1. *Filing of application.*

a. A completed application for a class “A”, class “B”, class “C”, special class “C”, class “C” native distilled spirits, or class “E” ~~liquor control retail alcohol~~ license as provided in section 123.31, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class “B”, class “B” native, or class “C” native retail wine permit as provided in section 123.175 ~~except a class “D” retail alcohol license~~, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city.

b. A completed application for a class “D” ~~liquor control retail alcohol~~ license and for any of the following certificates, licenses, or permits shall be submitted to the division electronically, or in a manner prescribed by the administrator, which shall proceed in the same manner as in the case of an application approved by local authorities:

(1) A certificate of compliance as provided in sections 123.23, 123.135, and 123.180.

(2) A class “D” ~~liquor control retail alcohol~~ license as provided in section 123.31.

(3) A manufacturer’s license as provided in section 123.41.

(4) A broker’s permit as provided in section 123.42.

(5) A class “A” native distilled spirits license as provided in section 123.43.

(6) A class “A” or special class “A” beer permit as provided in section 123.127.

(7) A charity beer, spirits, and wine ~~auction permit special event license~~ as provided in section 123.173A.

(8) A charity beer, spirits, and wine event permit as provided in section 123.173B.

(9) (8) A class “A” wine permit as provided in section 123.175.

(10) (9) A wine direct shipper’s permit as provided in section 123.187.

(11) (10) A wine carrier permit as provided in section 123.188.

2. *Action by local authorities.* The local authority shall either approve or disapprove the issuance of a ~~liquor control retail alcohol~~ license, a retail wine permit, or a retail beer permit, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the division. There is no limit upon the number of ~~liquor control retail alcohol~~ licenses, retail wine permits, or retail beer permits which may be approved for issuance by local authorities.

3. *Licensed premises for local events.* A local authority may define, by motion of the local authority, licensed premises which shall be used by holders of ~~liquor control retail alcohol~~ licenses, beer permits, and wine permits at festivals, fairs, or celebrations which are sponsored or authorized by the local authority. The licensed premises defined by motion

of the local authority shall be used by the holders of five-day or fourteen-day ~~class “A”, class “B”, class “C”, special class “C”, or class “D” liquor control, or class “F” retail alcohol licenses, or five-day or fourteen-day class “B” or class “C” native wine permits, or class “B” beer permits only.~~

4. *Security employee training.* A local authority, as a condition of obtaining and holding a license ~~or permit~~ for on-premises consumption, may require a designated security employee as defined in section 123.3 to be trained and certified in security methods. The training shall include but is not limited to de-escalation techniques, anger management techniques, civil rights or unfair practices awareness as provided in section 216.7, recognition of fake or altered identification, information on laws applicable to the serving of alcohol at a licensed premises, use of force and techniques for safely removing patrons, and instruction on the proper physical restraint methods used against a person who has become combative.

5. *Occupancy rates.* A local authority located in a county with a population that exceeds three hundred thousand persons, as a condition of obtaining and holding a license ~~or permit~~ for on-premises consumption, shall require the applicant, ~~or licensee, or permittee~~ to provide, and update if necessary, the occupancy rate of the licensed premises.

6. *Action by administrator.*

a. Upon receipt of an application having been disapproved by the local authority, the administrator shall notify the applicant that the applicant may appeal the disapproval of the application to the administrator. The applicant shall be notified by certified mail or personal service, and the application, the fee, and any bond shall be returned to the applicant.

b. Upon receipt of an application having been approved by the local authority, the division shall make an investigation as the administrator deems necessary to determine that the applicant complies with all requirements for holding a license ~~or permit~~, and may require the applicant to appear to be examined under oath to demonstrate that the applicant complies with all of the requirements to hold a license ~~or permit~~. If the administrator requires the applicant to appear and to testify under oath, a record shall be made of all testimony or evidence and the record shall become a part of the application. The administrator may appoint a member of the division or may request an administrative law judge of the department of inspections and appeals to receive the testimony under oath and evidence, and to issue a proposed decision to approve or disapprove the application for a license ~~or permit~~. The administrator may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license ~~or permit~~. If the application is approved by the administrator, the license ~~or permit~~ shall be issued. If the application is disapproved by the administrator, the applicant shall be so notified by certified mail or personal service and the appropriate local authority shall be notified electronically, or in a manner prescribed by the administrator.

7. *Appeal to administrator.* An applicant for a ~~liquor control~~ retail alcohol license, ~~wine permit, or beer permit~~ may appeal from the local authority's disapproval of an application for a license or permit to the administrator. In the appeal the applicant shall be allowed the opportunity to demonstrate in an evidentiary hearing conducted pursuant to chapter 17A that the applicant complies with all of the requirements for holding the license or permit. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license or permit. The administrator may affirm, reverse, or modify the proposed decision. If the administrator determines that the applicant complies with all of the requirements for holding a license or permit, the administrator shall order the issuance of the license or permit. If the administrator determines that the applicant does not comply with the requirements for holding a license or permit, the administrator shall disapprove the issuance of the license or permit.

8. *Judicial review.* The applicant or the local authority may seek judicial review of the action of the administrator in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, petitions for judicial review may be filed in the district court of the county where the premises covered by the application are situated.

9. *Suspension by local authority.* A ~~liquor control~~ retail alcohol licensee ~~or a wine or beer permittee~~ whose license ~~or permit~~ has been suspended or revoked or a civil penalty

imposed by a local authority for a violation of this chapter or suspended by a local authority for violation of a local ordinance may appeal the suspension, revocation, or civil penalty to the administrator. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to hear the appeal which shall be conducted in accordance with chapter 17A and to issue a proposed decision. The administrator may review the proposed decision upon the motion of a party to the appeal or upon the administrator's own motion in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A liquor control retail alcohol licensee, wine or beer permittee, or a local authority aggrieved by a decision of the administrator may seek judicial review of the decision pursuant to chapter 17A.

Sec. 29. Section 123.34, Code 2022, is amended to read as follows:

**~~123.34 Expiration of licenses, permits, and certificates of compliance — seasonal~~  
~~Seasonal, fourteen-day, and five-day licenses and permits — fees.~~**

~~1. All licenses, permits, and certificates of compliance, unless sooner suspended or revoked, expire one year from date of issuance. The administrator shall notify a license, permit, or certificate holder electronically, or in a manner prescribed by the administrator, sixty days prior to the expiration of each license, permit, or certificate.~~

~~2. 1. a. The administrator may issue six-month or eight-month seasonal class "A", class "B", class "C", special class "C", and class "D" liquor control and class "F" retail alcohol licenses, class "B" wine permits, class "B" or class "C" native wine permits, or class "B" beer permits.~~

~~b. The fee for a six-month or an eight-month seasonal license or permit issued pursuant to this subsection shall be for a proportionate part fifty percent of the license or permit fee for that class of license or permit. However, the fee for a seasonal class "B" native wine permit shall be the permit fee provided in section 123.179, subsection 4, and the fee for a seasonal class "C" native wine permit shall be the permit fee provided in section 123.179, subsection 5.~~

~~3. 2. a. The administrator may issue fourteen-day class "A", class "B", class "C", special class "C", and class "D" liquor control and class "F" retail alcohol licenses, and fourteen-day class "B" beer permits, class "B" native wine permits, and class "C" native wine permits.~~

~~b. A fourteen-day retail alcohol license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in section 123.36, subsection 6, and section 123.134, subsection 4.~~

~~c. (1) The fee for a fourteen-day liquor control retail alcohol license or beer permit is one quarter of the annual fee for that class of liquor control retail alcohol license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor control license or beer permit.~~

~~(2) The fee for a fourteen-day class "B" native wine permit shall be the permit fee provided in section 123.179, subsection 4, and the fee for a fourteen-day class "C" native wine permit is the permit fee provided in section 123.179, subsection 5.~~

~~4. 3. a. The administrator may issue five-day class "A", class "B", class "C", special class "C", and class "D" liquor control, and class "F" retail alcohol licenses, and five-day class "B" beer permits, class "B" native wine permits, and class "C" native wine permits.~~

~~b. A five-day retail alcohol license or permit is valid for five consecutive days, but the holder shall not sell alcoholic beverages on Sunday in the five-day period unless the holder qualifies for and obtains the privilege to sell on Sunday pursuant to section 123.36, subsection 6, and section 123.134, subsection 4.~~

~~c. (1) The fee for the five-day liquor control retail alcohol license or beer permit is one-eighth of the annual fee for that class of license or permit. The fee for the privilege to sell on a Sunday in the five-day period is ten percent of the price of the five-day liquor control license or beer permit.~~

~~(2) The fee for a five-day class "B" native wine permit shall be the permit fee provided in section 123.179, subsection 4, and the fee for a five-day class "C" native wine permit is the permit fee provided in section 123.179, subsection 5.~~

~~5. 4. A refund of fees paid shall not be made for seasonal licenses or permits, or for fourteen-day or five-day liquor control retail alcohol licenses, native wine permits, or beer~~

~~permits~~. In addition, a seasonal, fourteen-day, or five-day license or ~~permit~~ shall not be renewed.

**Sec. 30. NEW SECTION. 123.35 Expiration of licenses, permits, and certificates of compliance — automatic renewals.**

1. Except as otherwise provided by this chapter, all licenses, permits, and certificates of compliance, unless sooner suspended or revoked, expire one year from date of issuance.

2. Notwithstanding section 123.31 and any other provision of this chapter to the contrary, a class “E” retail alcohol license shall automatically renew without the endorsement of a local authority or approval by the administrator upon collection of the annual fee by the division, provided all of the following conditions are met since the preceding license was issued:

a. The licensee has given written consent to the division to have the license automatically renewed as provided in this section.

b. The license has not been suspended or revoked.

c. A civil penalty has not been imposed against the licensee.

d. An administrative proceeding is not pending against the licensee to suspend or revoke the license or to impose a civil penalty under this chapter.

e. The licensee has not submitted payment for alcoholic liquor to the division that was subsequently dishonored.

f. The licensee and all persons associated with the licensee as described in section 123.3, subsection 40, paragraph “e”, have not been convicted of a violation of this chapter.

g. The licensed premises constitutes a safe and proper place or building and conforms with all applicable federal, state, and local laws, orders, ordinances, rules, resolutions, and health and fire regulations.

h. A local authority has not notified the division, in a manner established by the division and made available to local authorities, that automatic renewal should not occur and that further review of the licensee by the division and the applicable local authority is warranted.

3. Notwithstanding sections 123.23, 123.135, 123.180, and any other provision of this chapter to the contrary, a distiller’s, brewer’s, or vintner’s certificate of compliance shall automatically renew without approval by the administrator upon collection of the annual fee by the division, provided all of the following conditions are met since the preceding certificate was issued:

a. The certificate holder has given written consent to the division to have the certificate automatically renewed as provided in this section.

b. The certificate has not been suspended or revoked.

c. A civil penalty has not been imposed against the certificate holder.

d. An administrative proceeding is not pending against the certificate holder to suspend or revoke the certificate or to impose a civil penalty under this chapter.

e. The certificate holder and all persons associated with the certificate holder as described in section 123.3, subsection 40, paragraph “e”, have not been convicted of a violation of this chapter.

4. Notwithstanding section 123.187 and any other provision of this chapter to the contrary, a wine direct shipper’s permit shall automatically renew without approval by the administrator upon collection of the annual fee by the division, provided all of the following conditions are met since the preceding permit was issued:

a. The permittee has given written consent to the division to have the permit automatically renewed as provided in this section.

b. The permit has not been suspended or revoked.

c. A civil penalty has not been imposed against the permittee.

d. An administrative proceeding is not pending against the permittee to suspend or revoke the permit or to impose a civil penalty under this chapter.

e. The permittee has filed all required reports and remitted all wine gallonage tax owed pursuant to section 123.183.

f. The permittee and all persons associated with the permittee as described in section 123.3, subsection 40, paragraph “e”, have not been convicted of a violation of this chapter.

Sec. 31. Section 123.38, subsection 1, Code 2022, is amended to read as follows:

1. A ~~liquor control retail alcohol~~ license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the administrator of the division may in the administrator's discretion allow the executor or administrator of the estate of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it.

Sec. 32. Section 123.38, subsection 2, paragraph a, subparagraph (4), Code 2022, is amended to read as follows:

(4) No refund shall be made for any ~~liquor control retail alcohol~~ license, wine permit, or beer permit surrendered more than nine months after issuance.

Sec. 33. Section 123.39, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. (1) The administrator or the local authority may suspend a class "A", class "B", ~~special class "B" native wine, class "C", special class "C", class "C" native distilled spirits, or class "E" liquor control, or class "F" retail alcohol~~ license, or ~~retail wine or beer permit~~ charity beer, spirits, and wine special event license for a period not to exceed one year, revoke the license or permit, or impose a civil penalty not to exceed one thousand dollars per violation.

(2) The administrator may suspend a certificate of compliance, a class "D" ~~liquor control retail alcohol~~ license, a manufacturer's license, a broker's permit, a class "A" native distilled spirits license, a class "A" or special class "A" beer permit, ~~a charity beer, spirits, and wine auction permit,~~ a class "A" wine permit, a wine direct shipper's permit, or a wine carrier permit for a period not to exceed one year, revoke the license, permit, or certificate, or impose a civil penalty not to exceed one thousand dollars per violation.

Sec. 34. Section 123.39, subsection 1, paragraph b, subparagraph (3), Code 2022, is amended to read as follows:

(3) Any change in the ownership or interest in the business operated under a ~~liquor control retail alcohol license, or any wine or beer permit,~~ which change was not previously reported in a manner prescribed by the administrator within thirty days of the change and subsequently approved by the local authority, when applicable, and the division.

Sec. 35. Section 123.39, subsections 2 and 3, Code 2022, are amended to read as follows:

2. Local authorities may suspend any ~~liquor control retail alcohol~~ license or ~~retail wine or beer permit~~ for a violation of any ordinance or regulation adopted by the local authority. Local authorities may adopt ordinances or regulations for the location of the premises of ~~liquor control retail alcohol licensed and retail wine or beer permitted~~ establishments and local authorities may adopt ordinances, not in conflict with this chapter and that do not diminish the hours during which alcoholic beverages may be sold or consumed at retail, governing any other activities or matters which may affect the retail sale and consumption of alcoholic beverages and the health, welfare and morals of the community involved.

3. When a ~~liquor control retail alcohol~~ license or ~~retail wine or beer permit~~ is suspended after a hearing as a result of violations of this chapter by the licensee, ~~permittee~~ or the licensee's or ~~permittee's~~ agents or employees, the premises which were licensed by the license or ~~permit~~ shall not be relicensed for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days have elapsed since the commencement of the suspension, whichever occurs first. However, this section does not prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract had exercised the person's rights under chapter 656 and sold the property to a different person who is not related to the previous licensee or permittee by marriage or within the third

degree of consanguinity or affinity and if the previous licensee or permittee does not have a financial interest in the business of the new applicant.

Sec. 36. Section 123.40, Code 2022, is amended to read as follows:

**123.40 Effect of revocation.**

Any ~~liquor control~~ retail alcohol licensee, wine permittee, or beer permittee whose license or permit is revoked under this chapter shall not thereafter be permitted to hold a ~~liquor control~~ retail alcohol license, wine permit, or beer permit in the state of Iowa for a period of two years from the date of revocation. A spouse or business associate holding ten percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a ~~liquor control~~ retail alcohol license, wine permit, or beer permit, and no ~~liquor control~~ retail alcohol license, wine permit, or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two years from the date of revocation. If a license or permit is revoked, the premises which had been covered by the license or permit shall not be relicensed for one year.

Sec. 37. Section 123.43A, subsection 2, Code 2022, is amended to read as follows:

2. A native distillery shall not sell more than ~~one and one-half~~ nine liters per person per day, of native distilled spirits on the premises of the native distillery. However, ~~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 not more than nine liters per person per day, of native distilled spirits. In addition,~~ a native distillery shall not directly ship native distilled spirits for sale at retail. The native distillery shall maintain records of individual purchases of native distilled spirits at the native distillery for three years.

Sec. 38. Section 123.43A, subsection 6, Code 2022, 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~~ be granted a class "C" native distilled spirits liquor control retail alcohol license as ~~provided defined in section 123.30.~~ A native distillery may be granted not more than two class "C" native distilled spirits liquor control retail alcohol 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 retail alcohol 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. 39. Section 123.45, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. Hold a ~~retail liquor control~~ alcohol license ~~or retail wine or beer permit,~~ unless the licensee ~~or permittee holding a retail liquor control alcohol license or retail wine or beer permit~~ does not purchase or sell the alcoholic beverages of the person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages. However, a person engaged in the business of manufacturing wine that is not native wine may purchase and sell the person's wine under the authority of a special class "C" liquor control retail alcohol license and a class "B" wine permit retail alcohol license provided the licensed premises is the principal office, as defined in section 490.140, of the person.

Sec. 40. Section 123.45, subsection 3, Code 2022, 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, a native brewery may be granted not more than two class "B" beer permits "C" retail alcohol licenses as defined in section 123.124 for that purpose 123.30 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. 41. Section 123.46, subsection 2, Code 2022, is amended to read as follows:

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a ~~liquor control~~ retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place. A person violating this subsection is guilty of a simple misdemeanor.

Sec. 42. Section 123.46A, Code 2022, is amended to read as follows:

**123.46A Delivery of alcoholic beverages by retailers.**

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~~ retail alcohol 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. 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.

3. All deliveries of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be subject to the following requirements and restrictions:

a. Payment for the alcoholic liquor, wine, 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 6:00 a.m. on a Sunday provided the licensee or permittee has been granted the privilege of selling alcoholic liquor, wine, beer, or mixed drinks or cocktails on Sunday on any day of the week,~~ notwithstanding any provision of section 123.49, subsection 2, paragraph "b", to the contrary.

c. Alcoholic liquor, wine, 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 Sunday on the same day the order for alcoholic liquor, wine, beer, or mixed drinks or cocktails is removed from the licensed premises.

g. Delivery of alcoholic liquor, wine, 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, 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, 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.

h. Delivery personnel shall be twenty-one years of age or older.

i. 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.

j. 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, beer, or mixed drinks or cocktails. The records shall be maintained on the licensed premises for a period of three years.

4. 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, 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, 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.

5. Nothing in this section shall impact the direct shipment of wine as regulated by section 123.187.

Sec. 43. Section 123.47, subsection 3, Code 2022, is amended to read as follows:

3. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment by a ~~liquor control~~ retail alcohol licensee, or wine or beer permittee under this chapter.

Sec. 44. Section 123.48, subsections 1 and 3, Code 2022, are amended to read as follows:

1. If a ~~liquor control~~ retail alcohol licensee ~~or wine or beer permittee~~ or an employee of the licensee ~~or permittee~~ has a reasonable belief based on factual evidence that a driver's license as defined in section 321.1, subsection 20A, or nonoperator's identification card issued pursuant to section 321.190 offered by a person who wishes to purchase an alcoholic beverage at the licensed premises is altered or falsified or belongs to another person, the licensee, ~~permittee~~, or employee may retain the driver's license or nonoperator's identification card. Within twenty-four hours, the license or card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the licensed

premises is located. When the license or card is delivered to the appropriate law enforcement agency, the licensee shall file a written report of the circumstances under which the license or card was retained. The local law enforcement agency may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. If an investigation is not initiated or a probable cause is not established by the local law enforcement agency, the driver's license or nonoperator's identification card shall be delivered to the person to whom it was issued. The local law enforcement agency may forward the license or card with the report to the department of transportation for investigation, in which case, the department may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. The department of transportation shall return the license or card to the person to whom it was issued if an investigation is not initiated or a probable cause is not established.

3. A ~~liquor control retail alcohol licensee or wine or beer permittee~~ or an employee of the licensee ~~or permittee~~ is not subject to criminal prosecution for, or to civil liability for damages alleged to have resulted from, the retention and delivery of a driver's license or a nonoperator's identification card which is taken pursuant to subsections 1 and 2. This section shall not be construed to relieve a licensee, ~~permittee~~, or employee of the licensee ~~or permittee~~ from civil liability for damages resulting from the use of unreasonable force in obtaining the altered or falsified driver's license or nonoperator's identification card or the driver's license or nonoperator's identification card believed to belong to another person.

Sec. 45. Section 123.49, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A person holding a ~~liquor control retail alcohol license or retail wine or beer permit~~ under this chapter, and the person's agents or employees, shall not do any of the following:

Sec. 46. Section 123.49, subsection 2, paragraph b, Code 2022, 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 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday~~ any day of the week.

Sec. 47. Section 123.49, subsection 2, paragraph d, subparagraphs (1) and (3), Code 2022, are amended to read as follows:

(1) Keep on premises covered by a ~~liquor control retail alcohol~~ license any alcoholic liquor in any container except the original package purchased from the division, and except mixed drinks or cocktails mixed on the premises for immediate consumption on the licensed premises or as otherwise provided by this paragraph "d". This prohibition does not apply to holders of a class "D" ~~liquor control retail alcohol~~ license or to alcoholic liquor delivered in accordance with section 123.46A.

(3) Mixed drinks or cocktails mixed on premises covered by a class "C" ~~liquor control retail alcohol license or a class "C" native distilled spirits liquor control retail alcohol~~ license for consumption<sup>1</sup> off the licensed premises may be sold if the mixed drink or cocktail is immediately 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 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.

<sup>1</sup> According to Act, the phrase 'a class "C" ~~liquor control license or a class "C" native distilled spirits liquor control retail alcohol~~ license for consumption' probably intended

Sec. 48. Section 123.49, subsection 2, paragraphs g and j, Code 2022, are amended to read as follows:

g. Allow any person other than the licensee, ~~permittee~~, or employees of the licensee or ~~permittee~~, to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as permitted in section 123.95. This paragraph does not apply to the lodging quarters of a class “B” ~~liquor control licensee or wine or beer permittee~~ hotel or motel holding a retail alcohol license, or to holders of a class “D” ~~liquor control~~ retail alcohol license.

j. Knowingly permit or engage in any criminal activity on the premises covered by the license or ~~permit~~. However, the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted in violation of this paragraph “j”. For purposes of this paragraph “j”, “premises” includes parking lots and areas adjacent to the premises of a ~~liquor control~~ retail alcohol licensee or ~~wine or beer permittee~~ authorized to sell alcoholic beverages for consumption on the licensed premises and used by patrons of the ~~liquor control~~ retail alcohol licensee or ~~wine or beer permittee~~.

Sec. 49. Section 123.49, subsection 3, Code 2022, is amended to read as follows:

3. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any ~~liquor control retail alcohol licensee or wine or beer permittee~~. If any person under legal age misrepresents the person’s age, and the licensee or ~~permittee~~ establishes that the licensee or ~~permittee~~ made reasonable inquiry to determine whether the prospective purchaser was over legal age, the licensee or ~~permittee~~ is not guilty of selling alcoholic beverages to a person under legal age.

Sec. 50. Section 123.49, subsection 4, Code 2022, is amended by striking the subsection.

Sec. 51. Section 123.50, subsections 1, 2, 4, and 5, Code 2022, are amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except section 123.49, subsection 2, paragraph “h”, or who fails to affix upon sale, defaces, or fails to record a keg identification ~~sticker label~~ or produce a record of keg identification ~~stickers labels~~ pursuant to section 123.138, shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph “h”, commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 2.

2. The conviction of any ~~liquor control~~ retail alcohol licensee or ~~wine or beer permittee~~ for a violation of any of the provisions of section 123.49, subject to subsection 3 of this section, is grounds for the suspension or revocation of the license or permit by the division or the local authority. However, if any ~~liquor control~~ retail alcohol licensee is convicted of any violation of section 123.49, subsection 2, paragraph “a”, “d”, or “e”, or any ~~wine or beer permittee~~ retail alcohol licensee, excluding a special class “B” or class “D” retail alcohol licensee, is convicted of a violation of section 123.49, subsection 2, paragraph “a” or “e” “d”, the ~~liquor control~~ retail alcohol license or ~~wine or beer permit~~ shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or ~~permit~~ holder shall be forfeited to the division. However, the division shall retain only that portion of the bond equal to the amount the division determines the license or ~~permit~~ holder owes the division.

4. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class “E” ~~liquor control~~ retail alcohol licensee when the class “E” ~~liquor~~ retail alcohol license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division. However, the division shall retain only that portion of the bond equal to the amount the division determines the license or permit holder owes the division.

5. If an employee of a ~~liquor control~~ retail alcohol licensee or ~~wine or beer permittee~~ violates section 123.49, subsection 2, paragraph “h”, the licensee or ~~permittee~~ shall not be assessed a penalty under subsection 3, and the violation shall be deemed not to be a violation of section 123.49, subsection 2, paragraph “h”, for the purpose of determining

the number of violations for which a penalty may be assessed pursuant to subsection 3, if the employee holds a valid certificate of completion of the alcohol compliance employee training program pursuant to section 123.50A at the time of the violation, and if the violation involves selling, giving, or otherwise supplying any alcoholic beverage to a person between the ages of eighteen and twenty years of age. A violation involving a person under the age of eighteen years of age shall not qualify for the bar against assessment of a penalty pursuant to subsection 3, for a violation of section 123.49, subsection 2, paragraph "h". A licensee or permittee may assert only once in a four-year period the bar under this subsection against assessment of a penalty pursuant to subsection 3, for a violation of section 123.49, subsection 2, paragraph "h", that takes place at the same place of business location.

Sec. 52. Section 123.50, subsection 3, unnumbered paragraph 1, Code 2022, is amended to read as follows:

If any ~~liquor control retail alcohol licensee, wine or beer permittee,~~ or employee of a licensee or permittee is convicted or found in violation of section 123.49, subsection 2, paragraph "h", the administrator or local authority shall, in addition to criminal penalties fixed for violations by this section, assess a civil penalty as follows:

Sec. 53. Section 123.92, subsection 2, paragraphs a and c, Code 2022, are amended to read as follows:

a. Every ~~liquor control retail alcohol licensee, class "B" beer permittee, and class "C" native wine permittee,~~ except a class "B", special class "B", or class "E" liquor control retail alcohol licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the division. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and the insurer bases premium rates at the new location on the negative loss history of the previous licensee or permittee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee or permittee at that location during that thirty-month period of time.

c. The purpose of dramshop liability insurance is to provide protection for members of the public who experience damages as a result of licensees or permittees serving patrons any alcoholic beverage to a point that reaches or exceeds the standard set forth in law for liability. Minimum coverage requirements for such insurance are not for the purpose of making the insurance affordable for all licensees or permittees regardless of claims experience. A dramshop liability insurance policy obtained by a licensee or permittee shall meet the minimum insurance coverage requirements as determined by the division and is a mandatory condition for holding a license or permit.

Sec. 54. Section 123.92, subsection 3, paragraphs a and b, Code 2022, are amended to read as follows:

a. Notwithstanding section 123.49, subsection 1, any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee or permittee and who dispensed or gave any alcoholic beverage to the intoxicated underage person when the nonlicensee or nonpermittee who dispensed or gave the alcoholic beverage to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave any alcoholic beverage to the underage person to a point where the nonlicensee or nonpermittee knew or should have known that the underage person would become intoxicated.

b. If the injury was caused by an intoxicated person who is under legal age, a person who is not a licensee or permittee and who dispensed or gave the alcoholic beverage to the underage person may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the underage person.

Sec. 55. Section 123.95, subsection 2, paragraphs a and c, Code 2022, are amended to read as follows:

a. The holder of ~~an annual class “B” liquor control license or an annual class “C” liquor control retail alcohol license~~ may act as the agent of a private social host for the purpose of providing and serving alcoholic beverages as part of a food catering service for a private social gathering in a private place, provided the licensee has applied for and been granted a catering privilege by the division. The holder of an annual special class “C” ~~liquor control retail alcohol license~~ shall not act as the agent of a private social host for the purpose of providing and serving wine and beer as part of a food catering service for a private social gathering in a private place. An applicant for a class “B” or class “C” ~~liquor control retail alcohol license~~ shall state on the application for the license that the licensee intends to engage in catering food and alcoholic beverages for private social gatherings and the catering privilege shall be noted on the license.

c. Section 123.92 does not apply to a ~~liquor control retail alcohol licensee~~ who acts in accordance with this section when the ~~liquor control retail alcohol licensee~~ is providing and serving food and alcoholic beverages as an agent of a private social host at a private social gathering in a private place which is not on the licensed premises.

Sec. 56. Section 123.122, subsection 1, Code 2022, is amended to read as follows:

1. A person shall not cause the manufacture, importation, or sale of beer in this state unless a certificate or permit as provided in this subchapter, or a ~~liquor control retail alcohol license~~ as provided in subchapter I of this chapter, is first obtained which authorizes that manufacture, importation, or sale.

Sec. 57. Section 123.124, Code 2022, is amended to read as follows:

**123.124 Beer permits — classes.**

Permits for the manufacture and sale, or sale, of beer shall be ~~divided into four classes, known as class “A”, and special class “A”, class “B”, or class “C” beer permits.~~ A holder of a class “A” or special class “A” beer permit shall have the authority as provided in section 123.130. ~~A holder of a class “B” beer permit shall have the authority as provided in section 123.131, and a holder of a class “C” beer permit shall have the authority as provided in section 123.132.~~

Sec. 58. Section 123.125, Code 2022, is amended to read as follows:

**123.125 Issuance of beer permits.**

The administrator shall issue class “A”, ~~and special class “A”, class “B”, and class “C”~~ beer permits and may suspend or revoke permits for cause as provided in this chapter.

Sec. 59. Section 123.127, subsection 2, paragraph h, Code 2022, is amended to read as follows:

h. If the person is applying for a special class “A” beer permit, that the applicant holds or has applied for a class “C” ~~liquor control or special class “C” retail alcohol license or class “B” beer permit.~~

Sec. 60. Section 123.130, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. Any person holding a class “A” beer permit issued by the division shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding a subsisting class “A”, “B”, or “C” beer permits ~~permit, both a class “C” native wine permit and a class “A” wine permit pursuant to section 123.178B, subsection 4, or liquor control retail alcohol licenses, excluding a special class “B” retail native wine license, issued in accordance with the provisions of this chapter.~~ However, a person holding a class “A” beer permit issued by the division who also holds a brewer’s notice issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury shall be authorized to sell, at wholesale, no more than thirty thousand barrels of beer on an annual basis for consumption off the premises to a licensee or ~~permittee~~ authorized under this chapter to sell beer at retail.

Sec. 61. Section 123.130, subsections 2 and 4, Code 2022, are amended to read as follows:

2. Pursuant to section 123.45, subsection 3, a native brewery may be granted not more than two class “B” beer 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 class “C” retail alcohol licenses.

4. All special class “A” premises shall be located within the state. A person who holds a special class “A” beer permit for the same location at which the person holds a class “C” liquor control or special class “C” retail alcohol license or class “B” beer permit for the purpose of operating as a brewpub may manufacture and sell beer to be consumed on the premises, may sell beer at retail at the manufacturing premises for consumption off the premises ~~beer that is transferred at the time of sale to another container subject to the requirements of section 123.131, subsection 2,~~ may sell beer to a class “A” beer permittee for resale purposes, and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale. The permit issued to holders of a special class “A” beer permit shall clearly state on its face that the permit is limited.

Sec. 62. Section 123.135, subsection 4, Code 2022, is amended to read as follows:

4. It shall be unlawful for any holder of a certificate of compliance or the holder’s agent, or any class “A” beer permit holder or the beer permit holder’s agent, to grant to any retail ~~beer permit alcohol license~~ holder, directly or indirectly, any rebates, free goods, or quantity discounts on beer which are not uniformly offered to all retail ~~permittees alcohol licensees.~~

Sec. 63. Section 123.138, subsection 1, Code 2022, is amended to read as follows:

1. Each class “A” or special class “A” beer permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each ~~class “B” beer permittee, class “C” beer permittee, or retail liquor control alcohol licensee as described in section 123.30~~ shall keep proper records showing each purchase of beer made by the ~~permittee or licensee,~~ and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the ~~permittee or licensee.~~

Sec. 64. Section 123.138, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Each class “B”, “C”, or special class “C” ~~liquor control retail alcohol licensee and class “B” or “C” beer permittee~~ who sells beer for off-premises consumption shall affix to each keg of beer an identification ~~sticker label~~ provided by the administrator. The ~~sticker label~~ provided shall allow for its full removal when common external keg cleaning procedures are performed. For the purposes of this subsection, “keg” means all durable and disposable containers with a liquid capacity of five gallons or more. Each class “B”, “C”, or special class “C” ~~liquor control retail alcohol licensee and class “B” or “C” beer permittee~~ shall also keep a record of the identification ~~sticker label~~ number of each keg of beer sold by the licensee or ~~permittee~~ with the name and address of the purchaser and the number of the purchaser’s driver’s license, nonoperator’s identification card, or military identification card, if the military identification card contains a picture and signature. This information shall be retained by the licensee or ~~permittee~~ for a minimum of ninety days. The records kept pursuant to this subsection shall be available for inspection by any law enforcement officer during normal business hours.

Sec. 65. Section 123.138, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. (1) The division shall provide the keg identification ~~stickers labels~~ described in paragraph “a” and shall, prior to utilizing a ~~sticker label~~, notify licensed brewers and licensed beer importers of the type of ~~sticker label~~ to be utilized. Each ~~sticker label~~ shall contain a number and the following statement:

It is unlawful to sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person under legal age. Any person

who defaces this ~~sticker label~~ shall be guilty of criminal mischief punishable pursuant to section 716.6 and shall cause the forfeiture of any deposit, if applicable.

(2) The identification ~~sticker label~~ shall be placed on the keg at the time of retail sale. The licensee or permittee shall purchase obtain the stickers labels referred to in this subsection from the division and shall remit to the division deposits forfeited pursuant to this lettered paragraph due to defacement. The cost of the stickers labels to licensees and permittees shall not exceed the division's cost of producing and distributing the stickers labels. The moneys collected by the division relating to the sale of stickers and forfeited deposits labels shall be credited to the beer and liquor control fund.

Sec. 66. Section 123.138, subsection 2, paragraph d, Code 2022, is amended by striking the paragraph.

Sec. 67. Section 123.141, Code 2022, is amended to read as follows:

**123.141 Keeping liquor where beer is sold.**

No alcoholic liquor for beverage purposes shall be used, or kept for any purpose in the place of business of a special class "B" beer permittees "C" retail alcohol licensee, or on the premises of such special class "B" beer permittees "C" retail alcohol licensee, at any time. A violation of any provision of this section shall be grounds for suspension or revocation of the beer permit pursuant to section 123.50, subsection 3. This section shall not apply in any manner or in any way to the premises of any hotel or motel for which a special class "B" beer permit "C" retail alcohol license has been issued, other than that part of such premises regularly used by the hotel or motel for the principal purpose of selling beer or food to the general public, to a premises for which both a class "B" beer permit and a class "A" native distilled spirits license have been issued, or to keep a pharmacy from having alcohol in stock for medicinal and compounding purposes.

Sec. 68. Section 123.142, subsection 1, Code 2022, is amended to read as follows:

1. It is unlawful for the holder of a class "B" or class "C" beer permit retail alcohol license issued under this chapter to sell beer, except beer brewed on the premises covered by a special class "A" beer permit or beer purchased from a person holding a class "A" beer permit issued in accordance with this chapter, and on which the tax provided in section 123.136 has been paid. However, this section does not apply to class "D" liquor control retail alcohol licensees as provided in this chapter.

Sec. 69. Section 123.143, subsection 1, Code 2022, is amended by striking the subsection.

Sec. 70. Section 123.143, subsection 2, Code 2022, is amended to read as follows:

2. All permit fees collected by the division under this subchapter shall accrue to the beer and liquor control fund, except as otherwise provided. All permit fees and taxes collected by the division under this subchapter shall accrue to the state general fund, except as otherwise provided.

Sec. 71. Section 123.171, subsection 1, Code 2022, is amended to read as follows:

1. A person shall not cause the manufacture, importation, or sale of wine in this state unless a certificate or permit as provided in this subchapter, or a liquor control retail alcohol license as provided in subchapter I of this chapter, is first obtained which authorizes that manufacture, importation, or sale.

Sec. 72. Section 123.173, Code 2022, is amended to read as follows:

**123.173 Wine permits permit — classes class "A" — authority.**

1. Except as provided in section 123.187, permits a permit exclusively for the sale or manufacture and sale of wine shall be divided into four classes, and shall be known as a class "A", "B", "B" native, or "C" native wine permits permit.

2. A class "A" wine permit allows the holder to manufacture and sell, or sell at wholesale, in this state, wine. The holder of a class "A" wine permit may manufacture in this state wine having an alcoholic content greater than seventeen percent by weight or twenty-one and



twenty-five hundredths percent of alcohol by volume for shipment outside this state. All class "A" premises shall be located within the state. A class "B" or class "B" native wine permit allows the holder to sell wine at retail for consumption off the premises. A class "B" or class "B" native wine permittee who also holds a class "E" liquor control license may sell wine to class "A", class "B", class "C", special class "C", and class "D" liquor control licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same liquor control licensee in a twenty-four-hour period. A class "B" or class "B" native wine permittee shall not sell wine to other class "B" or class "B" native wine permittees. A class "C" native wine permit allows the holder to sell native wine for consumption on or off the premises.

3. A class "A" wine permittee shall be required to deliver wine to a retail wine permittee alcohol licensee, and a retail wine permittee alcohol licensee shall be required to accept delivery of wine from a class "A" wine permittee, only at the licensed premises of the retail wine permittee alcohol licensee. Except as specifically permitted by the division upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed retail wine permittee's alcohol licensee's premises, or from one licensed retail wine permittee's alcohol licensee's premises to another licensed retail wine permittee's alcohol licensee's premises, even if there is common ownership of all of the premises by one retail permittee, is prohibited. A class "B" or class "B" native wine permittee who also holds a class "E" liquor control license shall keep and maintain records for each sale of wine to liquor control licensees showing the name of the establishment to which wine was sold, the date of sale, and the brands and number of bottles sold to the liquor control licensee.

4. When a class "B" or class "B" native wine permittee who also holds a class "E" liquor control license sells wine to a liquor control licensee, the liquor control licensee shall sign a report attesting to the purchase. The class "B" or class "B" native wine permittee who also holds a class "E" liquor control license shall submit a report to the division electronically, or in a manner prescribed by the administrator, not later than the tenth of each month stating each sale of wine to liquor control licensees during the preceding month, the date of each sale, and the brands and numbers of bottles with each sale. A class "B" permittee who holds a class "E" liquor control license may sell to class "A", class "B", or class "C" liquor control licensees only if the licensed premises of the liquor control licensee is located within the geographic territory of the class "A" wine permittee from which the wine was originally purchased by the class "B" or class "B" native wine permittee.

Sec. 73. Section 123.173A, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**123.173A Charity beer, spirits, and wine special event license.**

1. For purposes of this section:

a. "Authorized nonprofit entity" includes a nonprofit entity which has a principal office in the state, a nonprofit corporation organized under chapter 504, or a foreign corporation as defined in section 504.141, whose income is exempt from federal taxation under section 501(c) of the Internal Revenue Code.

b. "Charity auction" means an auction conducted by an authorized nonprofit entity which includes beer, spirits, and wine.

c. "Charity event" means an event at which an authorized nonprofit entity may serve the event's attendees beer, spirits, and wine for consumption on the premises of the event, regardless of whether the entity charges an admission fee to the event or otherwise collects the cost of the beer, spirits, and wine served from the event's attendees.

d. "Charity special event" means a charity auction, charity event, or a combined charity auction and charity event.

2. Upon application to the division and receipt of a charity beer, spirits, and wine special event license, an authorized nonprofit entity may conduct a charity special event subject to the requirements of this section.

3. A charity auction conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements:

a. The authorized nonprofit entity conducting the charity auction shall obtain the beer, spirits, and wine to be auctioned at the charity auction from an Iowa retail alcohol licensee,

or may receive donations of beer, spirits, or wine to be auctioned at the charity auction from persons who purchased the donated beer, spirits, or wine from an Iowa retail alcohol licensee or an Iowa class "A" native distilled spirits licensee and who present a receipt documenting the purchase at the time the beer, spirits, or wine is donated. The authorized nonprofit entity conducting the charity auction shall retain a copy of the receipt for a period of one year from the date of the charity beer, spirits, and wine auction.

b. The beer, spirits, and wine sold at the charity auction shall be in original containers for consumption off of the premises where the charity auction is conducted. No other alcoholic beverage may be sold by the charity beer, spirits, and wine special event licensee at the charity auction. A purchaser of beer, spirits, or wine at a charity auction shall not take possession of the beer, spirits, or wine until the person is leaving the event. A purchaser of beer, spirits, or wine at a charity auction shall not open the container or consume or permit the consumption of the beer, spirits, or wine purchased on the premises where the charity auction is conducted. A purchaser of beer, spirits, or wine at a charity auction shall not resell the beer, spirits, or wine.

c. A retail alcohol licensee or class "A" native distilled spirits licensee shall not purchase beer, spirits, or wine at a charity auction. The charity auction may be conducted on a premises for which a class "B" or class "C" retail alcohol license has been issued, provided that the retail alcohol licensee does not participate in the charity auction, supply beer, spirits, or wine to be auctioned at the charity auction, or receive any of the proceeds of the charity auction.

4. A charity event conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements:

a. The charity event shall be conducted on a premises covered by a valid retail alcohol license issued by the division.

b. The authorized nonprofit entity conducting a charity event shall have a written agreement with the retail alcohol licensee covering the premises where the charity event is to be conducted specifying that that licensee shall act as the agent of the authorized nonprofit entity for the purpose of providing and serving alcoholic beverages to the attendees of the charity event.

c. The retail alcohol licensee covering the premises where the charity event is to be conducted shall supply all alcoholic beverages served to the attendees of the charity event.

d. Only those types of alcoholic beverages as are authorized to be sold by the retail alcohol license covering the premises where the charity event is to be conducted are to be served to the attendees of the charity event.

5. An application for a charity beer, spirits, and wine special event license to conduct a charity special event shall include all of the following information:

a. The date and time when the charity special event is to be conducted and the location of the premises in this state where the charity special event is to be physically conducted.

b. The retail alcohol license number issued by the division for the premises where a charity event is to be conducted, if applicable.

c. A certification that the objective of the charity special event is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity special event are to be expended for any of the purposes described in section 423.3, subsection 78.

6. An authorized nonprofit entity shall be eligible to receive no more than two charity beer, spirits, and wine special event licenses during a calendar year and each charity beer, spirits, and wine special event license shall be valid for a period not to exceed thirty-six consecutive hours.

7. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the charity beer, spirits, and wine special event license holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the license, or revocation of the permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 74. Section 123.175, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A person applying for a class "A" ~~or retail~~ wine permit shall submit a completed application electronically, or in a manner prescribed by the administrator, which shall set forth under oath the following:

Sec. 75. Section 123.175, subsection 1, paragraph e, Code 2022, is amended to read as follows:

e. When required by the administrator, and in such form and containing such information as the administrator may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises ~~and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.~~

Sec. 76. Section 123.175, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The administrator shall issue a class "A" ~~or retail~~ wine permit to any applicant who establishes all of the following:

Sec. 77. Section 123.175, subsection 2, paragraphs d and g, Code 2022, are amended to read as follows:

d. ~~That, in the case of a class "A" wine permit,~~ the applicant has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all the laws, rules, and regulations governing the manufacture and sale of wine.

g. That the applicant has submitted, ~~in the case of a class "A" wine permit,~~ a bond in the amount of five thousand dollars in a manner prescribed by the administrator with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter.

Sec. 78. Section 123.176, subsections 2, 5, and 7, Code 2022, are amended to read as follows:

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees ~~or liquor control alcohol licensees~~ as authorized by sections ~~123.173~~ 123.30 and 123.177. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted pursuant to the rules of the division on the premises where made, when no charge is made for the tasting.

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~~ be granted a class "C" ~~native wine permit~~ retail alcohol license as ~~provided~~ defined in section ~~123.178B~~ 123.30. A manufacturer of native wine may be granted not more than two class "C" ~~native wine permits~~ retail alcohol licenses. A manufacturer of native wine may be issued a class "C" ~~native wine permit~~ retail alcohol license 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.

7. A manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing native wine, provided that such an alternating proprietorship arrangement is approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class "A" wine permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of this chapter and the rules of the division. Notwithstanding subsection 5, not more than one class "C" ~~native wine permit~~ retail alcohol license shall be issued to a premises with alternating proprietorships.

Sec. 79. Section 123.177, subsection 1, Code 2022, is amended to read as follows:

1. A person holding a class "A" wine permit may manufacture and sell, or sell at wholesale, wine for consumption off the premises. Sales within the state may be made only to persons holding a class "A" or "B" wine permit and to persons holding a retail ~~liquor control~~ alcohol license. However, if the person holding the class "A" permit is a manufacturer of native wine, the person may sell only native wine to a person holding a ~~retail wine permit~~ or a retail ~~liquor control~~ alcohol license. A person holding a class "A" wine permit may sell wine to distributors outside of the state that are authorized by the laws of that jurisdiction to sell wine at wholesale. A class "A" wine permittee having more than one place of business shall obtain a separate permit for each place of business where wine is to be manufactured, stored, warehoused, or sold.

Sec. 80. Section 123.177, subsection 3, Code 2022, is amended by striking the subsection.

Sec. 81. Section 123.180, subsection 4, Code 2022, is amended to read as follows:

4. It is unlawful for a holder of a vintner's certificate of compliance or the holder's agent, or any class "A" wine permittee or the permittee's agent, to discriminate between ~~class "B" wine permittees~~ class "B", special class "B", and class "E" retail alcohol licensees authorized to sell wine at retail.

Sec. 82. Section 123.181, subsection 1, Code 2022, is amended by striking the subsection.

Sec. 83. Section 123.181, subsection 2, Code 2022, is amended to read as follows:

2. A class "A" wine permittee shall not sell wine on credit to a retail alcohol licensee or ~~permittee~~ for a period exceeding thirty days from date of delivery.

Sec. 84. Section 123.187, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Only a wine manufacturer that holds a wine direct shipper permit issued pursuant to this section shall sell wine at retail for direct shipment to any person within this state. This section shall not prohibit an authorized retail licensee or ~~permittee~~ from delivering wine pursuant to section 123.46A.

Sec. 85. Section 123.187, subsection 2, paragraph d, Code 2022, is amended by striking the paragraph.

Sec. 86. Section 125.59, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The treasurer of state, on each July 1 for that fiscal year, shall transfer the estimated amounts to be received ~~from section 123.36, subsection 8 and section 123.143, subsection 1~~ for purposes of this section to the department.

Sec. 87. REPEAL. Sections 123.97, 123.123, 123.150, 123.172, 123.173B, and 123.185, Code 2022, are repealed.

Sec. 88. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

#### DIVISION IV CONFORMING CHANGES

Sec. 89. Section 7D.16, Code 2022, is amended to read as follows:

**7D.16 Alcoholic beverages in state capitol or on complex grounds.**

Notwithstanding any contrary provision of law prohibiting the use and consumption of alcoholic beverages in a public place, the executive council may authorize, by resolution, the temporary use and consumption of alcoholic beverages, as defined in section 123.3, in the state capitol or on the state capitol complex grounds, as if the state capitol or state capitol complex grounds were a private place. The authorization by resolution shall be limited to the use and consumption of alcoholic beverages as an accompaniment to food at a single award ceremony, social event, or other occasion deemed appropriate by the executive council. The

authorization shall require that the person providing the food and alcoholic beverages possess an appropriate ~~liquor control~~ retail alcohol license in accordance with section 123.95. The secretary of the executive council shall inform the secretary of the legislative council and the director of the department of administrative services of the approval of any such resolution.

Sec. 90. Section 12.43, subsection 5, paragraph e, Code 2022, is amended to read as follows:

e. Liquor, beer, and wine sales must not exceed twenty percent of annual sales for establishments holding a class “C” ~~liquor~~ retail alcohol license issued pursuant to section 123.30.

Sec. 91. Section 99B.3, subsection 2, Code 2022, is amended to read as follows:

2. A person whose license is revoked under this section who is a person for whom a class “A”, class “B”, class “C”, or class “D” ~~liquor control~~ retail alcohol license has been issued pursuant to chapter 123 shall have the person’s ~~liquor control~~ retail alcohol license suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

Sec. 92. Section 99B.3, subsection 3, Code 2022, is amended by striking the subsection.

Sec. 93. Section 99B.43, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Social gambling is lawful on the premises of an establishment for which a class “A”, class “B”, class “C”, special class “C”, or class “D” ~~liquor control~~, or class “F” retail alcohol license, or class “B” ~~beer permit~~ has been issued pursuant to chapter 123 when, subject to the provisions of section 99B.42, all of the following requirements are met:

Sec. 94. Section 99B.43, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. The ~~liquor control~~ retail alcohol licensee or ~~beer permittee~~ has submitted an application for a social gambling license and a license fee of one hundred fifty dollars to the department, and a license has been issued.

Sec. 95. Section 99B.43, subsection 2, unnumbered paragraph 1, Code 2022, is amended to read as follows:

A ~~liquor control~~ retail alcohol licensee or ~~beer permittee~~ with a social gambling license issued pursuant to this section may conduct a sports betting pool if all of the requirements of this subsection are met.

Sec. 96. Section 99B.43, subsection 3, Code 2022, is amended to read as follows:

3. An establishment issued a social gambling license under this section that is required to obtain a new ~~liquor~~ retail alcohol license or ~~permit~~ under chapter 123 due to a change in ownership shall be required to obtain a new social gambling license under this section to conduct social gambling.

Sec. 97. Section 99B.53, subsections 2, 3, 4, and 13, Code 2022, are amended to read as follows:

2. Except as provided in subsection 3, an electrical or mechanical amusement device requiring registration may be located on premises for which a class “A”, class “B”, class “C”, special class “C”, or class “D” ~~liquor control~~, or class “F” retail alcohol license has been issued pursuant to chapter 123.

3. a. An electrical or mechanical amusement device requiring registration may be located on premises for which a class “B” or class “C” ~~beer permit~~ “E” retail alcohol license has been issued pursuant to chapter 123, but the department shall not initially register an electrical or mechanical amusement device to an owner or distributor for a location for which a class “B” or class “C” ~~beer permit~~ “E” retail alcohol license has been issued pursuant to chapter 123 on or after April 28, 2004.

b. A distributor that owns an amusement device at a location for which only a class “B” or class “~~C~~” ~~beer permit~~ “E” retail alcohol license has been issued pursuant to chapter 123 shall not relocate an amusement device registered as provided in this section to a location other than a location for which a class “A”, class “B”, class “C”, special class “C”, ~~or class “D” liquor,~~ or class “F” retail alcohol license has been issued and shall not transfer, assign, sell, or lease an amusement device registered as provided in this section to another person for which only a class “B” or class “~~C~~” ~~beer permit~~ “E” retail alcohol license has been issued pursuant to chapter 123 after April 28, 2004.

c. If ownership of the location changes, the class “B” or class “~~C~~” ~~beer permit~~ “E” retail alcohol license does not lapse, and the device is not removed from the location, the device may remain at the location.

4. An electrical or mechanical amusement device required to be registered and at a location for which only a class “B” or class “~~C~~” ~~beer permit~~ “E” retail alcohol license has been issued pursuant to chapter 123 shall include on the device a security mechanism which prevents the device from being operated by a person until action is taken by the owner or owner’s designee to allow the person to operate the device.

13. A person owning or leasing an electrical or mechanical amusement device required to be registered by this section shall not relocate and place into operation an amusement device in any location other than a location which has been issued an appropriate ~~liquor control~~ retail alcohol license in good standing and to which the device has been appropriately registered with the department.

Sec. 98. Section 99B.55, subsection 2, Code 2022, is amended to read as follows:

2. a. A person who commits an offense of awarding a cash prize of fifty dollars or less in violation of section 99B.52, subsection 3, pursuant to rules adopted by the department, shall be subject to a civil penalty in the amount of two hundred fifty dollars. Additional sanctions beyond the civil penalty prescribed by this paragraph, including but not limited to the suspension or revocation of any ~~liquor control~~ retail alcohol license issued pursuant to chapter 123 or registration issued pursuant to section 99B.53 or 99B.56, shall not be applicable.

b. A person who commits, within two years, a second offense of awarding a cash prize of fifty dollars or less in violation of section 99B.52, subsection 3, or a person who commits an offense of awarding a cash prize of more than fifty dollars in violation of section 99B.52, subsection 3, pursuant to rules adopted by the department, shall be subject to revocation of the person’s registration and the following:

(1) If the person whose registration is revoked under this paragraph “b” is a person for which a class “A”, class “B”, class “C”, special class “C”, ~~or class “D” liquor control,~~ or class “F” retail alcohol license has been issued pursuant to chapter 123, the person’s ~~liquor control~~ retail alcohol license shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

(2) If the person whose registration is revoked under this paragraph “b” is a person for which only a class “B” or class “~~C~~” ~~beer permit~~ “E” retail alcohol license has been issued pursuant to chapter 123, the person’s class “B” or class “~~C~~” ~~beer permit~~ “E” retail alcohol license shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

(3) If a person owning or employed by an establishment having a class “A”, class “B”, class “C”, special class “C”, ~~or class “D” liquor control,~~ or class “F” retail alcohol license issued pursuant to chapter 123 commits an offense as provided in this paragraph “b”, the ~~liquor control~~ retail alcohol license of the establishment shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

(4) If a person owning or employed by an establishment having a class “B” or class “~~C~~” ~~beer permit~~ “E” retail alcohol license issued pursuant to chapter 123 commits an offense as provided in this paragraph “b”, the ~~beer permit~~ retail alcohol license of the establishment shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

Sec. 99. Section 137F.1, subsection 9, paragraph c, Code 2022, is amended to read as follows:

c. A premises covered by a class “A” wine permit ~~or a class “B” wine permit~~ as provided in chapter 123.

Sec. 100. Section 331.303, subsection 4, Code 2022, is amended to read as follows:

4. Act upon applications for ~~liquor control~~ retail alcohol licenses and ~~retail beer permits~~ in accordance with section 123.32.

Sec. 101. Section 455C.4, subsection 4, Code 2022, is amended to read as follows:

4. A class “E” ~~liquor control~~ retail alcohol licensee may refuse to accept and to pay the refund value on an empty alcoholic liquor container from a dealer or a redemption center or from a person acting on behalf of or who has received empty alcoholic liquor containers from a dealer or a redemption center.

Sec. 102. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

#### DIVISION V RESTAURANT FOOD DELIVERY

Sec. 103. NEW SECTION. 137G.1 Definitions.

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

1. “*Consent*” means a mutual acknowledgment by a restaurant and a food delivery platform, which may be obtained electronically.

2. “*Food delivery platform*” or “*platform*” means a business that acts as a third-party intermediary by taking and arranging for the delivery or pickup of orders from multiple restaurants for consumers, not including delivery or pickup orders placed directly with, and fulfilled by, a restaurant. “*Food delivery platform*” does not include websites, mobile applications, or other electronic services that do not post restaurant menus, logos, or pricing information on the platform.

3. “*Likeness*” means a mark or trade name.

4. “*Mark*” means a trademark or service mark, regardless of whether the trademark or service mark is actually registered with the state or other entity.

5. “*Restaurant*” means a business in the state that operates its own permanent food service facilities with commercial cooking equipment on its premises and prepares and offers to sell multiple entrees for consumption on or off the premises.

6. “*Trade name*” means a name used by a person or entity to identify a person or entity’s vocation.

Sec. 104. NEW SECTION. 137G.2 Restaurant and food delivery platform — requirements — penalties.

1. A food delivery platform shall be prohibited from all of the following:

a. Using a restaurant’s likeness without the consent of the restaurant owner or the owner’s designee in a manner that could be reasonably interpreted to falsely suggest sponsorship or endorsement by the restaurant.

b. Taking and arranging for the delivery or pickup of an order from a restaurant without the consent of the restaurant owner or the owner’s designee.

c. Intentionally inflating or altering a restaurant’s pricing without the consent of the restaurant owner or the owner’s designee, except that a food delivery platform may charge additional fees to the consumer if the fees are noted separately to the consumer.

d. Attempting to charge a restaurant, or expecting the restaurant to pay or absorb any fee, commission, or charge without the consent of the restaurant owner or the owner’s designee.

2. A food delivery platform shall do all of the following:

a. Clearly provide to the consumer a mechanism to express concerns regarding an order directly to the food delivery platform.

b. Remove a restaurant from the food delivery platform’s services within ten days of receiving the restaurant’s request for removal unless an agreement between the food delivery platform and the restaurant states otherwise.

3. An agreement between a food delivery platform and a restaurant to take and arrange for the delivery or pickup of orders shall include all of the following:

a. Authorization for the food delivery platform to take and arrange for the delivery and pickup of orders from the restaurant.

b. Clear identification of any fee, commission, or charge that the restaurant will be required to pay or absorb.

4. An agreement between a food delivery platform and a restaurant to take and arrange for the delivery or pickup of orders shall not include provisions, clauses, or covenants that require a restaurant to indemnify a food delivery platform, or any employee, independent contractor, or agent of the food delivery platform, for any damages or harm caused by the actions or omissions of the food delivery platform or any employee, independent contractor, or agent of the food delivery platform.

5. a. A provision of an agreement between a food delivery platform and a restaurant, or the obtaining of consent, that is contrary to this chapter is void and unenforceable.

b. An aggrieved restaurant or the attorney general may seek judicial enforcement of the requirements of this chapter in an action brought against a food delivery platform in the county in which the violation occurred. The following civil penalties shall be imposed for a violation of this chapter:

(1) A one thousand dollar penalty for a first violation.

(2) A two thousand five hundred dollar penalty for a second violation.

(3) A ten thousand dollar penalty for a third and subsequent violation.

6. a. The attorney general or a restaurant may, in addition to penalties imposed pursuant to subsection 5, bring an action to enjoin a violation of this chapter. If the court finds a violation of this chapter, the court shall issue an injunction against a food delivery platform and may require the platform to pay to the injured restaurant all profits derived from, or damages resulting from, the wrongful acts and order that the wrongful acts be terminated.

b. If the court finds that the food delivery platform committed a wrongful act in bad faith in violation of this chapter by not entering into an agreement or obtaining consent, the court, in the court's discretion, shall:

(1) Enter a judgment in an amount not to exceed three times the amount of profits and damages.

(2) Award reasonable attorney's fees to the restaurant.

**Sec. 105. NEW SECTION. 137G.3 Food safety — liability.**

1. Orders delivered through a food delivery platform shall be transported in a manner that meets all of the following requirements:

a. The order shall be maintained at a holding temperature necessary to prevent spoilage.

b. All bags or containers in which orders are being transported or delivered from a restaurant to a customer shall be closed or sealed by the restaurant with a tamper-resistant method.

c. The individual delivering orders shall not have any passengers, including animals or children when orders for delivery are being transported in the vehicle, except for one adult passenger not engaging in payment for ride-share services.

d. Smoking or vaping in the vehicle while orders are in the vehicle shall be prohibited.

2. A food delivery platform transporting orders shall be liable for any harm or injury caused by a failure by the food delivery platform to meet the requirements of this chapter.

**Sec. 106. APPLICABILITY.** This division of this Act applies to agreements entered into between a restaurant and a food delivery platform on or after the effective date of this Act.<sup>2</sup>

DIVISION VI  
TRANSITION PROVISIONS

**Sec. 107. TRANSITION PROVISIONS.**

<sup>2</sup> According to Act; the phrase "the effective date of this division of this Act" probably intended



1. Any license or permit issued by the alcoholic beverages division of the department of commerce that is repealed, merged, or altered in this Act, and in effect on January 1, 2023, shall continue in full force and effect with the authority granted by that license or permit until expiration or renewal.

2. The alcoholic beverages division of the department of commerce shall be authorized to adopt alternative procedures for the issuance of any license or permit that is repealed, merged, or altered in this Act on January 1, 2023, that are issued on or after the effective date of this division of this Act but before January 1, 2023. The alternative procedures shall not be inconsistent with the provisions of this Act governing the issuance of licenses or permits on or after January 1, 2023.

Sec. 108. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 7, 2022

## CHAPTER 1100

### PUBLIC SAFETY NUISANCES — LICENSED PREMISES

*H.F. 2340*

**AN ACT** relating to public safety nuisances concerning licensed premises where alcoholic beverages, wine, or beer is sold or consumed.

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

Section 1. NEW SECTION. **123.56 Public safety nuisances — procedure.**

1. A public safety nuisance exists at a licensed premises for purposes of this section when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of the licensed premises commits any of the following acts on the licensed premises or in any parking lots or areas, including but not limited to public rights of way, adjacent to the licensed premises:

a. Unlawfully discharges a firearm or uses an offensive weapon, as defined in section 724.1, regardless of whether it inflicts injury or death.

b. Assaults another person with a dangerous weapon as defined in section 702.7 resulting in injury or death.

c. Engages in a riot as defined in section 723.1 on at least three separate days within any twelve-month period in which a peace officer responded for purposes of dispersing the participants in the riot. A person who willingly joins in or remains a part of a riot need not be the same person for each riot incident.

2. If the county attorney or city attorney where the licensed premises is located has reason to believe a public safety nuisance that constitutes a serious threat to the public safety exists, the county attorney or city attorney, or attorney acting at the direction of the county attorney or city attorney, may file a suit in equity in district court without bond seeking abatement of a public safety nuisance arising from a premises licensed under this chapter pursuant to the requirements of this section.

3. Upon filing a suit in equity in district court pursuant to subsection 2, the county attorney or city attorney shall notify the administrator of the action. Upon receiving notice, the administrator shall issue an order reducing the hours during which alcoholic beverages may be sold or consumed at retail on the licensed premises to between 6:00 a.m. and 10:00 p.m. each day of the week during the pendency of the action in equity. The county attorney or city attorney shall notify the administrator of any final action or judgment entered resulting from the action.

4. In an action seeking abatement of a public safety nuisance as provided in this section, evidence of other current violations of this chapter may be received by the court and considered in determining the remedial provisions of any abatement order. In addition, evidence of prior sanctions, violations of law, nuisance behavior, or general reputation relating to the licensed premises may be admissible in determining the reasonableness of remedial provisions of an abatement order. However, evidence of a prior conviction of the licensee, managers, employees, or contemporaneous patrons and guests is not necessary for purposes of considering or issuing an abatement order under this section. In an action under this section, the administrator may submit to the court a report as evidence on behalf of the division regarding the compliance history of the licensee or permittee for consideration by the court.

5. If the district court finds that a public safety nuisance exists, the court may enter judgment declaring the existence of the nuisance and order such remedial action as the court determines reasonable to abate the nuisance. The abatement order may take the form of an injunction. The duration of an abatement order may be up to two years. Remedial action may include but is not limited to temporary closure of the licensed premises, revocation of the license for such period of time as is consistent with section 123.40, required change in business practice or operations, or posting of a bond. If a bond is ordered and posted, the bond shall be subject to forfeiture, in whole or in part, for any further actions contrary to the abatement order.

6. For purposes of this section, “*licensed premises*” means a premises where alcoholic beverages are authorized to be sold for consumption on the licensed premises and where the serving of food is only incidental to the consumption of alcoholic beverages on the premises.

Approved June 9, 2022

## CHAPTER 1101

### LAKE MANAWA AND WAUBONSIE STATE PARK USER FEE PILOT PROGRAMS — MISCELLANEOUS CHANGES

*S.F. 2373*

**AN ACT** relating to the enforcement of the lake Manawa and Waubonsie state park user fee pilot programs, and including effective date and applicability provisions.

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

Section 1. Section 455A.14A, subsection 1, paragraphs b and c, Code 2022, are amended to read as follows:

b. A nonresident may pay a fee of forty dollars for ~~an annual~~ a pass that grants daily entrance into the state park ~~through one year after the date of purchase for the entire calendar year during which the pass was purchased.~~ The nonresident may purchase a second ~~annual~~ pass for use for a different vehicle for the calendar year for fifteen dollars.

c. The department has the authority to charge separate fees to a resident and nonresident ~~for campsite and shelter reservations and for beach access park amenities.~~ The department may also identify situations in which a reservation fee or other access fee will be accepted in lieu of the entrance fee established by this section or when the entrance fee established by this section will not be charged.

Sec. 2. Section 455A.14A, subsection 2, Code 2022, is amended to read as follows:

2. This section is repealed ~~July 1, 2022~~ December 31, 2025.

Sec. 3. Section 455A.14B, subsection 1, paragraphs b and c, Code 2022, are amended to read as follows:

b. A nonresident may pay a fee of forty dollars for ~~an annual a~~ pass that grants daily entrance into the state park ~~through one year after the date of purchase for the entire calendar year during which the pass was purchased.~~ The nonresident may purchase a second ~~annual~~ pass for use for a different vehicle ~~for the calendar year~~ for fifteen dollars.

c. The department has the authority to charge separate fees to a resident and nonresident ~~for campsite and shelter reservations and for beach access park amenities.~~ The department may also identify situations in which a reservation fee or other access fee will be accepted in lieu of the entrance fee established by this section or when the entrance fee established by this section will not be charged.

Sec. 4. Section 455A.14B, subsection 2, Code 2022, is amended to read as follows:

2. This section is repealed ~~July 1, 2022~~ December 31, 2025.

Sec. 5. Section 456A.14, Code 2022, 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, 465C, 481A, 481B, 482, 483A, 484A, and 484B, sections 455A.14A and 455A.14B, and the trespass laws.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. APPLICABILITY. This Act applies to passes purchased on and after the effective date of this Act. An annual pass purchased before the effective date of this Act shall remain valid through one year after the date of purchase.

Approved June 13, 2022

## CHAPTER 1102

### SHARING OF OPERATIONAL FUNCTIONS BY SCHOOL DISTRICTS

*H.F. 2080*

**AN ACT** relating to school districts that share operational functions, including operational functions in the areas of school resource officer, superintendent management, and special education director, and including effective date and applicability provisions.

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

Section 1. Section 257.11, subsection 5, paragraph a, subparagraph (1), Code 2022, 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, work-based learning coordinator, special education director, mental health professional who holds a statement of recognition issued by the board of educational examiners, school resource officer, 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~~ nine 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; a special education director; a mental health professional who holds a statement of recognition issued by the board of educational examiners; a school resource officer; 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 or another school district 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 or another school district are not the same operational function, so long as either both operational functions are eligible for weighting under this subsection or the operational function the individual performs for the school district is special education director. In ~~such~~ either 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. 2. Section 257.11, subsection 5, paragraph a, subparagraph (2), Code 2022, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0b) “*School resource officer*” means the same as defined in 34 U.S.C. §10389.

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

Sec. 4. APPLICABILITY. This Act applies to school budget years beginning on or after July 1, 2022, subject to the school budget year limitations of section 257.11, subsection 5.

Approved June 13, 2022

## CHAPTER 1103

### PRACTITIONER PREPARATION PROGRAMS — ELIMINATION OF SUBJECT ASSESSMENTS — PRE-STUDENT TEACHING FIELD EXPERIENCES

H.F. 2081

**AN ACT** relating to teachers, including the assessments administered to practitioner preparation program admission candidates and to practitioner preparation program students prior to students’ completion of a practitioner preparation program, field experiences, and certain specified licenses for teachers created by the board of educational examiners, and including notice, effective date, and applicability provisions.

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

Section 1. Section 256.7, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and, ~~except as provided in section 256.16, subsection 3,~~ shall not include a procedure for the waiving of any of the standards prescribed.

Sec. 2. Section 256.16, subsection 1, paragraph a, Code 2022, is amended by striking the paragraph.

Sec. 3. Section 256.16, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. Require that each student admitted to an approved practitioner preparation program participate in pre-student teaching field experiences that include both observation and participation in teaching activities in a variety of school settings. ~~These Pre-student teaching field experiences for students participating in an initial teacher preparation program~~ shall comprise a total of at least ~~fifty~~ eighty hours in duration, at least ten hours of which shall occur prior to a student's acceptance in an approved practitioner preparation program. ~~Pre-student teaching field experiences for students participating in a teacher intern preparation program shall comprise a total of at least fifty hours in duration.~~ The student teaching experience shall be a minimum of fourteen weeks in duration during the student's final year of the practitioner preparation program. The program shall make every reasonable effort to offer the student teaching experience prior to a student's last semester, or equivalent, in the program, and to expand the student's student teaching opportunities beyond one semester or the equivalent.

Sec. 4. Section 256.16, subsection 2, Code 2022, is amended to read as follows:

2. A person initially applying for a license shall successfully complete a practitioner preparation program approved under section 256.7, subsection 3, and containing the subject matter specified in this section, before the initial action by the board of educational examiners under chapter 272 takes place. ~~However, this subsection shall not apply to a person who meets the requirements for an initial one-year license in accordance with subsection 3.~~

Sec. 5. Section 256.16, subsection 3, Code 2022, is amended by striking the subsection.

Sec. 6. Section 272.2, subsection 14, paragraph b, subparagraph (5), Code 2022, is amended to read as follows:

(5) The applicant fails to meet board standards for application for an initial or renewed license. ~~However, this subparagraph shall not apply to a person who applies for an initial one-year license and submits to the board a waiver issued by the director of the department of education in accordance with section 256.16, subsection 3.~~

Sec. 7. Section 272.2, subsection 22, Code 2022, is amended by striking the subsection.

Sec. 8. HIGHER EDUCATION INSTITUTIONS — NOTICE TO FORMER STUDENTS. All higher education institutions providing practitioner preparation shall notify students who failed to achieve the minimum passing scores set by the department of education on the assessments administered under section 256.16, subsection 1, paragraph "a", subparagraph (2), Code 2022, before the effective date of this Act, of the changes related to the completion of a practitioner preparation program provided by this Act, including the student's ability to apply for an initial license from the board of educational examiners if the student completed all other requirements of a practitioner preparation program approved under section 256.7, subsection 3.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. APPLICABILITY. This Act applies to students who attended or are attending practitioner preparation programs before, on, or after the effective date of this Act.

Approved June 13, 2022

## CHAPTER 1104

### STATE CHILD CARE ASSISTANCE PROGRAM — ADDITIONAL PAYMENTS

*H.F. 2127*

**AN ACT** relating to payments to child care providers from families participating in the state child care assistance program.

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

Section 1. Section 237A.13, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4A. A child care provider shall be allowed to collect from a family participating in the state child care assistance program the difference between the state child care assistance reimbursement rate and the rate the provider would typically charge a private-pay family for child care, provided the child care provider and family agree in writing to such additional payments prior to the provision of the child care.

Approved June 13, 2022

## CHAPTER 1105

### REGISTERED ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES — MISCELLANEOUS CHANGES

*H.F. 2130*

**AN ACT** relating to registered all-terrain vehicles and off-road utility vehicles, and making penalties applicable.

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

Section 1. Section 321.234A, subsection 1, paragraph f, Code 2022, is amended to read as follows:

f. ~~The all-terrain vehicle is operated on a county roadway~~ primary highway in accordance with section 321I.10, subsection 1A, a secondary road in accordance with section 321I.10, subsection 2, or a city street in accordance with section 321I.10, subsection 3.

Sec. 2. Section 321.234A, subsection 2, Code 2022, is amended to read as follows:

2. A person operating an all-terrain vehicle on a highway shall have a valid driver's license ~~and the vehicle shall be operated~~ operate the vehicle at speeds of thirty-five miles per hour or less. In addition, a person operating an all-terrain vehicle on a highway pursuant to subsection 1, paragraphs "b" through "g", shall be at least eighteen years of age and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B.

Sec. 3. Section 321.234A, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. As provided in section 321.1, an all-terrain vehicle is a motor vehicle for purposes of this chapter. Therefore, an all-terrain vehicle operated on a highway shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under this chapter for motor vehicles, including but not limited to the parts, lamps, and equipment required under sections 321.386, 321.387, 321.404, 321.432, and 321.437.

Sec. 4. Section 321.384, subsection 1, Code 2022, is amended to read as follows:

1. Every motor vehicle upon a highway within the state, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted headlamps as provided in section 321.415, subject to exceptions with respect to parked vehicles as provided in this chapter. However, an all-terrain vehicle shall display lighted headlamps as provided in section 321.415 at all times while the vehicle is operated on a highway.

Sec. 5. Section 321.385, Code 2022, is amended to read as follows:

**321.385 Headlamps on motor vehicles.**

Every motor vehicle other than a motorcycle, ~~or~~ motorized bicycle, ~~or~~ all-terrain vehicle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

Sec. 6. Section 321.386, Code 2022, is amended to read as follows:

**321.386 Headlamps on motorcycles, ~~and~~ motorized bicycles, ~~and~~ all-terrain vehicles.**

Every motorcycle, ~~and~~ motorized bicycle, ~~and~~ all-terrain vehicle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter.

Sec. 7. Section 321I.8, subsection 2, Code 2022, is amended to read as follows:

2. The department shall remit the fees, including user fees collected pursuant to section 321I.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department, but shall not be used for law enforcement purposes outside of a designated off-highway vehicle recreational riding area or for purchasing, installing, or maintaining signs along a highway outside of a designated off-highway vehicle recreational riding area. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be operated for profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement an education instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

Sec. 8. Section 321I.10, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 1A. A registered all-terrain vehicle or off-road utility vehicle may be operated on an undivided two-lane primary highway that is not part of the interstate road system over the most direct and accessible route between any of the following locations:

- a. An all-terrain vehicle park or trail.
- b. A secondary road on which such vehicles are authorized to operate under subsection 2.
- c. A city street on which such vehicles are authorized to operate under subsection 3.
- d. The vehicle operator's residence.

Sec. 9. Section 321I.10, subsections 2 and 3, Code 2022, are amended to read as follows:

2. a. A registered all-terrain vehicle or off-road utility vehicle may be operated on any of the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period following secondary roads:

(1) An unpaved secondary road.

(2) A paved, undivided two-lane secondary road over the most direct and accessible route between any of the following locations:

(a) An all-terrain vehicle park or trail.

(b) Another secondary road on which such vehicles are authorized to operate under this paragraph.

(c) A city street on which such vehicles are authorized to operate under subsection 3.

(d) The vehicle operator's residence.

(3) A paved, undivided secondary road or segment thereof, if authorized by the county board of supervisors. The county board of supervisors shall evaluate the traffic conditions on all county highways such secondary roads under its jurisdiction and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway.

b. Notwithstanding paragraph "a", a county may prohibit the operation of all-terrain vehicles and off-road utility vehicles on a secondary road or segment thereof under its jurisdiction as follows:

(1) When the secondary road or segment thereof is closed to motor vehicle traffic pursuant to section 306.41.

(2) When the secondary road or segment thereof is designated as a detour route pursuant to section 306.41.

(3) For any other secondary road or segment thereof, for no more than seven consecutive days and no more than thirty days in a calendar year when the prohibited days are established by ordinance.

3. Cities A city may regulate the operation of registered all-terrain vehicles and off-road utility vehicles and may designate streets under the jurisdiction of cities the city within their respective its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for the operation of registered all-terrain vehicles or registered off-road utility such vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street. However, a city shall not charge a fee to operate a registered all-terrain vehicle or off-road utility vehicle within the city.

Sec. 10. Section 321I.10, subsection 5, unnumbered paragraph 1, Code 2022, is amended to read as follows:

An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

Sec. 11. Section 321I.10, subsection 5, paragraph e, Code 2022, is amended to read as follows:

e. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city on which the all-terrain vehicle or off-road utility



~~vehicle is authorized to operate to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city on which such vehicle is authorized to operate.~~

Approved June 13, 2022

**CHAPTER 1106**  
APPROPRIATIONS — U.S.S. IOWA  
H.F. 2147

**AN ACT** making an appropriation to support efforts relating to the U.S.S. Iowa and including effective date provisions.

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

Section 1. ECONOMIC DEVELOPMENT AUTHORITY — U.S.S. IOWA — APPROPRIATIONS.

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, to be used for the purposes designated:

For providing a grant to an entity in support of the christening and commissioning of the U.S.S. Iowa (SSN 797):

..... \$ 75,000

2. There is appropriated from the veterans license fee fund created in section 35A.11 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 providing a grant to an entity in support of the christening and commissioning of the U.S.S. Iowa (SSN 797) notwithstanding section 35A.11, subsection 1:

..... \$ 75,000

3. The economic development authority may use not more than five percent of the moneys appropriated in this section for purposes of administrative costs, marketing, technical assistance, and other program support.

Sec. 2. REVERSION. For purposes of section 8.33, unencumbered or unobligated moneys from an appropriation made in this Act shall not revert but shall remain available for expenditure for the purpose designated until the close of the fiscal year beginning July 1, 2023.

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

Approved June 13, 2022

**CHAPTER 1107****FUTURE READY IOWA SKILLED WORKFORCE LAST-DOLLAR SCHOLARSHIP  
PROGRAM — ELIGIBLE STUDENTS***H.F. 2165*

**AN ACT** modifying provisions relating to eligibility for scholarships under the future ready Iowa skilled workforce last-dollar scholarship program.

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

Section 1. Section 261.131, subsection 1, paragraph g, subparagraph (1), subparagraph division (a), Code 2022, is amended to read as follows:

(a) A graduate of an Iowa high school, or a person who completed private instruction under chapter 299A, or a person who is a recipient of a high school equivalency diploma, and who prior to becoming an adult learner enrolls full-time or part-time during the academic year, or ~~part-time for a summer semester~~, in an eligible program at an eligible institution.

Approved June 13, 2022

**CHAPTER 1108****PRACTICES OF PHARMACY AND NURSING — VACCINE AND IMMUNIZATION  
ADMINISTRATION — NONRESIDENT PHARMACY LICENSURE***H.F. 2169*

**AN ACT** relating to the practices of pharmacy and nursing and the administration of immunizations and vaccinations, and the licensure of nonresident pharmacies.

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

**DIVISION I****PHARMACY PRACTICE — REGISTERED NURSES**

Section 1. Section 152.1, subsection 7, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Under a pharmacist's order and consistent with this subsection, assist in the administration of immunizations and vaccinations and the utilization of statewide protocols pursuant to section 155A.33B.

Sec. 2. NEW SECTION. **155A.33B Registered nurses — vaccinations and immunizations.**

A registered nurse licensed pursuant to chapter 152 or 152E shall be authorized to assist in the administration of immunizations and vaccinations and the utilization of statewide protocols, pursuant to a pharmacist's order and consistent with the practice of the profession of a registered nurse as defined in section 152.1, without obtaining a registration from the board.

**DIVISION II****NONRESIDENT PHARMACY LICENSES**

Sec. 3. Section 155A.13A, subsection 1, paragraph e, Code 2022, is amended by striking the paragraph.

Approved June 13, 2022

**CHAPTER 1109****MEDICAID PROGRAM REPORTING REQUIREMENTS***H.F. 2202*

**AN ACT** relating to Medicaid program reporting requirements.

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

Section 1. Section 249A.20A, subsection 11, Code 2022, is amended to read as follows:

11. Any savings realized under this section may be used to the extent necessary to pay the costs associated with implementation of this section prior to reversion to the medical assistance program. ~~The department shall report the amount of any savings realized and the amount of any costs paid to the legislative fiscal committee on a quarterly basis.~~

Sec. 2. 2019 Iowa Acts, chapter 82, section 1, is amended to read as follows:

SEC. 1. MEDICAID HOME AND COMMUNITY-BASED SERVICES BRAIN INJURY WAIVER MAXIMUM. The department of human services shall eliminate the monthly budget maximum or cap for individuals eligible for the Medicaid home and community-based services brain injury waiver. The department shall track the average amount expended per waiver recipient each fiscal year beginning July 1, 2019, and shall report the information annually to the governor and the general assembly by ~~October 1~~ December 30.

Sec. 3. 2020 Iowa Acts, chapter 1053, section 1, is amended to read as follows:

SEC. 1. MEDICAID HOME AND COMMUNITY-BASED SERVICES ELDERLY WAIVER MAXIMUM. The department of human services shall eliminate the monthly budget maximum or cap for individuals eligible for the Medicaid home and community-based services elderly waiver. The department shall track the average amount expended per waiver recipient each fiscal year beginning July 1, 2020, and shall report the information annually to the governor and the general assembly by ~~October 1~~ December 30.

Approved June 13, 2022

**CHAPTER 1110****PRO SE FILINGS BY CRIMINAL DEFENDANTS OR POSTCONVICTION RELIEF APPLICANTS REPRESENTED BY COUNSEL***H.F. 2222*

**AN ACT** relating to documents that may be filed pro se by a defendant represented by counsel or an applicant for postconviction relief represented by counsel.

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

Section 1. Section 814.6A, subsections 1 and 3, Code 2022, are amended to read as follows:

1. A Except as otherwise provided in subsection 3, a defendant who is currently represented by counsel shall not file any pro se document, including a brief, reply brief, or motion, in any Iowa court. The court shall not consider, and opposing counsel shall not respond to, such pro se filings.

3. A defendant currently represented by counsel may file a pro se motion seeking disqualification of the counsel, which a court may grant upon a showing of good cause the following pro se documents:

a. A pro se motion seeking disqualification of the counsel, which a court may grant upon a showing of good cause.

b. A pro se notice of appeal.

c. A pro se response to a motion to withdraw pursuant to rule of appellate procedure 6.1005.

Sec. 2. Section 822.3A, subsections 1 and 3, Code 2022, are amended to read as follows:

1. ~~An~~ Except as otherwise provided in subsection 3, an applicant seeking relief under section 822.2 who is currently represented by counsel shall not file any pro se document, including an application, brief, reply brief, or motion, in any Iowa court. The court shall not consider, and opposing counsel shall not respond to, such pro se filings.

3. A represented applicant for postconviction relief may file ~~a pro se motion seeking disqualification of counsel, which a court may grant upon a showing of good cause~~ the following pro se documents:

a. A pro se motion seeking disqualification of counsel, which a court may grant upon a showing of good cause.

b. A pro se notice of appeal.

Approved June 13, 2022

## CHAPTER 1111

### PROVISIONAL LICENSES IN PSYCHOLOGY

*H.F. 2246*

**AN ACT** relating to provisional licensing of interns enrolled in a doctoral degree program in psychology.

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

Section 1. Section 154B.6, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. A person who is enrolled in a doctoral degree program in psychology at an institution approved by the board but who has not completed the other requirements for licensure under this section may apply for a provisional license during the person's internship program. The license shall be designated as a "provisional license in psychology". The provisional license shall authorize the licensee to practice psychology under the supervision of a supervisor who meets the qualifications determined by the board by rule. A provisional license shall be valid for a period of two years. The fee for a provisional license shall be set by the board to cover the administrative costs of issuance. The board shall also set a fee for renewal of a provisional license.

Approved June 13, 2022

## CHAPTER 1112

### IOWA LAW ENFORCEMENT ACADEMY — DUTIES — MISCELLANEOUS CHANGES

*H.F. 2358*

**AN ACT** relating to the Iowa law enforcement academy.

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

Section 1. Section 80B.11, subsection 1, paragraph 1, Code 2022, is amended by striking the paragraph.

Sec. 2. Section 80B.15, subsection 1, Code 2022, is amended by striking the subsection.

Approved June 13, 2022

## CHAPTER 1113

### PHARMACY BENEFITS MANAGERS, PHARMACIES, AND PRESCRIPTION DRUG BENEFITS

*H.F. 2384*

**AN ACT** relating to pharmacy benefits managers, pharmacies, and prescription drug benefits, and including effective date and applicability provisions.

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

#### DIVISION I

### PHARMACY BENEFITS MANAGERS, PHARMACIES, AND PRESCRIPTION DRUG BENEFITS

Section 1. Section 507B.4, subsection 3, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *t. Pharmacy benefits managers.* Any violation of chapter 510B by a pharmacy benefits manager.

Sec. 2. Section 510B.1, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

#### **510B.1 Definitions.**

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

1. “*Clean claim*” means a claim that has no defect or impropriety, including a lack of any required substantiating documentation, or other circumstances requiring special treatment, that prevents timely payment from being made on the claim.

2. “*Commissioner*” means the commissioner of insurance.

3. “*Cost-sharing*” means any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket cost obligation imposed by a health benefit plan on a covered person.

4. “*Covered person*” means a policyholder, subscriber, or other person participating in a health benefit plan that has a prescription drug benefit managed by a pharmacy benefits manager.

5. “*Facility*” means an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings.

6. “*Health benefit plan*” means a policy, contract, certificate, or agreement offered or issued by a third-party payor to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

7. “*Health care professional*” means a physician or other health care practitioner licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

8. “*Health care provider*” means a health care professional or a facility.

9. “*Health carrier*” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, including an insurance company

offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, or a plan established pursuant to chapter 509A for public employees. "Health carrier" does not include any of the following:

a. The department of human services.

b. 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.

c. A policy or contract providing a prescription drug benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

d. A plan offered or maintained by a multiple employer welfare arrangement established under chapter 513D before January 1, 2022.

10. "Maximum allowable cost" means the maximum amount that a pharmacy will be reimbursed by a pharmacy benefits manager or a health carrier for a generic drug, brand-name drug, biologic product, or other prescription drug, and that may include any of the following:

a. Average acquisition cost.

b. National average acquisition cost.

c. Average manufacturer price.

d. Average wholesale price.

e. Brand effective rate.

f. Generic effective rate.

g. Discount indexing.

h. Federal upper limits.

i. Wholesale acquisition cost.

j. Any other term used by a pharmacy benefits manager or a health carrier to establish reimbursement rates for a pharmacy.

11. "Maximum allowable cost list" means a list of prescription drugs that includes the maximum allowable cost for each prescription drug and that is used, directly or indirectly, by a pharmacy benefits manager.

12. "Pharmacist" means the same as defined in section 155A.3.

13. "Pharmacy" means the same as defined in section 155A.3.

14. "Pharmacy acquisition cost" means the cost to a pharmacy for a prescription drug as invoiced by a wholesale distributor, and reduced by any discounts, rebates, or other price concessions applicable to the prescription drug that are not shown on the invoice and are known at the time that the pharmacy files an appeal with a pharmacy benefits manager.

15. "Pharmacy benefits manager" means a person who, pursuant to a contract or other relationship with a third-party payor, either directly or through an intermediary, manages a prescription drug benefit provided by the third-party payor.

16. "Pharmacy benefits manager affiliate" means a pharmacy or a pharmacist that directly or indirectly through one or more intermediaries, owns or controls, is owned and controlled by, or is under common ownership or control of, a pharmacy benefits manager.

17. "Pharmacy network" or "network" means pharmacies that have contracted with a pharmacy benefits manager to dispense or sell prescription drugs to covered persons of a health benefit plan for which the pharmacy benefits manager manages the prescription drug benefit.

18. "Prescription drug" means the same as defined in section 155A.3.

19. "Prescription drug benefit" means a health benefit plan providing for third-party payment or prepayment for prescription drugs.

20. "Prescription drug order" means the same as defined in section 155A.3.

21. "Rebate" means all discounts and other negotiated price concessions paid directly or indirectly by a pharmaceutical manufacturer or other entity, other than a covered person, in the prescription drug supply chain to a pharmacy benefits manager, and which may be based on any of the following:

a. A pharmaceutical manufacturer's list price for a prescription drug.

b. Utilization.

c. To maintain a net price for a prescription drug for a specified period of time for the pharmacy benefits manager in the event the pharmaceutical manufacturer's list price increases.

d. Reasonable estimates of the volume of a prescribed drug that will be dispensed by a pharmacy to covered persons.

22. "Third-party payor" means any entity other than a covered person or a health care provider that is responsible for any amount of reimbursement for a prescription drug benefit. "Third-party payor" includes health carriers and other entities that provide a plan of health insurance or health care benefits. "Third-party payor" does not include any of the following:

a. The department of human services.

b. 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.

c. A policy or contract providing a prescription drug benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

23. "Wholesale distributor" means the same as defined in section 155A.3.

Sec. 3. Section 510B.4, Code 2022, is amended to read as follows:

**510B.4 Performance of duties — good faith — conflict of interest.**

1. A pharmacy benefits manager shall ~~perform the pharmacy benefits manager's duties exercising~~ exercise good faith and fair dealing in the performance of ~~its the pharmacy benefits manager's~~ the pharmacy benefits manager's contractual obligations toward ~~the covered entity a third-party payor~~.

2. A pharmacy benefits manager shall ~~notify the covered entity a health carrier~~ notify a health carrier in writing of any activity, policy, practice ownership interest, or affiliation of the pharmacy benefits manager that presents any conflict of interest.

3. A pharmacy benefits manager shall act in the best interest of each third-party payor for whom the pharmacy benefits manager manages a prescription drug benefit provided by the third-party payor, and shall discharge its duties in accordance with applicable state and federal law.

Sec. 4. Section 510B.5, Code 2022, is amended to read as follows:

**510B.5 Contacting covered individual persons — requirements.**

A pharmacy benefits manager, unless authorized pursuant to the terms of its contract with a ~~covered entity~~ health carrier, shall not contact any covered ~~individual person~~ individual person without the express written permission of the ~~covered entity~~ health carrier.

Sec. 5. Section 510B.6, Code 2022, is amended to read as follows:

**510B.6 Dispensing of substitute ~~Substitute prescription drug for prescribed drug~~ drugs.**

1. The following provisions shall ~~apply when if~~ apply if a pharmacy benefits manager requests the dispensing of a substitute prescription drug for a ~~prescribed drug to prescribed for~~ prescribed for a covered ~~individual person~~ individual person:

a. The pharmacy benefits manager may request the substitution of a lower priced generic and therapeutically equivalent prescription drug for a higher priced ~~prescribed prescription drug~~.

b. If the substitute prescription drug's net cost to the covered ~~individual person or covered entity~~ individual person or health carrier exceeds the cost of the ~~prescribed prescription drug originally prescribed for the covered person~~ prescribed prescription drug originally prescribed for the covered person, the substitution shall be made only for medical reasons that benefit the covered ~~individual person~~ individual person.

2. A pharmacy benefits manager shall obtain the approval of the prescribing ~~practitioner~~ health care professional prior to requesting any substitution under this section.

3. A pharmacy benefits manager shall not substitute an equivalent prescription drug contrary to a prescription drug order that prohibits a substitution.

Sec. 6. Section 510B.7, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**510B.7 Pharmacy networks.**

A pharmacy benefits manager shall not assess, charge, or collect any form of remuneration that passes from a pharmacy or a pharmacist in a pharmacy network to the pharmacy benefits

manager including but not limited to claim processing fees, performance-based fees, network participation fees, or accreditation fees.

Sec. 7. Section 510B.8, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**510B.8 Prescription drugs — point of sale.**

1. A covered person shall not be required to make a cost-sharing payment at the point of sale for a prescription drug in an amount that exceeds the total amount that the pharmacy at which the covered person fills the covered person's prescription drug order is reimbursed.

2. A pharmacy benefits manager shall not prohibit a pharmacy from disclosing the availability of a lower-cost prescription drug option to a covered person, or from selling a lower-cost prescription drug option to a covered person.

Sec. 8. NEW SECTION. **510B.8A Maximum allowable cost lists.**

1. Prior to placement of a particular prescription drug on a maximum allowable cost list, a pharmacy benefits manager shall ensure that all of the following requirements are met:

a. The particular prescription drug must be listed as therapeutically and pharmaceutically equivalent in the most recent edition of the publication entitled "Approved Drug Products with Therapeutic Equivalence Evaluations", published by the United States food and drug administration, otherwise known as the orange book.

b. The particular prescription drug must not be obsolete or temporarily unavailable.

c. The particular prescription drug must be available for purchase, without limitations, by all pharmacies in the state from a national or regional wholesale distributor that is licensed in the state.

2. For each maximum allowable cost list that a pharmacy benefits manager uses in the state, the pharmacy benefits manager shall do all of the following:

a. Provide each pharmacy in a pharmacy network reasonable access to the maximum allowable cost list to which the pharmacy is subject.

b. Update the maximum allowable cost list within seven calendar days from the date of an increase of ten percent or more in the pharmacy acquisition cost of a prescription drug on the list by one or more wholesale distributors doing business in the state.

c. Update the maximum allowable cost list within seven calendar days from the date of a change in the methodology, or a change in the value of a variable applied in the methodology, on which the maximum allowable cost list is based.

d. Provide a reasonable process for each pharmacy in a pharmacy network to receive prompt notice of all changes to the maximum allowable cost list to which the pharmacy is subject.

Sec. 9. NEW SECTION. **510B.8C Pharmacy benefits manager affiliates — reimbursement.**

A pharmacy benefits manager shall not reimburse any pharmacy located in the state in an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for dispensing the same prescription drug as dispensed by the pharmacy. The reimbursement amount shall be calculated on a per unit basis based on the same generic product identifier or generic code number.

Sec. 10. NEW SECTION. **510B.8D Clean claims.**

After the date of receipt of a clean claim submitted by a pharmacy in a pharmacy network, a pharmacy benefits manager shall not retroactively reduce payment on the claim, either directly or indirectly except in the following circumstances:

1. The claim is found not to be a clean claim during the course of a routine audit.

2. The claim submission was fraudulent.

3. The claim submission was a duplicate submission of a claim for which the pharmacy had already received payment.

Sec. 11. Section 510B.9, Code 2022, is amended to read as follows:

**510B.9 Submission, approval, and use of prior Prior authorization form.**



~~A pharmacy benefits manager shall file with and have approved by the commissioner a single prior authorization form as provided in section 505.26 comply with all applicable prior authorization requirements pursuant to section 505.26. A pharmacy benefits manager shall use the single prior authorization form as provided in section 505.26.~~

Sec. 12. Section 510B.10, Code 2022, is amended by striking the section and inserting in lieu thereof the following:

**510B.10 Enforcement.**

1. The commissioner may take any enforcement action under the commissioner's authority to enforce compliance with this chapter.

2. After notice and hearing, the commissioner may issue any order or impose any penalty pursuant to section 507B.7, and may suspend or revoke a pharmacy benefits manager's certificate of registration as a third-party administrator upon a finding that the pharmacy benefits manager violated this chapter, or any applicable requirements pertaining to third-party administrators under chapter 510.

3. A pharmacy benefits manager shall be subject to the commissioner's authority to conduct an examination pursuant to chapter 507.

4. A pharmacy benefits manager is subject to the commissioner's authority to conduct a proceeding pursuant to chapter 507B. The procedures set forth in chapter 507B regarding proceedings shall apply to a proceeding related to a pharmacy benefits manager under this chapter.

5. A pharmacy benefits manager is subject to the commissioner's authority to conduct an examination, audit, or inspection pursuant to chapter 510 for third-party administrators. The procedures set forth in chapter 510 for third-party administrators shall apply to an examination, audit, or inspection of a pharmacy benefits manager under this chapter.

6. If the commissioner conducts an examination of a pharmacy benefits manager under chapter 507; a proceeding under chapter 507B; or an examination, audit, or inspection under chapter 510, all information received from the pharmacy benefits manager, and all notes, work papers, or other documents related to the examination, proceeding, audit, or inspection shall be confidential records pursuant to chapter 22 and shall be accorded the same confidentiality as notes, work papers, investigatory materials, or other documents related to the examination of an insurer as provided in section 507.14.

7. A violation of this chapter shall be an unfair or deceptive act or practice in the business of insurance pursuant to section 507B.4, subsection 3.

Sec. 13. **NEW SECTION. 510B.11 Rules.**

The commissioner may adopt rules pursuant to chapter 17A to administer this chapter.

Sec. 14. **NEW SECTION. 510B.12 Severability.**

If a provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does 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. 15. **REPEAL.** Section 510B.3, Code 2022, is repealed.

Sec. 16. **APPLICABILITY.** This division of this Act applies to pharmacy benefits managers that manage a prescription drug benefit in the state on or after the effective date of this Act.

DIVISION II  
PHARMACY BENEFITS MANAGER REPORTING

Sec. 17. Section 510C.1, Code 2022, is amended to read as follows:

**510C.1 Definitions.**

As used in this chapter unless the context otherwise requires:

1. "*Administrative fees*" means a fee or payment, other than a rebate, under a contract between a pharmacy benefits manager and a pharmaceutical drug manufacturer in

connection with the pharmacy benefits manager's management of a ~~health carrier's third-party payor's~~ prescription drug benefit, that is paid by a pharmaceutical drug manufacturer to a pharmacy benefits manager or is retained by the pharmacy benefits manager.

2. "~~Aggregate retained rebate percentage~~" means the percentage of all rebates received by a pharmacy benefits manager that is not passed on to the pharmacy benefits manager's ~~health carrier~~ third-party payor clients.

3. "~~Commissioner~~" means the commissioner of insurance.

4. "~~Covered person~~" means the same as defined in section 514J.102 510B.1.

5. "~~Formulary~~" means a complete list of prescription drugs eligible for coverage under a health benefit plan.

6. "~~Health benefit plan~~" means the same as defined in section 514J.102 510B.1.

7. "~~Health carrier~~" means the same as defined in section 514J.102 510B.1.

8. "~~Health carrier administrative service fee~~" means a fee or payment under a contract between a pharmacy benefits manager and a health carrier in connection with the pharmacy benefits manager's administration of the health carrier's prescription drug benefit that is paid by a health carrier to a pharmacy benefits manager or is otherwise retained by a pharmacy benefits manager.

9. 8. "~~Pharmacy benefits manager~~" means a person who, pursuant to a contract or other relationship with a health carrier, either directly or through an intermediary, manages a prescription drug benefit provided by the health carrier the same as defined in section 510B.1.

10. 9. "~~Prescription drug benefit~~" means a health benefit plan providing for third-party payment or prepayment for prescription drugs the same as defined in section 510B.1.

11. 10. "~~Rebate~~" means all discounts and other negotiated price concessions paid directly or indirectly by a pharmaceutical manufacturer or other entity, other than a covered person, in the prescription drug supply chain to a pharmacy benefits manager, and which may be based on any of the following: the same as defined in section 510B.1.

a. A pharmaceutical manufacturer's list price for a prescription drug.

b. Utilization.

c. To maintain a net price for a prescription drug for a specified period of time for the pharmacy benefits manager in the event the pharmaceutical manufacturer's list price increases.

d. Reasonable estimates of the volume of a prescribed drug that will be dispensed by a pharmacy to covered persons.

11. "~~Third-party payor~~" means the same as defined in section 510B.1.

12. "~~Third-party payor administrative service fee~~" means a fee or payment under a contract between a pharmacy benefits manager and a third-party payor in connection with the pharmacy benefits manager's administration of the third-party payor's prescription drug benefit that is paid by a third-party payor to a pharmacy benefits manager or is otherwise retained by a pharmacy benefits manager.

Sec. 18. Section 510C.2, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Each pharmacy benefits manager shall provide a report annually by February 15 to the commissioner that contains all of the following information regarding prescription drug benefits provided to covered persons of each ~~health carrier~~ third-party payor with whom the pharmacy benefits manager has contracted during the prior calendar year:

Sec. 19. Section 510C.2, subsection 1, paragraphs c, d, e, and g, Code 2022, are amended to read as follows:

c. The aggregate dollar amount of all ~~health carrier~~ third-party payor administrative service fees received by the pharmacy benefits manager.

d. The aggregate dollar amount of all rebates received by the pharmacy benefits manager that the pharmacy benefits manager did not pass through to the ~~health carrier~~ third-party payor.

e. The aggregate amount of all administrative fees received by the pharmacy benefits manager that the pharmacy benefits manager did not pass through to the ~~health-carrier~~ third-party payor.

g. Across all ~~health-carrier~~ third-party payor clients with whom the pharmacy benefits manager was contracted, the highest and the lowest aggregate retained rebate percentages.

Sec. 20. Section 510C.2, subsection 2, paragraph a, subparagraph (1), Code 2022, is amended to read as follows:

(1) The identity of a specific ~~health-carrier~~ third-party payor.

Sec. 21. Section 510C.2, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. Information provided under this section by a pharmacy benefits manager to the commissioner that may reveal the identity of a specific ~~health-carrier~~ third-party payor, the price charged by a specific pharmaceutical manufacturer for a specific prescription drug or class of prescription drugs, or the amount of rebates provided for a specific prescription drug or class of prescription drugs shall be considered a confidential record and be recognized and protected as a trade secret pursuant to section 22.7, subsection 3.

### DIVISION III EMERGENCY RULEMAKING

Sec. 22. EMERGENCY RULES. The insurance division of the department of commerce may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this 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.

### DIVISION IV EFFECTIVE DATE

Sec. 23. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 13, 2022

## CHAPTER 1114

### ONLINE MARKETPLACE TRANSACTIONS — COLLECTION AND DISCLOSURE OF SPECIFIED INFORMATION

*H.F. 2401*

**AN ACT** relating to the disclosure of specified information in connection with designated online marketplace transactions and including effective date provisions.

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

#### Section 1. NEW SECTION. 554E.1 Definitions.

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

1. “*Consumer product*” means goods that are used or bought for use primarily for personal, family, or household purposes.

2. “*High-volume third-party seller*” means a participant on an online marketplace platform who is a third-party seller and who, in any continuous twelve-month period during the previous twenty-four months, has entered into two hundred or more discrete sales or

transactions of new or unused consumer products made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor, and an aggregate total of five thousand dollars or more in gross revenues.

3. “*Online marketplace*” means a person or entity that operates a consumer-directed electronically based or accessed platform as follows:

a. The platform includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the state.

b. The platform is used by one or more third-party sellers for the purposes specified in paragraph “a”.

c. The platform has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

4. “*Seller*” means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace platform in the state.

5. “*Third-party seller*” means a seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the state through an online marketplace platform. The term “*third-party seller*” does not include, with respect to an online marketplace, the following:

a. A seller who operates an online marketplace platform.

b. A business entity that has made available to the general public the entity’s name, business address, and working contact information; that has an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and that has provided to the online marketplace identifying information, as described in section 554E.2, that has been verified in accordance with that section.

6. “*Verify*” means to confirm information provided to an online marketplace pursuant to this chapter, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller’s behalf, not misappropriated, and not falsified.

#### Sec. 2. NEW SECTION. 554E.2 Collection of information.

1. An online marketplace shall require any high-volume third-party seller on an online marketplace platform to provide, not later than ten days after qualifying as a high-volume third-party seller on the platform, the following:

a. A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

b. The seller’s contact information.

c. A business tax identification number, or, if such seller does not have a business tax identification number, a taxpayer identification number. Any information contained in such document shall be presumed to be verified as of the date of issuance of such document.

d. A current working email address and phone number for such seller.

2. The bank account or payee information required under this section may be provided by the seller as follows:

a. To the online marketplace.

b. To a payment processor or other third party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information on demand from such payment processor or other third party.

3. Acceptable forms of seller contact information include the following:

a. With respect to a high-volume third-party seller that is an individual, the individual’s name.

b. With respect to a high-volume third-party seller that is not an individual, one of the following forms of contact information:

(1) A copy of a valid government-issued identification for an individual acting on behalf of such seller that includes the individual’s name.

(2) A copy of a valid government-issued record or tax document that includes the business name and physical address of such seller. Any information contained in such document shall be presumed to be verified as of the date of issuance of such document.

4. An online marketplace shall verify the information collected under this section not later than ten days after collection.

**Sec. 3. NEW SECTION. 554E.3 Information updates.**

1. An online marketplace shall do the following:

a. Periodically, but not less than annually, notify a high-volume third-party seller on an online marketplace platform of the requirement to keep any information collected under this chapter current.

b. Require a high-volume third-party seller on an online marketplace platform to, not later than ten days after receiving the notice under this section, electronically certify that the following:

(1) That the seller has provided any changes to such information to the online marketplace, if any such changes have occurred.

(2) That there have been no changes to such seller's information.

(3) That the seller has provided any changes to such information to the online marketplace.

2. An online marketplace shall verify any change to such information not later than ten days after being notified of the change by a high-volume third-party seller under this section.

**Sec. 4. NEW SECTION. 554E.4 Suspension.**

In the event that a high-volume third-party seller does not provide the information or certification required under this chapter, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide such information or certification not later than ten days after the issuance of such notice, suspend any future sales activity of the seller until the seller provides such information or certification.

**Sec. 5. NEW SECTION. 554E.5 Data collection.**

1. Data collected solely to comply with the requirements of this section may not be used for any other purpose unless required by law.

2. An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this section from unauthorized use, disclosure, access, destruction, or modification.

**Sec. 6. NEW SECTION. 554E.6 Disclosure requirements.**

1. An online marketplace shall do the following:

a. Require a high-volume third-party seller with an aggregate total of twenty thousand dollars or more in annual gross revenues on an online marketplace, and that uses an online marketplace platform, to provide the information as specified in subsection 2 to the online marketplace.

b. Disclose the information described in this section to consumers in a clear and conspicuous manner in the order confirmation message or other document or communication made to the consumer after the purchase is finalized and in the consumer's account transaction history.

2. A high-volume third-party seller subject to this section shall disclose the following:

a. The full name of the seller, which may include the seller's name or seller's company name, or the name by which the seller or company operates on the online marketplace.

b. The physical address of the seller.

c. Contact information for the seller, to allow for the direct, unhindered communication with high-volume third-party sellers by users of the online marketplace, including a current working phone number, a current working email address, or other means of direct electronic messaging which may be provided to the seller by the online marketplace.

d. When a high-volume third-party seller uses a different seller to supply the consumer product to the consumer upon purchase, and upon the request of an authenticated purchaser, the information described in this section relating to any such seller that supplied the consumer

product to the purchaser, if the seller is different than the high-volume third-party seller listed on the product listing prior to purchase.

3. An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of the high-volume third-party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

4. If a high-volume third-party seller does not comply with the requirements to provide and disclose information under this section, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide or disclose such information not later than ten days after the issuance of such notice, suspend any future sales activity of the seller until the seller complies with the requirements.

**Sec. 7. NEW SECTION. 554E.7 Exceptions.**

1. Subject to section 554E.6, upon the request of a high-volume third-party seller, an online marketplace may provide for partial disclosure of the identity information required under section 554E.6 as follows:

a. If the seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may disclose only the country and, if applicable, the state in which such seller resides; and inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace.

b. If the seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns.

c. If the seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

2. If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under section 554E.6 or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under section 554E.6 has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and the opportunity to respond not later than ten days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under section 554E.6.

**Sec. 8. NEW SECTION. 554E.8 Enforcement — penalties.**

1. If the attorney general has reasonable belief that an online marketplace is in violation of this chapter, the attorney general has the sole authority to bring civil action to provide for all of the following:

a. Enjoin further violations by the online marketplace.

b. Enforce compliance with this chapter.

c. Assess civil penalties in an amount not more than one hundred thousand dollars.

d. Obtain other remedies permitted under law.

e. Obtain damages, restitution, or other compensation on behalf of residents of the state.

2. This chapter shall not be construed to prevent the state from exercising the power to conduct investigations, administer oaths or affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

3. The attorney general may adopt rules as necessary to implement this chapter.

**Sec. 9. NEW SECTION. 554E.9 Severability.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are severable.

Sec. 10. EFFECTIVE DATE. This Act takes effect January 1, 2023.

Approved June 13, 2022

## CHAPTER 1115

### NEWBORN SAFE HAVEN ACT — AGE OF NEWBORN INFANT

*H.F. 2420*

**AN ACT** relating to the newborn safe haven Act.

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

Section 1. Section 233.1, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. “*Newborn infant*” means a child who is, or who appears to be, ~~thirty~~ ninety days of age or younger.

Approved June 13, 2022

## CHAPTER 1116

### SMART CONTRACTS, DISTRIBUTED LEDGER TECHNOLOGY, AND DIGITAL ASSETS

*H.F. 2443*

**AN ACT** relating to contract enforceability regarding smart contracts and distributed ledger technology.

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

Section 1. Section 554D.103, subsections 4, 8, and 9, Code 2022, 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.~~

8. “*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.~~

9. “*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, subsections 5 and 16, Code 2022, are amended by striking the subsections.

Sec. 3. Section 554D.108, subsection 2, Code 2022, 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. 4. NEW SECTION. 554E.1 Definitions.

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

1. “*Account*” means the same as defined in section 554.9102.
2. “*Chattel paper*” means the same as defined in section 554.9102.
3. “*Contract*” means the same as defined in section 554D.103.
4. “*Controllable account*” means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay a person that under the uniform commercial code has control of the controllable electronic record.
5. “*Controllable electronic record*” means an electronic record that can be subjected to control under any applicable article of the uniform commercial code. “*Controllable electronic record*” does not include a deposit account, electronic copy of a record evidencing chattel paper, electronic chattel paper, electronic document of title, money, investment property, or a transferable record.
6. “*Controllable payment intangible*” means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay a person that under any applicable article of the uniform commercial code has control of the controllable electronic record.
7. “*Deposit account*” means the same as defined in section 554.9102.
8. “*Digital asset*” means any electronic record that represents or evidences economic value or economic, proprietary, or access rights or is used as a medium of exchange, unit of account, method of payment, or store of value. “*Digital asset*” does not include a deposit account, electronic record evidencing chattel paper, electronic chattel paper, controllable account, controllable payment intangible, money, electronic document of title, investment property, or a transferable record.
9. “*Distributed ledger technology*” means an electronic ledger or other record of transactions or other data to which all of the following apply:
  - a. The electronic ledger is uniformly ordered.
  - b. The electronic ledger is redundantly maintained or processed by more than one computer or machine to guarantee the consistency or nonrepudiation of the recorded transactions or other data.
10. “*Electronic*” means the same as defined in section 554D.103.
11. “*Electronic chattel paper*” means the same as defined in section 554.9102.
12. “*Electronic document of title*” means the same as defined in section 554.1201.
13. “*Electronic record*” means the same as defined in section 554D.103.
14. “*Electronic services system*” means the county land record information system, or electronic services system, created under the agreement entered into under chapter 28E between the counties and the Iowa county recorders association as required by 2005 Iowa Acts, ch. 179, §101, as amended by 2021 Iowa Acts, ch. 126, §2.
15. “*Investment property*” means the same as defined in section 554.9102.
16. “*Money*” means the same as defined in section 554.1201.
17. “*Payment intangible*” means the same as defined in section 554.9102.
18. “*Record*” means the same as defined in section 554D.103.
19. “*Smart contract*” means an electronic record that is an event-driven program or computerized transaction protocol that runs on a distributed, decentralized, shared, and replicated ledger that executes the term of a contract, including but not limited to, taking custody over and instructing the transfer of assets.
20. “*Transaction*” means a sale, trade, exchange, transfer, payment, or conversion of a digital asset or any other property or any other action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.
21. “*Transferable record*” means the same as transferable record defined in the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7021(a)(1), and as defined in the Uniform Electronic Transactions Act, section 554D.118, subsection 1.



Sec. 5. **NEW SECTION. 554E.2 Classification of digital assets.**  
Digital assets are intangible personal property.

Sec. 6. **NEW SECTION. 554E.3 Legal effect of distributed ledger technology and smart contract.**

1. A record, signature, or contract shall not be denied legal effect or enforceability solely because it is created, generated, sent, signed, adopted, communicated, received, recorded, or stored by means of distributed ledger technology or a smart contract.

2. A contract shall not be denied legal effect or enforceability solely because of any of the following:

a. The contract contains a smart contract term.

b. An electronic record, distributed ledger technology, or a smart contract was used in the formation of the contract.

3. Notwithstanding any other law to the contrary, a person using distributed ledger technology in the course of engaging in or affecting intrastate commerce, interstate commerce, or foreign commerce 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 subsection 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. 7. **NEW SECTION. 554E.4 Conveyance of real estate interest evidenced by electronic record.**

Any transaction subject to this chapter that is intended to be evidenced by an instrument affecting real estate as defined in section 558.1 and is intended to provide constructive notice pursuant to section 558.11, or by any instrument that is otherwise required by law to be recorded by the office of the county recorder, shall be evidenced by a document that complies with the provisions of chapter 558, in a format suitable for recording and conforming with the document standards as established by the electronic services system.

Sec. 8. **REPEAL.** Section 554D.106A, Code 2022, is repealed.

Approved June 13, 2022

## CHAPTER 1117

### UNIFORM COMMERCIAL CODE — CONTROLLABLE ELECTRONIC RECORDS

*H.F. 2445*

**AN ACT** relating to the uniform commercial code by providing for controllable electronic records.

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

#### DIVISION I CONTROLLABLE ELECTRONIC RECORDS

Section 1. **NEW SECTION. 554.14101 Short title.**

This Article may be cited as the Uniform Commercial Code — Controllable Electronic Records.

Sec. 2. **NEW SECTION. 554.14102 Definitions.**

1. Article 14 definitions. In this Article:

a. “*Controllable electronic record*” means a record stored in an electronic medium that can be subjected to control under section 554.14105. The term does not include a deposit account, electronic chattel paper, electronic copy of a record evidencing chattel paper, electronic document of title, electronic money, investment property, or a transferable record.

b. “*Qualifying purchaser*” means a purchaser of a controllable electronic record or an interest in the controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

c. “*Transferable record*” means:

(1) “*Transferable record*”, as defined in the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7021(a)(1), as amended.

(2) “*Transferable record*” as defined in the uniform electronic transactions Act, section 554D.118, subsection 1.

d. “*Value*” has the meaning provided in section 554.3303, subsection 1.

2. Definitions in Article 9. The definitions in Article 9 of “*account debtor*”, “*authenticate*”, “*controllable account*”, “*controllable payment intangible*”, “*chattel paper*”, “*deposit account*”, “*electronic chattel paper*”, “*electronic money*”, and “*investment property*” apply to this Article.

### Sec. 3. NEW SECTION. 554.14103 Scope.

1. *Article 9 governs in case of conflict.* If there is conflict between this Article and Article 9, Article 9 governs.

2. *Applicable consumer law and other laws.* A transaction subject to this Article is subject to:

a. any applicable rule of law that establishes a different rule for consumers, including as provided in chapter 537 and any other consumer protection statute or regulation of this state; and

b. any other statute or regulation of this state that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit or credit transactions, including as provided in chapter 535.

### Sec. 4. NEW SECTION. 554.14104 Rights in controllable account, controllable electronic record, and controllable payment intangible.

1. *Applicability of section to controllable account and controllable payment intangible.* This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights of a purchaser and a qualifying purchaser and under subsections 3, 4, and 6, and in the same manner this section applies to a controllable electronic record.

2. *Applicability of other law to acquisition of rights.* Except as provided in this section, law other than this Article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

3. *Shelter principle and purchase of limited interest.* A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

4. *Rights of qualifying purchaser.* A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

5. *Limitation of rights of qualifying purchaser in other property.* Except as provided in subsections 1 and 4 for controllable accounts and controllable payment intangibles or law other than this Article, a qualifying purchaser takes a right to payment, right to performance, or interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

6. *No-action protection for qualifying purchaser.* An action shall not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether framed in conversion, replevin, constructive trust, equitable lien, or other theory.

7. *Filing notice.* Filing of a financing statement under Article 9 is not notice of a claim of a property right in a controllable electronic record.

Sec. 5. **NEW SECTION. 554.14105 Control of controllable electronic record.**

1. *General rule — control of controllable electronic record.* A person has control of a controllable electronic record if:

a. the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded gives the person:

- (1) the power to avail itself of substantially all the benefit from the electronic record; and
- (2) exclusive power, subject to subsection 2, to:

(a) prevent others from availing themselves of substantially all the benefit from the electronic record; and

(b) transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

b. the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in paragraph “a”.

2. *Control through another person.* A person has control of a controllable electronic record if another person, other than the transferor of an interest in the electronic record:

a. has control of the electronic record and acknowledges that it has control on behalf of the person, or

b. obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

3. *Meaning of exclusive.* A power specified in subsection 1, paragraph “a”, subparagraph (2), is exclusive, even if:

a. the controllable electronic record or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

b. the person has agreed to share the power with another person.

Sec. 6. **NEW SECTION. 554.14106 Discharge of account debtor on controllable account or controllable payment intangible.**

1. *Discharge of account debtor.* An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

a. the person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

b. except as provided in subsection 2, a person that formerly had control of the controllable electronic record.

2. *Effect of notification.* Subject to subsection 4, an account debtor shall not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

a. is authenticated by a person that formerly had control or the person to which control was transferred;

b. reasonably identifies the controllable account or controllable payment intangible;

c. notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

d. identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

e. provides a commercially reasonable method by which the account debtor is to pay the transferee.

3. *Discharge following effective notification.* After receipt of a notification that complies with subsection 2, the account debtor may discharge its obligation only by paying in accordance with the notification and shall not discharge the obligation by paying a person that formerly had control.

4. *When notification ineffective.* Notification is ineffective under subsection 2:

a. unless, before the notification is sent, an account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in an authenticated record to a commercially reasonable method by which a person must furnish reasonable proof that control has been transferred;

b. to the extent an agreement between an account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

c. at the option of an account debtor, if the notification notifies the account debtor to:

(1) divide a payment;

(2) make less than the full amount of any installment or other periodic payment; or

(3) pay any part of a payment by more than one method or to more than one person.

5. *Proof of transfer of control.* If requested by the account debtor, the person giving the notification seasonably shall furnish reasonable proof, using the agreed method, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection 2.

6. *What constitutes reasonable proof.* A person furnishes reasonable proof that control has been transferred if the person demonstrates, using the agreed method, that the transferee has the power to:

a. avail itself of substantially all the benefit from the controllable electronic record;

b. prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

c. transfer the powers mentioned in paragraphs "a" and "b" to another person.

7. *Rights not waivable.* An account debtor shall not waive or vary its rights under subsection 4, paragraph "a", and subsection 5 or its option under subsection 4, paragraph "c".

**Sec. 7. NEW SECTION. 554.14107 Governing law.**

Unless otherwise agreed to by the parties, the laws of this state shall govern any actions taken pursuant to this Article. This Article and the local law of this state shall apply to any transaction involving a controllable account, controllable electronic record, or controllable payment intangible if under section 554.9306A, the local law of this state governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in such controllable account, controllable electronic record, or controllable payment intangible.

**Sec. 8. NEW SECTION. 554.14108 Applicability.**

This Article applies to any transaction involving a controllable electronic record that arises on or after the effective date of this Article. This Article does not apply to any transaction involving a controllable electronic record that arises before the effective date of this Article even if the transaction would be subject to this Article if the transaction had arisen on or after the effective date of this Article. This Article does not apply to a right of action with regard to any transaction involving a controllable electronic record that has accrued before the effective date of this Article.

**Sec. 9. NEW SECTION. 554.14109 Savings clause.**

Any transaction involving a controllable electronic record that arose before the effective date of this Article and the rights, obligations, and interests flowing from that transaction are governed by any statute or other rule amended or repealed by this Article as if such amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.

DIVISION II  
CORRESPONDING CHANGES

PART A  
GENERAL PROVISIONS

Sec. 10. Section 554.1201, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0q. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Sec. 11. Section 554.1201, subsection 2, paragraph x, Code 2022, is amended to read as follows:

x. “Money” means a medium of exchange that:

(1) is currently authorized or adopted by a domestic or foreign government, by an intergovernmental organization, or pursuant to an agreement between two or more governments; and

(2) was initially issued, created, or distributed by a domestic or foreign government, by an intergovernmental organization, or pursuant to an agreement between two or more governments. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

Sec. 12. Section 554.1204, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Except as otherwise provided in Articles 3, 4, and 5, and 14, a person gives value for rights if the person acquires them:

PART B  
SECURED TRANSACTIONS

Sec. 13. Section 554.9102, subsection 1, paragraphs b and bi, Code 2022, are amended to read as follows:

b. “Account”, except as used in “*account for*”, “*on account of*”, and paragraph “ac”, means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of; (ii) for services rendered or to be rendered; (iii) for a policy of insurance issued or to be issued; (iv) for a secondary obligation incurred or to be incurred; (v) for energy provided or to be provided; (vi) for the use or hire of a vessel under a charter or other contract; (vii) arising out of the use of a credit or charge card or information contained on or for use with the card; or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes controllable accounts and health care insurance receivables. The term does not include ~~rights to payment evidenced by chattel paper or an instrument, (i) chattel paper, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card, or (vii) rights to payment evidenced by an instrument.~~

bi. “*Payment intangible*” means a general intangible under which the account debtor’s principal obligation is a monetary obligation. The term includes a controllable payment intangible.

Sec. 14. Section 554.9102, subsection 1, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0ab. “Controllable account” means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that under section 554.14105 has control of the controllable electronic record.

NEW PARAGRAPH. 00ab. “*Controllable payment intangible*” means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that under section 554.14105 has control of the controllable electronic record.

NEW PARAGRAPH. 00af. “*Electronic money*” means money that is in an electronic form.

NEW PARAGRAPH. 00bc. “*Money*” has the meaning provided in section 554.1201, subsection 2, paragraph “x”, but does not include a deposit account.

NEW PARAGRAPH. 00cb. “*Tangible money*” means money in a tangible form.

Sec. 15. Section 554.9102, subsection 2, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0i. “Controllable electronic record” .....Section 554.14102.

NEW PARAGRAPH. 0ae. “Qualifying purchaser” .....Section 554.14102.

Sec. 16. NEW SECTION. 554.9105A Control of electronic money.

1. *General rule — control of electronic money.* A person has control of electronic money if:  
a. the electronic money or a system in which the electronic money is recorded gives the person:

(1) the power to avail itself of substantially all the benefit from the electronic money; and  
(2) exclusive power, subject to subsection 2, to:

(a) prevent others from availing themselves of substantially all the benefit from the electronic money; and

(b) transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and

b. the electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under paragraph “a”.

2. *Control through another person.* A person has control of electronic money if another person, other than the transferor of an interest in the electronic money:

a. has control of the electronic money and acknowledges that it has control on behalf of the person, or

b. obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

3. *Meaning of exclusive.* A power is exclusive under subsection 1, paragraph “a”, subparagraph (2), even if:

a. the electronic money or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to transfer control; or

b. the person has agreed to share the power with another person.

Sec. 17. NEW SECTION. 554.9107A Control of controllable account, controllable electronic record, or controllable payment intangible.

1. *Control under section 554.14105.* A secured party has control of a controllable electronic record as provided in section 554.14105.

2. *Control of controllable account and controllable payment intangible.* A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

Sec. 18. Section 554.9203, subsection 2, Code 2022, is amended to read as follows:

2. *Enforceability.* Except as otherwise provided in subsections 3 through 9 10, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

a. value has been given;

b. the debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

c. one of the following conditions is met:

(1) the debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(2) the collateral is not a certificated security and is in the possession of the secured party under section 554.9313 pursuant to the debtor's security agreement;

(3) the collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under section 554.8301 pursuant to the debtor's security agreement; or

(4) the collateral is controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic chattel paper, electronic documents, electronic money, investment property, or letter-of-credit rights, or ~~electronic documents,~~ and the secured party has control under section 554.7106, 554.9104, 554.9105, 554.9105A, 554.9106, or 554.9107, or 554.9107A pursuant to the debtor's security agreement.

Sec. 19. Section 554.9203, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Controllable account or controllable payment intangible. The attachment of a security interest in a controllable electronic record that evidences a controllable account or controllable payment intangible is also attachment of a security interest in the controllable account or controllable payment intangible.

Sec. 20. Section 554.9207, subsection 3, Code 2022, is amended to read as follows:

3. *Duties and rights when secured party in possession or control.* Except as otherwise provided in subsection 4, a secured party having possession of collateral or control of collateral under section 554.7106, 554.9104, 554.9105, 554.9105A, 554.9106, or 554.9107, or 554.9107A:

a. may hold as additional security any proceeds, except money or funds, received from the collateral;

b. shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

c. may create a security interest in the collateral.

Sec. 21. Section 554.9208, subsection 2, paragraphs e and f, Code 2022, are amended to read as follows:

e. a secured party having control of a letter-of-credit right under section 554.9107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~and~~

f. a secured party having control of an electronic document shall:

(1) give control of the electronic document to the debtor or its designated custodian;

(2) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(3) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party; and

Sec. 22. Section 554.9208, subsection 2, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. a secured party having control under section 554.9105A of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and

NEW PARAGRAPH. *h.* a secured party having control under section 554.14105 of a controllable electronic record shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.

Sec. 23. Section 554.9301, subsection 3, Code 2022, is amended to read as follows:

3. Except as otherwise provided in subsection 4, while tangible negotiable documents, goods, instruments, tangible money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

- a. perfection of a security interest in the goods by filing a fixture filing;
- b. perfection of a security interest in timber to be cut; and
- c. the effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

Sec. 24. NEW SECTION. 554.9306A Law governing perfection and priority of security interests in controllable accounts, controllable electronic records, and controllable payment intangibles.

The local law of this state governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable account, controllable electronic record, or controllable payment intangible granted by a debtor located in this state at the time the security interest becomes enforceable against the debtor with respect to the collateral under section 554.9203.

Sec. 25. Section 554.9308, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Controllable account or payment intangible. Perfection of a security interest in a controllable electronic record that evidences a controllable account or controllable payment intangible also perfects a security interest in the controllable account or controllable payment intangible.

Sec. 26. Section 554.9310, subsection 2, paragraph h, Code 2022, is amended to read as follows:

*h.* in controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights which is perfected by control under section 554.9314;

Sec. 27. Section 554.9312, Code 2022, is amended to read as follows:

**554.9312 Perfection of security interests in controllable accounts, controllable electronic records, controllable payment intangibles, chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money — perfection by permissive filing — temporary perfection without filing or transfer of possession.**

1. *Perfection by filing permitted.* A security interest in controllable accounts, controllable electronic records, controllable payment intangibles, chattel paper, negotiable documents, instruments, or investment property may be perfected by filing.

2. *Control or possession of certain collateral.* Except as otherwise provided in section 554.9315, subsections 3 and 4, for proceeds:

- a. a security interest in a deposit account may be perfected only by control under section 554.9314;
- b. and except as otherwise provided in section 554.9308, subsection 4, a security interest in a letter-of-credit right may be perfected only by control under section 554.9314; ~~and~~
- c. a security interest in tangible money may be perfected only by the secured party's taking possession under section 554.9313; and
- d. a security interest in electronic money may be perfected only by control under section 554.9314.

3. *Goods covered by negotiable document.* While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

- a. a security interest in the goods may be perfected by perfecting a security interest in the document; and



b. a security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

4. *Goods covered by nonnegotiable document.* While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

- a. issuance of a document in the name of the secured party;
- b. the bailee's receipt of notification of the secured party's interest; or
- c. filing as to the goods.

5. *Temporary perfection — new value.* A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

6. *Temporary perfection — goods or documents made available to debtor.* A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

- a. ultimate sale or exchange; or
- b. loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

7. *Temporary perfection — delivery of security certificate or instrument to debtor.* A perfected security interest in a certificated security or instrument remains perfected for twenty days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

- a. ultimate sale or exchange; or
- b. presentation, collection, enforcement, renewal, or registration of transfer.

8. *Expiration of temporary perfection.* After the twenty-day period specified in subsection 5, 6, or 7 expires, perfection depends upon compliance with this Article.

Sec. 28. Section 554.9313, subsection 1, Code 2022, is amended to read as follows:

1. *Perfection by possession or delivery.* Except as otherwise provided in subsection 2, a secured party may perfect a security interest in tangible negotiable documents, goods, instruments, tangible money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under section 554.8301.

Sec. 29. Section 554.9314, subsections 1 and 2, Code 2022, are amended to read as follows:

1. *Perfection by control.* A security interest in ~~investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic chattel paper, electronic documents, electronic money, investment property, or letter-of-credit rights, may be perfected by control of the collateral under section 554.7106, 554.9104, 554.9105, 554.9105A, 554.9106, ~~or 554.9107, or 554.9107A.~~

2. *Specified collateral — time of perfection by control — continuation of perfection.* A security interest in ~~deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic chattel paper, electronic documents, electronic money, or letter-of-credit rights, is perfected by control under section 554.7106, 554.9104, 554.9105, 554.9105A ~~or 554.9107, or 554.9107A~~ when the secured party obtains control and remains perfected by control only while the secured party retains control.

Sec. 30. **NEW SECTION. 554.9326A Priority of security interests in controllable account, controllable electronic record, and controllable payment intangible.**

A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record,

or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

Sec. 31. Section 554.9331, Code 2022, is amended to read as follows:

**554.9331 Priority of rights of purchasers of instruments, controllable accounts, controllable records, controllable payment intangibles, documents, instruments, and securities under other articles Articles — priority of interests in financial assets and security entitlements and protections against assertions of claims under Article Articles 8 and 14.**

1. *Rights under Articles 3, 7, ~~and 8,~~ and 14 not limited.* This Article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, ~~or a protected purchaser of a security, or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible.~~ These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, ~~and 8,~~ and 14.

2. *Protection under ~~Article~~ Articles 8 and 14.* This Article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8 or 14.

3. *Filing not notice.* Filing under this Article does not constitute notice of a claim or defense to the holders, ~~or purchasers,~~ or persons described in subsections 1 and 2.

Sec. 32. Section 554.9332, Code 2022, is amended to read as follows:

**554.9332 Transfer of money — transfer of funds from deposit account.**

1. *Transferee of tangible money.* A transferee of tangible money takes the money free of a security interest ~~unless the transferee acts in the money if the transferee when receiving delivery of the money does not act~~ in collusion with the debtor in violating the rights of the secured party.

2. *Transferee of electronic money.* A transferee of electronic money takes the money free of a security interest in the money if the transferee when obtaining control of the money does not act in collusion with the debtor in violating the rights of the secured party.

~~2.~~ 3. *Transferee of funds from deposit account.* A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~unless the transferee acts if the transferee when receiving the funds does not act~~ in collusion with the debtor in violating the rights of the secured party.

Sec. 33. Section 554.9406, subsections 1, 2, and 3, Code 2022, are amended to read as follows:

1. *Discharge of account debtor — effect of notification.* Subject to subsections 2 through 9 and 11, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. *When notification ineffective.* Subject to ~~subsection~~ subsections 8 and 11, notification is ineffective under subsection 1:

a. if it does not reasonably identify the rights assigned;

b. to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

c. at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(1) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(2) a portion has been assigned to another assignee; or

(3) the account debtor knows that the assignment to that assignee is limited.

3. *Proof of assignment.* Subject to ~~subsection~~ subsections 8 and 11, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

Sec. 34. Section 554.9406, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 11. *Inapplicability of certain subsections.*** Subsections 1 through 3 and 7 do not apply to a controllable account or controllable payment intangible.

Sec. 35. Section 554.9601, subsection 2, Code 2022, is amended to read as follows:

2. *Rights and duties of secured party in possession or control.* A secured party in possession of collateral or control of collateral under section 554.7106, 554.9104, 554.9105, 554.9105A, 554.9106, or 554.9107, or 554.9107A has the rights and duties provided in section 554.9207.

Sec. 36. Section 554.9605, Code 2022, is amended to read as follows:

**554.9605 Unknown debtor or secondary obligor.**

1. *Duties to unknown persons — general rule.* A Except as provided in subsection 2, a secured party does not owe a duty based on its status as secured party:

1. a. to a person that is a debtor or obligor, unless the secured party knows:

~~α. (1)~~ that the person is a debtor or obligor;

~~b. (2)~~ the identity of the person; and

~~c. (3)~~ how to communicate with the person; or

2. b. to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

~~α. (1)~~ that the person is a debtor; and

~~b. (2)~~ the identity of the person.

2. When secured party owes duty to debtor notwithstanding subsection 1. A secured party owes a duty based on its status as a secured party to a person that is a debtor if, at the time the secured party obtains control of a controllable account, controllable electronic record, or controllable payment intangible, the secured party has knowledge that the nature of the collateral or a system in which the collateral is recorded would prevent the secured party from acquiring the knowledge specified in subsection 1, paragraph “a”, subparagraph (1), (2), or (3).

Sec. 37. Section 554.9628, subsection 2, Code 2022, is amended to read as follows:

2. *Limitation of liability based on status as secured party.* A Subject to subsection 6, a secured party is not liable because of its status as secured party:

a. to a person that is a debtor or obligor, unless the secured party knows:

(1) that the person is a debtor or obligor;

(2) the identity of the person; and

(3) how to communicate with the person; or

b. to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(1) that the person is a debtor; and

(2) the identity of the person.

Sec. 38. Section 554.9628, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 6. *When secured party owes duty to debtor notwithstanding subsection 2.*** A secured party owes a duty based on its status as a secured party to a person that is a debtor if, at the time the secured party obtains control of a controllable account, controllable electronic record, or controllable payment intangible, the secured party has knowledge that the nature of the collateral or a system in which the collateral is recorded

would prevent the secured party from acquiring the knowledge specified in subsection 2, paragraph “a”, subparagraph (1), (2), or (3).

Approved June 13, 2022

## CHAPTER 1118

### STATUTES OF LIMITATIONS ON ARBITRATION PROCEEDINGS

*H.F. 2468*

**AN ACT** relating to statutes of limitations on arbitration proceedings and including applicability provisions.

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

Section 1. **NEW SECTION. 679A.20 Limitations of arbitration proceedings.**

If, at the time a demand for arbitration was made or notice of intention to arbitrate was served, the claim sought to be arbitrated would have been barred by limitation of time pursuant to chapter 614 had it been asserted in a court of this state, a party may assert the limitation as a bar to the arbitration on an application to the court.

Sec. 2. **APPLICABILITY.** This Act applies to all arbitration proceedings commenced on or after the effective date of this Act and any arbitration proceeding that is pending on the effective date of this Act where asserting a statute of limitation is not expressly prohibited by the rules governing the arbitration proceeding.

Approved June 13, 2022

## CHAPTER 1119

### LEVEE DISTRICTS GOVERNANCE AND FUNDING STUDY — APPROPRIATION — NONREVERSION OF FUNDS

*H.F. 2517*

**AN ACT** relating to the reversion of moneys appropriated for a governance and funding of levee districts study, and including effective date provisions.

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

Section 1. 2021 Iowa Acts, chapter 166, section 21, is amended to read as follows:

**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

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 June 13, 2022

## CHAPTER 1120

### MENTAL HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM

*H.F. 2549*

**AN ACT** relating to the establishment of a mental health professional loan repayment program within the college student aid commission.

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

Section 1. NEW SECTION. **261.117 Mental health professional loan repayment program.**

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

a. “*Commission*” means the college student aid commission.

b. “*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.

c. “*Eligible loan*” means a mental health professional’s total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, a mental health professional’s federal grad plus loans, or a mental health professional’s federal Perkins loan, including principal and interest.

d. “*Eligible practice area*” means a city in Iowa that is 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.

e. “*Mental health professional*” means a nonprescribing individual who meets all of the following qualifications:

(1) The individual holds at least a master’s degree from an eligible institution in a mental health field, including psychology, counseling and guidance, social work, marriage and family therapy, or mental health counseling.

(2) The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law.

(3) The individual has at least two years of post-degree clinical experience, supervised by another individual in the mental health field, in assessing mental health needs and problems and in providing appropriate mental health services.

(4) The individual is not eligible for the rural Iowa advanced nurse practitioner and physician assistant loan repayment program established pursuant to section 261.114.

f. “*Part-time practice*” means at least seventy percent of a forty-hour workweek.

2. *Program established.* A mental health professional loan repayment program is established to be administered by the commission for purposes of providing loan repayments for mental health professionals who agree to practice in an eligible practice area and meet the requirements of this section.

3. *Program agreements.*

a. The mental health professional and the commission shall enter into a program agreement. Under the agreement, to receive loan repayments pursuant to subsection 5, a mental health professional shall agree to and shall engage in either of the following:

(1) Full-time practice as a mental health professional in an eligible practice area for a period of five consecutive years after entering into the agreement.

(2) Part-time practice as a mental health professional in an eligible practice area for a period of seven consecutive years after entering into the agreement.

b. A mental health professional who entered into a program agreement pursuant to paragraph “a” may apply to the commission to amend the agreement to allow the mental health professional to switch to part-time practice or full-time practice, as applicable. The commission and the mental health professional may consent to amend the agreement under which the mental health professional shall engage in part-time practice in an eligible practice 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.

c. The commission shall give priority to mental health professionals who are residents of Iowa and, if requested by the adjutant general, to mental health professionals who are members of the Iowa national guard.

4. *Satisfaction of practice obligation.*

a. An obligation to engage in full-time or part-time practice under a program agreement entered into pursuant to subsection 3 shall be considered satisfied when any of the following conditions is met:

(1) The terms of the agreement are completed.

(2) The individual who entered into the agreement dies.

(3) The individual who entered into the agreement, due to a permanent disability, is unable to practice as a mental health professional.

b. If a mental health professional fails to fulfill the obligation to engage in practice in accordance with subsection 3, the mental health professional shall be subject to repayment to the commission of loan repayment amounts the commission paid to the mental health professional pursuant to subsection 5 plus interest as specified by rule.

5. *Loan repayment amounts.* The annual amount of loan repayment the commission may make to a mental health professional who enters into a program agreement pursuant to subsection 3, if the mental health professional is in compliance with obligations under the agreement, shall be eight thousand dollars for an eligible loan. The total amount of loan repayments from the commission to a mental health professional under this subsection shall not exceed forty thousand dollars.

6. *Refinanced loans.* A mental health professional who receives a loan repayment pursuant to subsection 5 and who refinances an eligible loan by obtaining a private educational loan may continue to receive loan repayment under this section if the amount of loan repayment does not exceed the lesser of the amount specified in subsection 5 or the balance of the loan repayment amount the mental health professional qualified to receive with the eligible loan.

7. *Mental health professional loan repayment fund.* A mental health professional loan repayment fund is created for deposit of moneys appropriated to or received by the commission for use under the mental health professional loan repayment program. Notwithstanding section 8.33, moneys deposited in the mental health professional loan repayment fund shall not revert to any fund of the state at the end of any fiscal year but shall remain in the mental health professional loan repayment fund and be continuously available for loan repayment under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the mental health professional loan repayment fund shall be credited to the fund.

8. *Report.* The commission shall submit in a report to the general assembly by January 1, annually, the number of mental health professionals who received loan repayment pursuant to this section, where the mental health professionals practiced, the amount paid to each mental health professional, and other information identified by the commission as indicators of outcomes of the program.

9. *Rules.* The commission shall adopt rules pursuant to chapter 17A to administer this section.

**CHAPTER 1121****ABATEMENT AND RESPONSE TO OPIOID USE — FUNDS — PRESCRIPTIONS FOR  
AND POSSESSION AND USE OF OPIOID ANTAGONISTS BY SCHOOLS***H.F. 2573*

**AN ACT** creating funds relating to the abatement of and response to opioid use, allowing school districts to obtain opioid antagonist prescriptions, and making an appropriation.

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

Section 1. **NEW SECTION. 12.51 Opioid settlement fund.**

1. An opioid settlement fund is created in the office of the treasurer of state. 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 state portion of any moneys paid to the state as a result of a national settlement of litigation with entities that manufactured, marketed, sold, distributed, dispensed, or promoted opioids, made in connection with claims arising from the manufacturing, marketing, selling, distributing, dispensing, or promoting of opioids, shall be deposited in the fund. This subsection does not apply to such moneys paid to the state that are earmarked for or otherwise required to be transferred or distributed to counties, cities, or other local governmental entities.

2. Moneys in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Moneys in the fund shall only be used pursuant to appropriations from the fund by the general assembly for purposes of abating the opioid crisis in this state, which may include but are not limited to the purposes specified in section 135.190A for moneys in the opioid antagonist medication fund.

3. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 2. Section 135.190, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. “*Person in a position to assist*” means a family member, friend, caregiver, health care provider, employee of a substance abuse treatment facility, school employee, or other person who may be in a place to render aid to a person at risk of experiencing an opioid-related overdose.

Sec. 3. Section 135.190, Code 2022, is amended by adding the following new subsection: **NEW SUBSECTION. 4A.** A school district may obtain a valid prescription for an opioid antagonist and maintain a supply of opioid antagonists in a secure location at each location where a student may be present for use as provided in this section.

Sec. 4. **NEW SECTION. 135.190A Opioid antagonist medication fund.**

1. An opioid antagonist medication fund for first responders is created within the state treasury under the control of the department. The fund shall consist of moneys appropriated to or deposited into the fund.

2. Moneys in the fund are appropriated to the department for the purchase, maintenance, and replacement of opioid antagonist medication administered by first responders to persons experiencing an opioid-related overdose. The department is authorized to designate moneys in the fund for the purchase, maintenance, and replacement of opioid antagonist medication used by the department or other entities under this section.

3. First responders may contact the department for the procurement of opioid antagonist medication. The department shall keep a record of the distribution of moneys from the fund.

4. The fund may consist of available federal or state moneys available, as well as any available opioid lawsuit settlement moneys. Funds may be transferred between other state agencies and the fund as appropriate.

5. 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 unless federal regulations otherwise require. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

6. 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 a list of deposits and expenditures from the fund for the prior fiscal year and the amount of carryover funds, if any, to be distributed in the next fiscal year.

7. For purposes of this section:

a. "First responder" means an emergency medical care provider, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace officer as defined in section 801.4 who is trained and authorized to administer an opioid antagonist.

b. "Opioid antagonist" means the same as defined in section 147A.1.

c. "Opioid-related overdose" means the same as defined in section 147A.1.

Sec. 5. APPROPRIATION — OPIOID SETTLEMENT FUND. There is appropriated from the opioid settlement fund created in section 12.51 to the department of justice for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for a medication addiction treatment program administered by the university of Iowa hospitals and clinics:

..... \$ 3,800,000

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.

Approved June 13, 2022

**CHAPTER 1122**

**CONSTRUCTION OF PUBLIC IMPROVEMENTS — BIDDING AND CONTRACT REQUIREMENTS AND RESTRICTIONS**

*S.F. 183*

**AN ACT** relating to a construction manager-at-risk commercial construction alternative delivery method and prohibiting certain other alternative delivery methods in the public sector and including effective date and applicability provisions.

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

**DIVISION I  
PUBLIC CONSTRUCTION BIDDING REQUIREMENTS**

Section 1. Section 26.4, Code 2021, is amended to read as follows:

**26.4 Exemptions from competitive bids and quotations Architectural and engineering services — exemptions — prohibitions.**

1. Architectural, landscape architectural, or engineering design services procured for a public improvement are not subject to sections 26.3 and 26.14.

2. Fee-based selection of an architect, landscape architect, or engineer for a public improvement shall be prohibited.



Sec. 2. Section 262.34, Code 2021, is amended by adding the following new subsection:

**NEW SUBSECTION.** 6. Notwithstanding any provision of this chapter to the contrary, the state board of regents shall not be authorized to enter into a design-build contract to construct, repair, or improve buildings or grounds. For purposes of this subsection, “*design-build contract*” means a single contract providing for both design services and construction services that may include maintenance, operations, preconstruction, and other related services.

Sec. 3. **EFFECTIVE DATE.** The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act amending section 262.34.

Sec. 4. **APPLICABILITY.** The section of this division of this Act amending section 262.34 does not apply to projects using design-build if an architect has entered into a contract to work with the state board of regents on a project using design-build prior to the effective date of the section of this division of this Act amending section 262.34.

## DIVISION II GUARANTEED MAXIMUM PRICE CONTRACTS

Sec. 5. **NEW SECTION. 26A.1 Definitions.**

As used in this chapter, unless the context clearly indicates otherwise:

1. “*Construction manager-at-risk*” means a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for the construction, rehabilitation, alteration, or repair of a project and provides consultant services to the government entity in the development and design phases, working collaboratively with the design professionals involved.

2. “*General conditions*” means work which will not be incorporated into the completed project. This work includes but is not limited to job site cleaning and temporary structures.

3. “*Governmental entity*” means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, including the state board of regents.

4. “*Guaranteed maximum price contract*” means the agreed to fixed or guaranteed maximum price pursuant to a contract entered into by the construction manager-at-risk and the governmental entity.

5. “*Public improvement*” means as defined in section 26.2.

6. “*Repair or maintenance work*” means as defined in section 26.2.

7. “*Self-perform*” means work that is executed by the construction manager-at-risk without the use of a subcontractor. Electrical, mechanical, fire suppression, and plumbing work may not be self-performed.

Sec. 6. **NEW SECTION. 26A.2 Authorization.**

Notwithstanding any other law to the contrary, a governmental entity shall be authorized to enter into a guaranteed maximum price contract for the construction of a public improvement pursuant to this chapter.

Sec. 7. **NEW SECTION. 26A.3 Guaranteed maximum price contract — process.**

1. A governmental entity shall publicly disclose the governmental entity’s intent to enter into a guaranteed maximum price contract and the governmental entity’s selection criteria at least fourteen days prior to publishing a request for statements of qualifications. Public disclosure shall be in a relevant contractor plan room service with statewide circulation, a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.

2. The governmental entity shall select or designate an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect licensed under chapter 544A by utilizing a quality-based selection process. Fee-based selection of the engineer, landscape architect, or architect shall be prohibited. The engineer, landscape

architect, or architect selected or designated by the government entity under this subsection shall have the responsibility of preparing construction documents for the project and shall review the construction for conformance with design intent.

3. *a.* (1) The governmental entity shall prepare a request for statements of qualifications. The request shall include general information on the project site, project scope, schedule, selection criteria, and the time and place for receipt of statements of qualifications. Selection criteria and general information included in the request for statements of qualifications may be developed in coordination with the engineer, landscape architect, or architect selected or designated by the governmental entity as provided under this section.

(2) Selection criteria may include the contractor's experience undertaking projects of similar size and scope in either the public or private sector, past performance, safety record, proposed personnel, and proposed methodology. Selection criteria shall include experience in both the public and the private sector. Selection criteria shall not include specific delivery methods, including guaranteed maximum price projects. In addition, selection criteria shall not include training, testing, or other certifications that may only be obtained through organized labor affiliations or other limited-membership organizations.

(3) A request for statements of qualifications under this subsection shall be subject to the requirements of section 73A.28. In addition, a governmental entity shall not by ordinance, rule, or any other action relating to the request for qualifications stipulate criteria that would directly or indirectly restrict the selection of a construction manager-at-risk to any predetermined class of providers based on labor organization affiliation or any other criteria other than that allowed pursuant to this paragraph.

*b.* The request for statements of qualifications shall be posted not less than thirteen and not more than forty-five days before the date for response in a relevant contractor plan room service with statewide circulation, in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity. If circumstances beyond the control of the governmental entity require postponement and there are no changes to the project's contract documents, a notice of the revised date shall be posted not less than four and not more than forty-five days before the revised date for answering the request for proposals and statements of qualifications in a relevant contractor plan room service with statewide circulation, in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a government entity or a statewide association that represents the governmental entity.

*c.* The governmental entity shall receive, publicly open, and read aloud the names of the contractors submitting statements of qualifications. Within forty-five days after the date of opening the statements of qualifications submissions, the governmental entity shall evaluate each proposal or statement of qualifications submission in relation to the criteria set forth in the request.

4. *a.* After considering the statements of qualifications, the governmental entity shall issue a request for proposals to each contractor who meets the qualifications which shall include selection and evaluation criteria. Each contractor issued a request for proposals shall be permitted to submit a proposal and each proposal submitted shall include the construction manager-at-risk's proposed fees. The request for proposals shall be subject to the requirements of section 73A.28 and the same limitations applied to selection criteria for the request for statements of qualifications in this chapter.

*b.* The governmental entity shall receive, publicly open, and read aloud the names of the contractors submitting proposals. Within forty-five days after the date of opening the proposals, the governmental entity shall evaluate and rank each proposal in relation to the criteria set forth in the applicable request.

*c.* The governmental entity or its representative shall select the construction manager-at-risk that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation. The governmental entity shall first attempt to negotiate a contract with the selected construction manager-at-risk. If the governmental entity is unable to negotiate a satisfactory contract with the selected construction manager-at-risk, the governmental entity shall, formally and in writing, end negotiations with that construction manager-at-risk and proceed to negotiate

with the next construction manager-at-risk in the order of the selection ranking until a contract is reached or negotiations with all ranked construction managers-at-risk end.

d. The governmental entity shall make available to the public the final scoring and ranking evaluation of the request for proposals received.

5. a. If the estimated total cost of trade contract work and materials packages is in excess of the adjusted competitive bid threshold established in section 314.1B, the construction manager-at-risk shall advertise for competitive bids, receive bids, prepare bid analyses, and award contracts to qualified firms on trade contract work and materials packages in accordance with all of the following:

(1) The construction manager-at-risk shall prepare a request for statements of qualifications. The request shall include general information on the project site, project scope, schedule, selection criteria, and the time and place for receipt of statements of qualifications. The construction manager-at-risk shall provide public notice of the request for statements of qualifications in a relevant contractor plan room service with statewide circulation, a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity. The request for statements of qualifications shall be posted not less than thirteen and not more than forty-five days before the date for response.

(2) (a) The construction manager-at-risk shall utilize objective prequalification criteria in the request for statements of qualifications. All firms who meet the objective prequalification criteria as a qualified firm shall be allowed to submit a bid for the relevant trade contract work and materials package. Upon determining which firms meet the prequalification criteria, the construction manager-at-risk shall notify all firms who responded to the request for qualifications whether they successfully meet the prequalification criteria. The notification shall include a list of all firms who were deemed to have successfully met the prequalification criteria. Notification shall be given no less than fifteen days prior to the subcontractor bids being due. Subcontractors who failed to meet the prequalification standards shall also be provided with information regarding which prequalification criteria were not met. In addition, a firm that is prequalified with the state department of transportation pursuant to section 314.1 shall be considered to meet the objective prequalification criteria as a qualified firm and shall be allowed to submit a bid for purposes of work related to parking lots, streets, site development, or bridge structure components.

(b) Prequalification criteria shall be limited to a firm's experience as a contractor, capacity of key personnel, technical competence, capability to perform, the past performance of the firm and the firm's employees to include the firm's safety record and compliance with state and federal law, and availability to and familiarity with the location of the project subject to bid. Prequalification criteria shall be reasonably and materially related to the relevant trade contract work and materials package. The prequalification criteria shall not include training, testing, or other certifications that may only be obtained through organized labor affiliated organizations or other limited-membership organizations.

(3) The governmental entity and the construction manager-at-risk shall participate in the bid review and evaluation process. The governmental entity and the construction manager-at-risk shall open, announce the name of the contractor submitting a bid, and file all proposals received, at the time and place specified in the notice to bidders. After the bids have been opened, reviewed, and tabulated, the contracts shall be awarded to the lowest responsive, responsible bidder. All awards and bids shall be made available to the public.

(4) Notwithstanding any other provisions of this paragraph to the contrary, the construction manager-at-risk may self-perform work for a trade package that is below the adjusted competitive bid threshold established in section 314.1B. If a trade package is in excess of the adjusted competitive bid threshold established in section 314.1B, the construction manager-at-risk shall notify the governmental entity in writing of its intent to submit a bid proposal for a trade package. In submission of a bid, the construction manager-at-risk shall comply with the requirements of this paragraph. The governmental entity shall receive the bids, participate in, and provide oversight of all bid analyses pertinent to the award of subcontracts or rejection of bids on any trade package for which the construction manager-at-risk submits a bid to self-perform. Where the construction manager-at-risk is not the apparent low bidder, the government shall be responsible for

determining whether a recommendation of award to the construction manager-at-risk is in the best interests of the project. A construction manager-at-risk shall not be required to comply with bidding requirements for general conditions as provided in the contract with the governmental entity. If the construction manager-at-risk self-performs the construction work, it shall adhere to any agreement it may have with one or more labor organizations. However, the construction manager-at-risk shall not be obligated to adhere to any terms and conditions of any labor agreement with one or more labor organizations for those trade contracts that are not self-performed by the construction manager-at-risk for the public improvement, and such terms shall be deemed void and unenforceable.

b. If a selected trade contractor materially defaults in the performance of its work or fails to execute a contract, the construction manager-at-risk may, without advertising, fulfill the contract requirements or select a replacement trade contractor to fulfill the contract requirements.

**Sec. 8. NEW SECTION. 26A.4 Prohibited contracts.**

1. Notwithstanding any other provision of law to the contrary, a governmental entity shall not be authorized to enter into a design-build contract for the construction of a public improvement. For purposes of this subsection, “*design-build contract*” means a single contract providing for both design services and construction services that may include maintenance, operations, preconstruction, and other related services.

2. A governmental entity shall not be authorized to enter into a guaranteed maximum price contract for public improvements relating to highway, bridge, or culvert construction.

Approved June 14, 2022

## CHAPTER 1123

### ASSISTED REPRODUCTION FRAUD

S.F. 529

**AN ACT** relating to assisted reproduction fraud, and providing penalties.

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

**Section 1. NEW SECTION. 714I.1 Short title.**

This chapter shall be known and may be cited as the “*Fraud in Assisted Reproduction Act*”.

**Sec. 2. NEW SECTION. 714I.2 Definitions.**

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

1. “*Assisted reproduction*” means a method of causing pregnancy other than sexual intercourse involving medical or scientific intervention.

2. “*Donor*” means an individual who provides gametes intended for use in assisted reproduction, whether or not for consideration.

3. “*Gamete*” means a sperm, an egg, or any part of a sperm or an egg.

4. “*Health care professional*” means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

5. “*Health facility*” means a hospital, clinic, sperm bank, laboratory, or other health care institution involved in the assisted reproduction process.

6. “*Human reproductive material*” means a human gamete or a human organism at any stage of development from fertilized ovum to embryo.

7. “*Live birth*” means the same as defined in section 144.1.

8. “*Patient*” means a person who has received or is receiving health services from a health care professional.

9. “Spouse” means the spouse of a patient who undergoes assisted reproduction at the time of conception, birth, or at any time during the period between conception and birth of a child through assisted reproduction.

**Sec. 3. NEW SECTION. 714I.3 Prohibited practices and acts.**

1. A person shall not engage in a practice or act the person knows or reasonably should have known provides false information to a patient related to an assisted reproduction procedure or treatment including false information relating to any of the following:

a. The human reproductive material used or provided for assisted reproduction.

b. The identity of a donor of human reproductive material used or provided for assisted reproduction including but not limited to the donor’s name, birthdate, or address at the time of donation.

c. A donor’s medical history including but not limited to an illness of the donor at the time of donation, any past illness of the donor, or the social, genetic, or family history of the donor.

2. A health care professional or a health facility shall not knowingly or intentionally do any of the following:

a. Use or provide a patient with human reproductive material for assisted reproduction other than that to which the patient expressly consented in writing.

b. Use or provide a patient with human reproductive material for assisted reproduction that is not provided with the donor’s consent or in a manner or to an extent other than that to which the donor consented.

3. It is not a defense to a violation of this section that a patient expressly consented in writing to the use of human reproductive material from an anonymous donor.

4. A violation of this section by a health care professional or health facility constitutes grounds for denial of an application for, denial of renewal of, or revocation of any license, permit, certification, or any other form of permission required to practice a profession or establish, conduct, or maintain a facility regulated by the state. A violation of this section by a health care professional constitutes unprofessional conduct.

**Sec. 4. NEW SECTION. 714I.4 Private right of action — damages.**

1. A cause of action for damages against any person in violation of section 714I.3, subsection 2, may be brought in accordance with the following:

a. (1) (a) By the patient or the spouse of the patient, if the patient conceives and gives birth to a child through assisted reproduction in violation of section 714I.3, subsection 2.

(b) By a child born as the result of being conceived through assisted reproduction in violation of section 714I.3, subsection 2, if the patient who conceived and gave birth to such child or the patient’s spouse is deceased or is otherwise unable to bring such cause of action.

(2) A patient, or the spouse of the patient, has a separate cause of action under this paragraph “a” for each conception and birth of a child through assisted reproduction performed in violation of section 714I.3, subsection 2.

b. (1) By the patient or the spouse of the patient, if the patient conceives through assisted reproduction in violation of section 714I.3, subsection 2, but the conception does not result in the live birth of the child.

(2) A cause of action is barred under this paragraph “b” if the conception does not result in a live birth because of an induced termination of pregnancy required to be reported pursuant to section 144.29A or because the patient or the patient’s spouse intentionally terminates the pregnancy in violation of section 707.7.

2. A cause of action for damages may be brought by a donor whose human reproductive material resulted in the conception or conception and birth of a child conceived through assisted reproduction in violation of section 714I.3 or whose human reproductive material was used without the donor’s consent or in a manner or to an extent other than that to which the donor consented in violation of section 714I.3.

3. In addition to compensatory or punitive damages, a prevailing plaintiff who brings an action under subsection 1, paragraph “a”, is entitled to all of the following:

a. (1) If the health care professional used the health care professional’s own human reproductive material for assisted reproduction in violation of section 714I.3, subsection 2, the health care professional is determined through blood or genetic testing to be a biological

parent as defined in section 600A.2 of the child, and the action is brought within the time limitations specified in section 614.8, damages in an amount that is the sum of all of the following:

(a) The basic support obligation prescribed by the child support guidelines established pursuant to section 598.21B based on the health care professional's monthly adjusted net income for the time period specified for support for a child under section 598.1, subsection 9.

(b) Medical support as defined in section 252E.1.

(c) A postsecondary education subsidy as defined in section 598.1.

(d) Such other sums as described in section 252A.3, subsection 12, giving due regard to the circumstances of the plaintiff.

(2) A determination that the health care professional is a biological parent of the child or the awarding of damages under this paragraph "a" does not create a parent-child relationship between the child and the health care professional for any legal purpose.

b. Statutory damages in the amount of two hundred thousand dollars. Such damages shall be awarded to the prevailing plaintiff regardless of whether the child born as the result of being conceived through assisted reproduction in violation of section 714I.3, subsection 2, is deceased at the time the civil action is commenced or at the time a violation is found.

c. Costs attributable to the assisted reproduction procedure or treatment process.

d. Court costs.

e. Reasonable attorney fees.

4. In addition to compensatory or punitive damages, a prevailing plaintiff who brings an action under subsection 1, paragraph "b", is entitled to all of the following:

a. Statutory damages in the amount of five thousand dollars.

b. Costs attributable to the assisted reproduction procedure or treatment process.

c. Court costs.

d. Reasonable attorney fees.

5. In addition to compensatory or punitive damages, a prevailing plaintiff who brings an action under subsection 2 is entitled to all of the following:

a. Statutory damages in the amount of five thousand dollars.

b. Court costs.

c. Reasonable attorney fees.

6. Notwithstanding any provision of law to the contrary, an action brought pursuant to this section is not subject to a statute of limitations and may be commenced at any time.

Sec. 5. Section 147.55, Code 2022, is amended by adding the following new subsections:  
NEW SUBSECTION. 7A. Sexual abuse in the fourth degree in violation of section 709.4A.  
NEW SUBSECTION. 7B. Fraud in assisted reproduction in violation of section 714I.3.

Sec. 6. Section 692A.102, subsection 1, paragraph c, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth degree in violation of section 709.4A, subsection 3, if the perpetrator is a health care professional as defined in section 714I.2, who used<sup>1</sup> the health care professional's own human reproductive material for assisted reproduction in violation of section 714I.3, subsection 2.

Sec. 7. NEW SECTION. **709.4A Sexual abuse in the fourth degree — health care professionals.**

1. A health care professional commits sexual abuse in the fourth degree when the health care professional uses or provides a patient with human reproductive material for assisted reproduction other than that to which the patient expressly consented in writing in violation of section 714I.3, subsection 2.

2. Sexual abuse in the fourth degree is an aggravated misdemeanor.

3. a. Notwithstanding subsection 2, sexual abuse in the fourth degree is a class "D" felony if the health care professional uses or provides the health care professional's own human reproductive material for assisted reproduction in violation of section 714I.3, subsection 2.

<sup>1</sup> See chapter 1153, §14 herein

b. A parent-child relationship between a child and a health care professional is not created for any legal purpose when the child is born as the result of being conceived through commission of sexual abuse in the fourth degree as described in this subsection.

4. For the purposes of this section, “assisted reproduction”, “gamete”, “health care professional”, “human reproductive material”, and “patient” mean the same as defined in section 714I.2.

Sec. 8. **NEW SECTION. 802.2E Sexual abuse — fourth degree.**

An information or indictment for sexual abuse in the fourth degree may be commenced at any time after the commission of the offense.

Approved June 14, 2022

## CHAPTER 1124

### COMMERCIAL DRIVER'S LICENSE TESTING — THIRD-PARTY TESTERS AND TEST EXAMINERS

*S.F. 2337*

**AN ACT** relating to third-party testers and test examiners for commercial driver’s license knowledge and driving skills tests.

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

Section 1. Section 321.187, subsections 2 and 3, Code 2022, are amended to read as follows:

2. The department may by rule designate community colleges established under chapter 260C and other third-party testers to administer the knowledge and driving skills test tests required for a commercial learner’s permit or commercial driver’s license, provided ~~that~~ all of the following occur:

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.

b. The third-party tester contractually agrees to comply with the requirements of 49 C.F.R. ~~§383.75 pts. 383 and 384~~ applicable to third-party knowledge and driving skills testing, as adopted by rule by the department.

c. Any third-party ~~skills~~ test examiner used by the third-party tester shall meet the requirements of 49 C.F.R. ~~§383.75 and 49 C.F.R. §384.228~~ pts. 383 and 384 applicable to third-party knowledge and driving skills testing, as adopted by rule by the department. The department shall adopt rules requiring that a third-party tester, other than a community college established under chapter 260C, either be an Iowa-based motor carrier, or its subsidiary, that has its principal office within this state and operates a permanent commercial driver training facility in this state, or be an Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers regarding who may qualify as a third-party tester. The rules may also provide that a third-party tester conduct a number of skills test examinations above the number required under 49 C.F.R. §383.75 in order to remain qualified as a third-party tester under this section. A third-party tester, other than a community college established under chapter 260C, must be one of the following:

(1) An Iowa-based motor carrier, or its subsidiary, that has its principal office within this state and operates a permanent commercial driver training facility in this state.

(2) An Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers.

(3) A public transit system or regional transit system, as those terms are defined in section 324A.1, in this state.

3. As used in this section, “third-party tester” and “third-party skills test examiner” mean as defined in 49 C.F.R. §383.5.:

a. “Third-party test examiner” means a person employed by a third-party tester who is authorized by the department to administer the knowledge and driving skills tests under this section.

b. “Third-party tester” means a person designated by the department to employ knowledge and driving skills test examiners to administer knowledge and driving skills tests under this section.

Approved June 14, 2022

## CHAPTER 1125

### AIRCRAFT — SPECIAL CERTIFICATES FOR MANUFACTURERS, TRANSPORTERS, AND DEALERS — SALES AND USE TAX EXEMPTIONS

*S.F. 2370*

**AN ACT** relating to aircraft, including special certificates issued to aircraft manufacturers, transporters, and dealers, and sales tax exemptions associated with aircraft, providing fees, making penalties applicable, and including effective date and applicability provisions.

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

#### DIVISION I SPECIAL CERTIFICATES

Section 1. Section 328.28, subsection 1, Code 2022, is amended to read as follows:

1. A manufacturer or dealer owning an aircraft otherwise required to be registered under this chapter may operate the aircraft for up to three years for purposes of transporting, testing, demonstrating, or selling the aircraft without registering the aircraft, upon condition that a special certificate be obtained by the owner for each year the owner operates the aircraft as provided in this section and sections 328.29 through 328.33.

Sec. 2. Section 328.29, Code 2022, is amended to read as follows:

**328.29 Application for special certificate — fee.**

A manufacturer, transporter, or dealer may, upon payment of a ~~one~~ four hundred dollar fee, make application to the department upon such forms as the department may prescribe for a special certificate. The applicant shall also submit such reasonable proof of the applicant's status as a bona fide manufacturer, transporter, or dealer as the department may require. Dealers in new aircraft shall furnish satisfactory evidence of a valid franchise with the manufacturer or distributor of such aircraft authorizing such dealership.

Sec. 3. Section 328.32, Code 2022, is amended to read as follows:

**328.32 Expiration of special certificate.**

A special certificate expires at midnight on ~~June 30~~ October 31, and a new special certificate for the ensuing year may be obtained by the person to whom the expired special certificate was issued, upon application to the department and payment of the fee provided in section 328.29.



Sec. 4. Section 328.34, Code 2022, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 7. That the person making application for, or holding, a special certificate operated an aircraft for purposes of transporting, testing, demonstrating, or selling the aircraft, without registering the aircraft, after three years of holding a special certificate for the aircraft in violation of section 328.28.

Sec. 5. Section 328.36, subsection 1, Code 2022, is amended to read as follows:

1. All moneys received by the department pursuant to ~~section~~ sections 328.21 and 328.29 shall be deposited into the state aviation fund created in section 328.56.

Sec. 6. EFFECTIVE DATE. This division of this Act takes effect June 30, 2022.

Sec. 7. APPLICABILITY. This division of this Act applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022. Special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022, but beginning before midnight on October 31, 2022, shall expire at midnight on October 31, 2023, and the validity period for such special certificates shall count as only one year for purposes of section 328.28, subsection 1, as amended in this division of this Act, and section 328.34, subsection 7, as enacted in this division of this Act.

## DIVISION II SALES AND USE TAX EXEMPTIONS

Sec. 8. Section 423.3, subsection 76, Code 2022, is amended to read as follows:

76. The sales price from the sale 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~~ the same as defined in section 328.1.

Sec. 9. Section 423.3, subsection 75, Code 2022, is amended by striking the subsection.

Approved June 14, 2022

## CHAPTER 1126

### SELF-ADMINISTRATION AND STORAGE OF BRONCHODILATORS, BRONCHODILATOR CANISTERS, AND BRONCHODILATOR CANISTERS AND SPACERS IN SCHOOLS

*H.F. 771*

**AN ACT** relating to the self-administration and storage of bronchodilators, bronchodilator canisters, and bronchodilator canisters and spacers relative to schools and students.

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

Section 1. Section 280.16, Code 2021, is amended to read as follows:

**280.16 Self-administration of respiratory distress, asthma, or other airway constricting disease medication, ~~or~~ epinephrine auto-injectors, bronchodilator canisters, or bronchodilator and spacers.**

1. *Definitions.* For purposes of this section:

a. “Bronchodilator” means a bronchodilator as recommended by the department of public health for treatment of a student’s respiratory distress, asthma, or other airway constricting disease.

b. “Bronchodilator canister” means a portable drug delivery device packaged with multiple premeasured doses of a bronchodilator.

æ. c. “Epinephrine auto-injector” means a device for immediate self-administration or administration by another trained individual of a measured dose of epinephrine to a person at risk of anaphylaxis.

b. d. “Licensed health care professional” means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E and registered with the board of nursing, or a physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and 148C.

e. e. “Medication” means a drug that meets the definition provided in section 126.2, subsection 8, has an individual prescription label, is prescribed by a licensed health care professional for a student, and pertains to the student’s respiratory distress, asthma, or other airway constricting disease, or risk of anaphylaxis, and includes but is not limited to a bronchodilator.

d. f. “Self-administration” means a student’s discretionary use of medication prescribed by a licensed health care professional for the student.

g. “Spacer” means a holding chamber that is used to optimize the delivery of a bronchodilator to a person’s lungs.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall permit the self-administration of medication or the use of a bronchodilator canister or bronchodilator canister and spacer by a student with respiratory distress, asthma, or other airway constricting disease or the use of an epinephrine auto-injector by a student with a risk of anaphylaxis if the following conditions are met:

a. The student’s parent or guardian provides to the school written authorization for the self-administration of medication, for the use of a bronchodilator canister or a bronchodilator canister and spacer, or for the use of an epinephrine auto-injector.

b. The student’s parent or guardian provides to the school a written statement from the student’s licensed health care professional containing the following information:

(1) The name and purpose of the medication, bronchodilator canister, bronchodilator canister and spacer, or epinephrine auto-injector.

(2) The prescribed dosage.

(3) The times at which or the special circumstances under which the medication, bronchodilator canister, bronchodilator canister and spacer, or epinephrine auto-injector is to be administered.

c. The parent or guardian and the school meet the requirements of subsection 3.

3. The school district or accredited nonpublic school shall notify the parent or guardian of the student, in writing, that the school district or accredited nonpublic school and its employees are to incur no liability, except for gross negligence, as a result of any injury arising from self-administration of medication, use of a bronchodilator canister or a bronchodilator canister and spacer, or use of an epinephrine auto-injector by the student. The parent or guardian of the student shall sign a statement acknowledging that the school district or nonpublic school is to incur no liability, except for gross negligence, as a result of self-administration of medication, use of a bronchodilator canister or a bronchodilator canister and spacer, or use of an epinephrine auto-injector by the student. A school district or accredited nonpublic school and its employees acting reasonably and in good faith shall incur no liability for any improper use of medication, a bronchodilator canister, a bronchodilator canister and spacer, or an epinephrine auto-injector as defined in this section or for supervising, monitoring, or interfering with a student’s self-administration of medication, use of a bronchodilator canister or a bronchodilator canister and spacer, or use of an epinephrine auto-injector as defined in this section.

4. The permission for self-administration of medication, or for the use of a bronchodilator canister or a bronchodilator canister and spacer, or for the use of an epinephrine auto-injector is effective for the school year for which it is granted and shall be renewed each subsequent

school year upon fulfillment of the requirements of this section. However, the parent or guardian shall immediately notify the school of any changes in the conditions listed under subsection 2.

5. Provided that the requirements of this section are fulfilled, a student with respiratory distress, asthma, or other airway constricting disease may possess and use the student's medication and a student with a written statement from a licensed health care professional on file pursuant to subsection 2, paragraph "a", may use a bronchodilator canister, a bronchodilator canister and spacer, or an epinephrine auto-injector while in school, at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, such as while in before-school or after-school care on school-operated property. If the student misuses this privilege, the privilege may be withdrawn. A school district or nonpublic school shall notify a student's parent or guardian before withdrawing the privilege to use a bronchodilator canister, a bronchodilator canister and spacer, or an epinephrine auto-injector.

6. Information provided to the school under subsection 2 shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

7. The Iowa braille and sight saving school, the Iowa school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.

Sec. 2. Section 280.16A, Code 2021, is amended to read as follows:

**280.16A Epinephrine auto-injector, bronchodilator canister, or bronchodilator canister and spacer supply.**

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

a. "Bronchodilator" means the same as defined in section 280.16.

b. "Bronchodilator canister" means the same as defined in section 280.16.

c. "Epinephrine auto-injector" means the same as provided in section 280.16.

d. "Licensed health care professional" means the same as provided in section 280.16.

e. "Personnel authorized to administer epinephrine or a bronchodilator" means a school nurse or other employee of a school district or accredited nonpublic school trained and authorized to administer an epinephrine auto-injector, a bronchodilator canister, or a bronchodilator<sup>1</sup> canister and spacer.

f. "School nurse" means a registered nurse holding current licensure recognized by the board of nursing who practices in the school setting to promote and protect the health of the school population by using knowledge from the nursing, social, and public health sciences.

g. "Spacer" means the same as defined in section 280.16.

2. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe epinephrine auto-injectors, bronchodilator canisters, and bronchodilator canisters and spacers in the name of a school district or accredited nonpublic school to be maintained for use as provided in this section.

3. The board of directors in charge of each school district and the authorities in charge of each accredited nonpublic school may obtain a prescription for epinephrine auto-injectors, bronchodilator canisters, and bronchodilator canisters and spacers and maintain a supply of such epinephrine auto-injectors, bronchodilator canisters, and bronchodilator canisters and spacers in a secure location at each school for use as provided in this section. The board and the authorities shall replace epinephrine auto-injectors, bronchodilator canisters, and bronchodilator canisters and spacers in the supply upon use or expiration. Personnel authorized to administer epinephrine or a bronchodilator may possess and administer epinephrine auto-injectors, bronchodilator canisters, or bronchodilator canisters and spacers, as applicable, from the supply as provided in this section.

4. Personnel authorized to administer epinephrine or a bronchodilator may provide or administer an epinephrine auto-injector, a bronchodilator canister, or a bronchodilator canister and spacer, as applicable, from the school's supply to a student or other individual if such personnel reasonably and in good faith believe the student or other individual is

<sup>1</sup> According to Act; the word "bronchodilator" probably intended

having an anaphylactic reaction or requires treatment for respiratory distress, asthma, or other airway constricting disease.

5. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an epinephrine auto-injector, a bronchodilator canister, or a bronchodilator canister and spacer as provided in this section:

a. Any personnel authorized to administer epinephrine or a bronchodilator who, as applicable, provide, administer, or assist in the administration of an epinephrine auto-injector to a student or other individual present at the school who such personnel believe to be having an anaphylactic reaction or in the administration of a bronchodilator canister or a bronchodilator canister and spacer to a student or other individual present at the school who such personnel believe to require treatment for respiratory distress, asthma, or other airway constricting disease.

b. A school district or accredited nonpublic school employing the personnel.

c. The board of directors in charge of the school district or authorities in charge of the accredited nonpublic school.

d. The prescriber of the epinephrine auto-injector, the bronchodilator canister, or the bronchodilator canister and spacer.

6. The department of education, the board of medicine, the board of nursing, and the board of pharmacy shall, in consultation with an organization representing school nurses, adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, disposal, replacement, and administration of epinephrine auto-injectors, bronchodilator canisters, and bronchodilator canisters and spacers, and for training and authorization to be required for personnel authorized to administer epinephrine or a bronchodilator.

Approved June 14, 2022

## CHAPTER 1127

### ENROLLMENT PREREQUISITES FOR CHILD CARE CENTERS OR ELEMENTARY, SECONDARY, OR POSTSECONDARY SCHOOLS — COVID-19 IMMUNIZATION

H.F. 2298

**AN ACT** relating to immunization against COVID-19 requirements for enrollment in any licensed child care center, elementary or secondary school, or postsecondary school in Iowa.

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

#### Section 1. NEW SECTION. **139A.8B COVID-19 immunization.**

1. Notwithstanding whether a person's attendance is in person or virtual, immunization against COVID-19 shall not be required for a person to be enrolled in any licensed child care center, elementary or secondary school, or postsecondary school in Iowa prior to July 1, 2029.

2. For the purposes of this section:

a. "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom, and conditions associated with the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom.

b. "Postsecondary school" means a postsecondary institution under the control of the state board of regents, a community college established under chapter 260C, or an accredited private institution as defined in section 261.9.

Approved June 14, 2022

**CHAPTER 1128****WORKERS' COMPENSATION — REPLACEMENT OF PERMANENT PROSTHETIC DEVICES***H.F. 2411*

**AN ACT** relating to replacements of permanent prosthetic devices for injured workers.

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

Section 1. Section 85.27, subsection 1, Code 2022, is amended to read as follows:

1. a. The employer, for all injuries compensable under this chapter or chapter 85A, shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies therefor and shall allow reasonably necessary transportation expenses incurred for such services. The employer shall also furnish reasonable and necessary crutches, artificial members, and appliances ~~but~~.

b. An employer shall not be required to furnish more than one set of permanent prosthetic devices.

c. Paragraph “b” shall not apply if a permanent prosthetic device is a replacement of a permanent prosthetic device that is medically necessary as a result of a compensable injury that occurred while the employee was employed by the employer and the replacement of the prosthetic device would be considered reasonable medical care under this chapter.

Sec. 2. Section 85.27, subsection 5, Code 2022, is amended to read as follows:

5. a. When an artificial member or orthopedic appliance, whether or not previously furnished by the employer, is damaged or made unusable by circumstances arising out of and in the course of employment other than through ordinary wear and tear, the employer shall repair or replace it. When any crutch, artificial member or appliance, whether or not previously furnished by the employer, either is damaged or made unusable in conjunction with a personal injury entitling the employee to disability benefits or services as provided by this section, or is damaged in connection with employee actions taken which avoid such personal injury, the employer shall repair or replace it.

b. Subject to paragraph “a” but notwithstanding any other provision of this section, an employer shall not be required to provide for the repair or replacement of an employee’s permanent prosthetic device if the employee has an account credited to the employee pursuant to section 85.65, subsection 2, in relation to that permanent prosthetic device.

Sec. 3. Section 85.35, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. a. If an injury relating to a claim results in the injured worker needing a medically necessary permanent prosthetic device or an alteration of an existing medically necessary permanent prosthetic device, a settlement pursuant to this section must describe the medically necessary permanent prosthetic device and identify which portion of the settlement proceeds are for the purpose of covering the estimated cost of future repair or replacement of the device.

b. Upon the approval of a settlement by the workers’ compensation commissioner, moneys identified for the purpose of covering the cost of future repair or replacement of a permanent prosthetic device shall be paid to the treasurer of state as the custodian of the second injury fund for administration pursuant to section 85.65, subsection 2, section 85.66, and section 85.67A.

c. Notwithstanding any other provision of this chapter, moneys identified for the purpose of covering the estimated cost of future repair or replacement of a permanent prosthetic device shall not be used to calculate an injured worker’s compensation schedule.

Sec. 4. Section 85.45, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 4. When commuting future payments pursuant to this section, if the claim for workers’ compensation benefits was related to an injury that resulted in the injured worker needing a medically necessary permanent prosthetic device or an alteration of an

existing medically necessary permanent prosthetic device, a portion of the lump sum payment must be designated for the purpose of covering the estimated cost of repair or replacement of the permanent prosthetic device. Moneys identified pursuant to this subsection shall be paid to the treasurer of state as custodian of the second injury fund for administration pursuant to section 85.65, subsection 2, section 85.66, and section 85.67A.

Sec. 5. Section 85.48, Code 2022, is amended to read as follows:

**85.48 Partial commutation.**

1. When partial commutation is ordered, the workers' compensation commissioner shall fix the lump sum to be paid at an amount which will equal the future payments for the period commuted, capitalized at their present value upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees. Provisions shall be made for the payment of weekly compensation not included in the commutation with all remaining payments to be paid over the same period of time as though the commutation had not been made by either eliminating weekly payments from the first or last part of the payment period or by a pro rata reduction in the weekly benefit amount over the entire payment period.

2. When commuting future payments pursuant to this section, if the claim for workers' compensation benefits was related to an injury that resulted in the injured worker needing a medically necessary permanent prosthetic device or an alteration of an existing medically necessary permanent prosthetic device, a portion of the lump sum payment must be designated for the purposes of covering the estimated cost of repair or replacement of the permanent prosthetic device. Moneys identified pursuant to this subsection shall be paid to the treasurer of state as custodian of the second injury fund for administration pursuant to section 85.65, subsection 2, section 85.66, and section 85.67A.

Sec. 6. Section 85.61, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 01. "Alteration" means a material change to a permanent prosthetic device that is necessary due to an employee's injury, without which would not allow the injured employee use of the prosthetic device as effectively as prior to the injury.

Sec. 7. Section 85.65, Code 2022, is amended to read as follows:

**85.65 Payments to second injury fund.**

1. The employer, or, if insured, the insurance carrier in each case of compensable injury causing death, shall pay to the treasurer of state for the second injury fund the sum of twelve thousand dollars in a case where there are dependents and forty-five thousand dollars in a case where there are no dependents. The payment shall be made at the time compensation payments are begun, or at the time the burial expenses are paid in a case where there are no dependents. However, the payments shall be required only in cases of injury resulting in death coming within the purview of this chapter and occurring after July 1, 1978. These payments shall be in addition to any payments of compensation to injured employees or their dependents, or of burial expenses as provided in this chapter.

2. a. The employer, or, if insured, the insurance carrier shall pay to the treasurer of state for the second injury fund the sum of moneys designated for the purpose of covering the estimated cost of repair or replacement of a permanent prosthetic device for an injured worker pursuant to section 85.35, 85.45, or 85.48.

b. (1) Upon receipt of moneys pursuant to paragraph "a", the treasurer of state shall credit the employee for the full amount received.

(2) Moneys received by the treasurer of state pursuant to this paragraph for a permanent prosthetic device that was not medically necessary prior to an injury shall be credited to the injured worker in a new account relating to that permanent prosthetic device.

(3) Moneys received by the treasurer of state pursuant to this paragraph for an existing permanent prosthetic device that requires alteration due to an injury shall be credited to the employee's account relating to that prosthetic device if one exists, or credited to a new account if one is not in existence for that prosthetic device.

c. Moneys credited to an employee pursuant to this subsection may only be used for the purposes designated in section 85.67A and only in relation to the permanent prosthetic device for which the account was created.

Sec. 8. Section 85.66, subsection 2, Code 2022, is amended to read as follows:

2. The treasurer of state is charged with the conservation of the assets of the second injury fund. Moneys collected in the second injury fund shall be disbursed only for the purposes stated in this subchapter, and shall not at any time be appropriated or diverted to any other use or purpose. ~~Except for reimbursements to the attorney general provided for in section 85.67, disbursements~~ Disbursements from the fund shall only be paid by the treasurer of state only for reimbursements pursuant to section 85.67, for payments pursuant to section 85.67A, or upon the written order of the workers' compensation commissioner. The treasurer of state shall invest any surplus moneys of the fund in securities which constitute legal investments for state funds under the laws of this state, and may sell any of the securities in which the fund is invested, if necessary, for the proper administration or in the best interests of the fund.

Sec. 9. NEW SECTION. **85.67A Administration of fund — permanent prosthetic devices.**

1. For the purposes of this section:

a. "Prosthetic device" or "device" means a permanent prosthetic device for which an account has been established pursuant to section 85.65, subsection 2.

b. "Prosthetics supplier" means a person or business who makes or repairs permanent prosthetic devices.

c. "Voucher" means a written statement that identifies all of the following:

(1) The prosthetic device requiring repair or replacement.

(2) Whether the device appears to require repair or replacement and the reason the device requires repair or replacement.

(3) The exact amount, including taxes, necessary to pay for the repair or replacement of the device.

2. The treasurer of state shall pay moneys from an account established pursuant to section 85.65, subsection 2, to a prosthetics supplier for the replacement or repair of a prosthetic device upon the receipt of a voucher.

3. a. If an employee dies prior to receiving all moneys credited to the employee pursuant to section 85.65, subsection 2, the treasurer of state shall pay the remaining moneys to the employer which originally contributed such moneys.

b. If an employer cannot be paid pursuant to paragraph "a", the treasurer of state shall pay remaining moneys to the insurer named in relation to the claim from which the credits arose.

c. If an employer or insurer cannot be paid pursuant to paragraphs "a" and "b", the treasurer of state shall pay remaining moneys to the employee's beneficiaries.

d. If the employee did not designate any beneficiaries, remaining moneys shall be paid to the employee's estate.

4. The labor commissioner and the commissioner of insurance may adopt rules pursuant to chapter 17A to implement this section. Such rules may include guidelines for which prosthetics suppliers may provide a repair or replacement for a prosthetic device, the form a voucher must take, and information in addition to content described in subsection 1, paragraph "c", that must appear on a voucher.

Approved June 14, 2022

**CHAPTER 1129**

## REGULATION OF HOME-BASED BUSINESSES

## H.F. 2431

**AN ACT** relating to the regulation of home-based businesses, including food establishments and home food processing establishments, and providing civil penalties.

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

Section 1. Section 10A.104, subsection 11, Code 2022, is amended to read as follows:

11. Administer inspections and licensing of hotels and home ~~bakeries~~ food processing establishments.

Sec. 2. Section 137D.1, Code 2022, is amended to read as follows:

**137D.1 Definitions.**

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

1. ~~“Food” means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.~~

2. ~~“Department” means the department of inspections and appeals.~~

1. “Department” means the department of inspections and appeals.

2. “Food” means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.

3. “Home bakery food processing establishment” means a business on the premises of a residence in which prepared homemade food is created items are produced for sale or resale, for consumption off the premises, if the business has gross annual sales of prepared food of less than thirty-five fifty thousand dollars. However, “home bakery food processing establishment” does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.

4. “Prepared food” means soft pies, bakery products with a custard or cream filling, or baked goods that are a time/temperature control for safety food. “Prepared food” does not include baked goods that are not a time/temperature control for safety food, including but not limited to breads, fruit pies, cakes, or other pastries that are not a time/temperature control for safety food. “Homemade food item” means a food that is produced and, if packaged, packaged at a home food processing establishment. “Homemade food item” includes food that is not time/temperature control for safety food, but does not include such food if produced and sold under section 137F.20. “Homemade food item” does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under chapter 192,<sup>1</sup> and meat, meat food products, poultry, or poultry products regulated under chapter 189A, except for any of the following products when sold directly to the end consumer:

a. Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in 9 C.F.R. §381.10(c)(1) limiting the producer to slaughtering not more than one thousand poultry during the calendar year.

b. Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to 9 C.F.R. §381.10(d).

c. Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to 9 C.F.R. §303.1(d).

5. “Produce”, with respect to preparing homemade food items, means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, freezing, dehydrating, growing, raising, or other process. “Produce” does not include the preparation methods of low-acid canning, low-acid fermentation, acidification, curing, and smoking for preservation rather than flavor enhancement.

<sup>1</sup> See chapter 1153, §56 herein



5. ~~6.~~ “*Time/temperature control for safety food*” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

Sec. 3. Section 137D.2, Code 2022, is amended to read as follows:

**137D.2 Licenses and inspections.**

1. A person shall not open or operate a home ~~bakery food processing establishment~~ until a license has been obtained from the department of ~~inspections and appeals~~. The department shall collect a fee of fifty dollars for a license. After collection, the fees shall be deposited in the ~~general fund of a special fund in the state treasury~~. ~~Moneys in the fund are appropriated to the department for the administration of this chapter.~~ A license shall expire one year from date of issue. A license is renewable.

2. A person shall not sell or distribute from a home ~~bakery food processing establishment~~ if the home ~~bakery food processing establishment~~ is unlicensed, the license of the home ~~bakery food processing establishment~~ is suspended, or the food fails to meet standards adopted for such food by the department.

3. An application for a license under this chapter shall be made upon a form furnished by the department and shall contain the items required by it ~~the department~~ according to rules adopted by the department.

4. The department shall regulate, license, and inspect home ~~bakeries according to standards adopted by rule~~ food processing establishments in a manner that is consistent with this chapter.

5. The department shall provide for the periodic inspection of a home ~~bakery food processing establishment~~. The inspector may enter the home ~~bakery food processing establishment~~ at any reasonable hour to make the inspection. The department shall inspect only those areas related to preparing food for sale.

6. The department shall regulate and ~~may~~ inspect food prepared at a home ~~bakery according to standards adopted by rule~~ food processing establishment in a manner that is consistent with this chapter. The inspection may occur at any place where ~~the prepared food a homemade food item~~ is created, transported, or stored for sale or resale.

7. A home food processing establishment shall affix or label a homemade food item with all of the following information:

a. Information to identify the name of the home food processing establishment.

b. The common name of the food.

c. The ingredients of the homemade food item in descending order of predominance.

d. The net quantity of contents.

e. For refrigerated time/temperature control for safety foods, an expiration date based on food safety.

f. The following statement: “This product was produced at a home food processing establishment.” If the homemade food item contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen.

8. The department may adopt rules under chapter 17A to administer this chapter.

Sec. 4. Section 137D.3, Code 2022, is amended to read as follows:

**137D.3 Penalty.**

A person who violates a provision of this chapter, including a standard adopted by departmental rule, relating to home ~~bakeries food processing establishments or prepared foods created~~ homemade food items produced in a home bakery, is guilty of a simple misdemeanor food processing establishment shall be subject to a civil penalty in the amount of one hundred dollars per violation, to be collected by the department. Moneys collected from civil penalties shall be deposited in the special fund referred to in section 137D.2. Each day that the violation continues constitutes a separate offense violation.

Sec. 5. Section 137D.4, Code 2022, is amended to read as follows:

**137D.4 Injunction.**

A person operating a home ~~bakery food processing establishment~~ or selling ~~prepared foods~~ homemade food items created at a home bakery food processing establishment in violation of

a provision of this chapter may be restrained by injunction from further operating that home bakery food processing establishment. If an imminent health hazard exists, the home bakery food processing establishment must cease operation and notify the department. Operation shall not be resumed until authorized by the department.

Sec. 6. Section 137D.6, Code 2022, is amended to read as follows:

**137D.6 Conflicts with state building code.**

Provisions of this chapter, including standards for home bakeries food processing establishments adopted by the department, in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 7. Section 137D.8, Code 2022, is amended to read as follows:

**137D.8 Suspension or revocation of licenses.**

The department may suspend or revoke a license issued to a person under this chapter if any of the following occurs:

1. The person's home bakery food processing establishment does not conform to a provision of this chapter or a rule adopted pursuant to this chapter.
2. The person violates a provision of this chapter or a rule adopted pursuant to this chapter.
3. The person conducts an activity constituting a criminal offense in the home bakery food processing establishment and is convicted of a serious misdemeanor or a more serious offense as a result.

Sec. 8. Section 137F.1, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 2A.** “*Cottage food*” means the production and sale of food produced at a private residence other than time/temperature control for safety food as provided in section 137F.20 and food for resale that is not time/temperature control for safety food. “*Cottage food*” includes home-processed and home-canned pickles, vegetables, or fruits that have a finished equilibrium pH value of four and six-tenths or lower or a water activity value of eighty-five hundredths or less for which each batch has been measured by a pH meter or a water activity meter and each container that is sold or offered for sale contains the date the food was processed and canned. “*Cottage food*” does not include any of the following:

- a. Milk or milk products regulated under chapter 192.<sup>2</sup>
- b. Meat, meat food products, poultry, or poultry food products regulated under chapter 189A.

Sec. 9. Section 137F.1, subsection 8, paragraphs d, e, and f, Code 2022, are amended to read as follows:

d. Premises ~~which that~~ are a home bakery pursuant to food processing establishment as defined in chapter 137D.

e. Premises where a person operates a farmers market, if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.

f. Premises of a residence in which food ~~that is not a time/temperature control for safety food is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food~~ is produced pursuant to section 137F.20.

Sec. 10. **NEW SECTION. 137F.20 Cottage food — requirements.**

1. Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food is sold and delivered by the producer directly to the consumer, or delivered by mail or an agent of the producer such as an employee. A producer may sell food to the consumer in person, remotely, by telephone, by internet, or by an agent of the producer.

2. Cottage food sold pursuant to this section shall be affixed or labeled with all of the following information:

<sup>2</sup> See chapter 1153, §57 herein

- a. Information to identify the name and address, phone number, or electronic mail address of the person preparing the food.
  - b. The common name of the food.
  - c. The ingredients of the cottage food in descending order of predominance.
  - d. The following statement: “This product was produced at a residential property that is exempt from state licensing and inspection.” If the cottage food contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen.
  - e. If the food is home-processed and home-canned pickles, vegetables, or fruits permitted under this section, the date that the food was processed and canned.
3. Compliance with the cottage food exemption provided in this section does not represent compliance with federal law.

Sec. 11. Section 210.23, Code 2022, is amended to read as follows:

**210.23 Exception.**

Any person engaged in operating a home baking food processing establishment is exempt from the provisions of sections 210.19 through 210.22.

Sec. 12. NEW SECTION. **335.35 Home-based businesses.**

1. For purposes of this section:
  - a. “Goods” means any merchandise, equipment, products, supplies, or materials.
  - b. “Home-based business” means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.
  - c. “No-impact home-based business” means a home-based business for which all of the following apply:
    - (1) The total number of on-site employees and clients does not exceed the county occupancy limit for the residential property.
    - (2) The business activities are characterized by all of the following:
      - (a) The activities are limited to the sale of lawful goods and services.
      - (b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.
      - (c) The activities occur inside the residential dwelling or in the yard of the residential property.
      - (d) The activities are not visible from an adjacent property or street.
2. The use of a residential property for a home-based business is a permitted use. However, this subsection does not supersede any of the following:
  - a. A deed restriction, covenant, or agreement restricting the use of land.
  - b. A master deed, bylaw, or other document applicable to a common interest ownership community.
3. A county shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the county to operate a no-impact home-based business.
4. A county may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:
  - a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.
  - b. Ensuring that the business is all of the following:
    - (1) Compatible with residential use of the property and surrounding residential use.
    - (2) Secondary to the use of the property as a residence.
    - (3) Complying with state and federal laws and paying applicable taxes.
  - c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A county shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a county regulation does not comply with this section, the county that enacted the regulation must establish by clear and convincing evidence that the regulation complies with this section.

**Sec. 13. NEW SECTION. 414.33 Home-based businesses.**

1. For purposes of this section:

a. “Goods” means any merchandise, equipment, products, supplies, or materials.

b. “Home-based business” means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

c. “No-impact home-based business” means a home-based business for which all of the following apply:

(1) The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property.

(2) The business activities are characterized by all of the following:

(a) The activities are limited to the sale of lawful goods and services.

(b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.

(c) The activities occur inside the residential dwelling or in the yard of the residential property.

(d) The activities are not visible from an adjacent property or street.

2. The use of a residential property for a home-based business is a permitted use. However, this subsection does not supersede any of the following:

a. A deed restriction, covenant, or agreement restricting the use of land.

b. A master deed, bylaw, or other document applicable to a common interest ownership community.

3. A city shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the city to operate a no-impact home-based business.

4. A city may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:

a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.

b. Ensuring that the business is all of the following:

(1) Compatible with residential use of the property and surrounding residential use.

(2) Secondary to the use of the property as a residence.

(3) Complying with state and federal laws and paying applicable taxes.

c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A city shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a city regulation does not comply with this section, the city that enacted the regulation must establish by clear and convincing evidence that the regulation complies with this section.

**CHAPTER 1130**

**MEDICAID — REIMBURSEMENT OF PSYCHIATRIC INTENSIVE INPATIENT CARE**

*H.F. 2546*

**AN ACT** relating to reimbursement of psychiatric intensive inpatient care under the Medicaid program.

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

Section 1. PSYCHIATRIC INTENSIVE INPATIENT CARE REIMBURSEMENT — MEDICAID. No later than January 1, 2023, the department of human services shall implement a tiered rate reimbursement methodology for psychiatric intensive inpatient care under the Medicaid program based on the level of patient acuity and other factors as recommended in the inpatient bed tracking study committee report submitted to the governor and the general assembly on December 1, 2021.

Approved June 14, 2022

**CHAPTER 1131**

**APPROPRIATIONS — HEALTH AND HUMAN SERVICES**

*H.F. 2578*

**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 2022-2023**

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, 2022, and ending June 30, 2023, 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, \$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.

5. 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.

6. Of the funds appropriated in this section, \$850,000 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; and shall be used by the department on aging to fund home and community-based services to enable older individuals to avoid more costly utilization of residential or institutional services and remain in their homes. 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, 2022.

DIVISION II

OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2022-2023

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, 2022, and ending June 30, 2023, 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 2022-2023

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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022.

**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, 2022.

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:

.....	\$	6,519,306
.....	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 \$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. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2022.

(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, 2022.

(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, 2022.

(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, 2022.

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, \$800,000 shall be used for rural psychiatric residencies to support the annual creation and training of six 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.

l. Of the funds appropriated in this subsection, \$425,000 shall be used for the creation or continuation 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, 2022, and ending June 30, 2023, 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 2022-2023

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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 2022-2023

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, 2022, and ending June 30, 2023, 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, 2023, 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, 2022 session, for the federal fiscal year beginning October 1, 2022, and ending September 30, 2023. 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, 2022, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2022, 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 and state 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 2021 Iowa Acts or 2022 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, 2022, 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 needs and other resources necessary to meet departmental needs, 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, 2022, 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 supplemental nutrition assistance program (SNAP) 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, 2022, and ending June 30, 2023, 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, including administrative and information technology costs associated with rent reimbursement and other income assistance programs administered by the department.

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, 2022, and ending June 30, 2023, 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 2022-2023.

(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 SNAP employment and training program:

..... \$ 66,588

(1) The department shall apply the federal 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 SNAP participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal SNAP eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal SNAP program requirements. The department shall include as many SNAP households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are disqualified for committing an intentional program violation or are 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, 2022, and ending June 30, 2023, 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, 2022, 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 450,000 according to the 2020 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, 2022, and ending June 30, 2023, 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, 2022, 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 2022-2023. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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 2022-2023. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, 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:

..... \$ 1,510,127,388

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, 2022, 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. 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.

11. 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.

12. 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.

13. 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, 2022, 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.

14. For the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. A portion of the funds appropriated in this section may be transferred to the appropriation made in this division of this Act for the children's health insurance program, if the children's health insurance program appropriation is insufficient to cover the designated purposes of that appropriation.

21. The department of human services shall submit a Medicaid state plan amendment to the centers for Medicare and Medicaid services to request the addition of functional family therapy and multisystemic therapy for youth as covered services under the Medicaid program. The department shall include functional family therapy and multisystemic therapy under the Medicaid program as covered services upon receipt of federal approval.

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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For health program operations:

..... \$ 17,446,343

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, \$188,000 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 220,000 and 250,000 according to the 2020 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, 2022, and ending June 30, 2023, 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, 2022, 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, 2022, and ending June 30, 2023, 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:

..... \$ 38,661,688

2. Of the funds appropriated in this section, \$158,850 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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:

.....	\$	17,606,871
.....	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, 2022.

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, 2022.

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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	93,571,677
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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. Of the funds appropriated in this section, up to \$40,500,000 is allocated for group foster care maintenance and services.

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 2022-2023. Of the funds appropriated in this section, \$1,717,000 is allocated specifically for expenditure for fiscal year 2022-2023 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, 2022, 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, 2022.

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 program.

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 450,000 according to the 2020 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2022.

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 230,000 according to the 2020 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2022.

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.

24. Of the funds appropriated in this section, \$3,850,718 shall be used to support placements in qualified residential treatment programs.

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, 2022, and ending June 30, 2023, 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 operations and services provided for under paragraph “b” and paragraph “c”, subparagraph (2):  
..... \$ 40,596,007

b. Of the funds appropriated in this section, up to \$11,000,000 may be transferred to the appropriation for department-wide duties in this division of this Act to be used for facility operations.

c. (1) Of the funds appropriated in this section remaining after the transfer of funds under paragraph “b”, 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 remaining after the transfer of funds under subsection 1, paragraph “b”, 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, 2022, 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.

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 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, 2022, and ending June 30, 2023, are appropriated to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2021. 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, 2021. 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, 2022, 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, 2022, and ending June 30, 2023, 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 \$931,536 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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:

..... \$ 15,613,624  
..... 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:

..... \$ 19,688,928  
..... 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, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 16,288,739

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 13,409,294

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, mental health and disability services regions, 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 2022-2023.

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, 2022, and ending June 30, 2023, 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:

.....	\$	13,891,276
.....	FTEs	140.00

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, 2022, and ending June 30, 2023, 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:

.....	\$	65,894,438
.....	FTEs	1,589.00

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, 2022, and ending June 30, 2023, 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:

.....	\$	15,842,189
.....	FTEs	296.00

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 1.00 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.

8. Of the funds appropriated under this section, \$500,000 shall be used for the purposes of program administration and provision of pregnancy support services through the more options for maternal support program created in this Act.

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, 2022, and ending June 30, 2023, 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:

.....	\$	4,172,123
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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, 2022, and ending June 30, 2023, 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
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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, 2022, case-mix nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2022.

(b) For the fiscal year beginning July 1, 2022, non-case-mix and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2022.

(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, 2022, 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, 2022, 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, adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year. A change in the dispensing fee shall become effective following federal approval of the Medicaid state plan.

(2) 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, 2022, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2022, 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, 2022, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2022, 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, 2022, 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, 2022, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2022, 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, 2022, 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, 2022, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2022.

f. (1) For the fiscal year beginning July 1, 2022, 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. 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, 2022, the department shall create a reimbursement rate structure that provides incentives to home health care providers located in rural areas and providing home health care to Medicaid members, within the \$1,777,082 appropriated for this purpose. The rate structure shall include a telehealth component to incentivize the provision of necessary supervision for skilled care without requiring travel time. For the purposes of this subparagraph (2), "rural area" means an area that is not an Iowa core based statistical area as defined by the federal office of management and budget.

(3) For the fiscal year beginning July 1, 2022, 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, 2022.

g. For the fiscal year beginning July 1, 2022, 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, 2022, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2022.

i. (1) For the fiscal year beginning July 1, 2022, reimbursement rates for non-state-owned psychiatric medical institutions for children shall be based on the reimbursement methodology in effect on June 30, 2022.

(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, 2022, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2022, 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, 2022, the reimbursement rate for anesthesiologists shall remain at the rates in effect on June 30, 2022, and updated on January 1, 2023, to align with the most current Iowa Medicare anesthesia rate.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2022, 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, 2022; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2022, 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. (1) For the fiscal year beginning July 1, 2022, the reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2022, 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, 2022.

(2) Notwithstanding any conflicting application of subparagraph (1), if 2022 Iowa Acts, House File 2546,<sup>1</sup> is enacted, by January 1, 2023, the department of human services shall implement a tiered rate reimbursement methodology for psychiatric intensive inpatient care utilizing the tiered rate reimbursement methodology developed in accordance with that Act, subject to the limitations of the appropriation made for this purpose.

o. For the fiscal year beginning July 1, 2022, 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, 2022.

p. For the fiscal year beginning July 1, 2022, 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, 2022.

q. For the fiscal year beginning July 1, 2022, reimbursement rates for intermediate care facility for persons with an intellectual disability providers shall be increased over the rates in effect on June 30, 2022, within the \$1,339,971 appropriated for this purpose. The entire rate increase shall be used for wages and associated costs specific to wages, benefits, and required withholding of direct support professionals and frontline management.

r. For the fiscal year beginning July 1, 2022, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2022, 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, 2022, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2022.

t. For the fiscal year beginning July 1, 2022, assertive community treatment per diem rates shall remain at the rates in effect on June 30, 2022.

u. For the fiscal year beginning July 1, 2022, the reimbursement rate for family-centered services providers shall be established by contract.

v. For the fiscal year beginning July 1, 2022, the reimbursement rate for air ambulance services shall remain at the rate in effect on June 30, 2022.

w. For the fiscal year beginning July 1, 2022, all applied behavioral analysis services reimbursement rates shall be increased over the rates in effect on June 30, 2022, within the \$385,000 appropriated for this purpose.

x. For the fiscal year beginning July 1, 2022, all behavioral health intervention services reimbursement rates shall be increased over the rates in effect on June 30, 2022, within the \$1,277,082 appropriated for this purpose. The entire rate increase shall be used for wages and associated costs specific to wages, benefits, and required withholding of direct support professionals and frontline management.

2. For the fiscal year beginning July 1, 2022, 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 most recently ended calendar year.

4. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2022, 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

<sup>1</sup> Chapter 1130 herein

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, 2022, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2022, 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, 2022, 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, 2022, the reimbursement rates for resource family recruitment and retention contractors shall be established by contract.

b. For the fiscal year beginning July 1, 2022, the reimbursement rates for supervised apartment living foster care providers shall be established by contract.

7. For the fiscal year beginning July 1, 2022, 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, 2022, 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, 2022, the combined service and maintenance components of the per day reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum per day reimbursement rate shall be the maximum per day reimbursement rate in effect on June 30, 2022, as increased within the \$649,029 appropriated for this purpose. 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.

10. For the fiscal year beginning July 1, 2022, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2022, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2022.

11. Effective July 1, 2022, child care provider reimbursement rates shall remain at the rates in effect on June 30, 2022. 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.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, 2022, 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:

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, 2022, 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 2022-2023

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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023:

..... \$ 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 2022-2023. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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  
DECATEGORIZATION CARRYOVER FUNDING

Sec. 39. DECATEGORIZATION CARRYOVER FUNDING FY 2020 — 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, 2019, 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, 2021, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2022.

Sec. 40. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 41. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2021.

DIVISION VIII  
TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE

Sec. 42. TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE — FY 2021-2022. Notwithstanding any provision to the contrary, any funds remaining in the property tax relief fund created in section 426B.1 at the close of the fiscal year beginning July 1, 2021, shall be transferred to the region incentive fund created in the mental health and disability services regional service fund pursuant to section 225C.7A.

Sec. 43. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX  
PRIOR APPROPRIATIONS AND OTHER PROVISIONS  
FAMILY INVESTMENT PROGRAM GENERAL FUND

Sec. 44. 2021 Iowa Acts, chapter 182, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for one-time purposes, and may be transferred to the appropriation in this division of this Act for general administration for technology purposes, until the close of the succeeding fiscal year.

CHILD AND FAMILY SERVICES

Sec. 45. 2021 Iowa Acts, chapter 182, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 24. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the succeeding fiscal year.

## ADOPTION SUBSIDY

Sec. 46. 2021 Iowa Acts, chapter 182, section 20, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the succeeding fiscal year.

## FIELD OPERATIONS

Sec. 47. 2021 Iowa Acts, chapter 182, section 27, is amended by adding the following new subsection:

NEW SUBSECTION. 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 one-time expenditure purposes until the close of the succeeding fiscal year.

## GENERAL ADMINISTRATION

Sec. 48. 2021 Iowa Acts, chapter 182, section 28, 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 one-time expenditure purposes until the close of the succeeding fiscal year.

Sec. 49. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

## DIVISION X

## PUBLIC HEALTH EMERGENCY PROVISIONS COVID-19 REGULATIONS

Sec. 50. COVID-19 FEDERAL REGULATIONS. For the time period beginning on the effective date of this division of this Act, and ending June 30, 2023, 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 XI

## HEALTH AND HUMAN SERVICES REALIGNMENT

Sec. 51. TRANSITION OF DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PUBLIC HEALTH INTO DEPARTMENT OF HEALTH AND HUMAN SERVICES.

1. Definitions. For the purposes of this section:

a. “Department of health and human services” or “department” means the department of health and human services created under this section.

b. “Transition department” means the department of human services or the department of public health.

c. “Transition departments” means the department of human services and the department of public health.

d. “Transition period” means the period beginning July 1, 2022, and ending June 30, 2023.

2. Creation of department of health and human services — transition period — powers and duties. Notwithstanding any conflicting provision of law to the contrary, there is created a department of health and human services. During the transition period, the department of health and human services shall have and may exercise all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities of the department of

human services and the department of public health as prescribed by law or rule in effect on July 1, 2022, including but not limited to those relating to:

a. All obligations and contracts of a transition department, including obligations and contracts related to a grant program.

b. All property and records in the custody of a transition department.

c. All funds appropriated to a transition department by the general assembly and all state, federal, and other funds for which expenditure by a transition department is authorized.

d. Complaints, investigations, contested cases, causes of action, and statutes of limitations involving a transition department.

(1) All complaints, investigations, contested cases, or a remand of an action by a reviewing court pending before a transition department or an authorized person of a transition department shall continue without change in status before the department and shall be governed by the laws and rules applicable to the complaint, investigation, contested case, or remand action or proceeding in effect on July 1, 2022.

(2) Any cause of action or statute of limitation relating to a transition department shall not be affected as a result of the transition and such cause of action or statute of limitation shall apply to the department.

e. Rules, policies, and forms. All rules, policies, and forms adopted by or on behalf of a transition department shall become rules, policies, and forms of the department and shall remain in effect unless altered by the department.

f. Licenses, permits, and certifications. All licenses, permits, and certifications issued by a transition department shall continue in effect as a license, permit, or certification of the department in accordance with the law or rule governing the license, permit, or certification in effect on July 1, 2022, until the license, permit, or certification expires, is suspended or revoked, or otherwise becomes invalid by the terms of such law or rule.

g. References to a department or director. All references to the department of public health or the department of human services in law or in rule shall be interpreted to mean the department of health and human services, and all references to the director of public health or the director of human services shall be interpreted to mean the director of the department of health and human services.

h. Departmental structure.

(1) Any transition department, transition department subunit, or transition department body created or established by law and in existence on July 1, 2022, shall continue in full force and effect and shall not be permanently abolished, merged, or otherwise altered until amended, repealed, or supplemented by action of the general assembly.

(2) This paragraph shall not prohibit a transition department, transition department subunit, or transition department body created or established by law in existence on July 1, 2022, from sharing or coordinating responsibilities or functions under their respective purviews nor prohibit the director from temporarily integrating such departments, subunits, or bodies or the responsibilities or functions under their respective purviews in furtherance of the transition plan during the transition period.

3. Transition period leadership. During the transition period, the director of human services shall continue to act as the director of human services, shall assume the duties of the director of public health, shall act as the director of the department of health and human services, and may thereby exercise any policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities of the director of human services and the director of public health including those duties prescribed by law for the department of human services or the department of public health in effect on July 1, 2022. Notwithstanding<sup>2</sup> any provision to the contrary, the director of the department of health and human services shall also be vested with administrative authority to direct transition department employees with regard to the implementation of statutory directives for the transition departments or the boards, commissions, or other bodies administratively supported by the transition departments, including boards administering the requirements of chapter 272C.

4. Federal authorization and effective date of authorizations. If a transition department or the department determines that a waiver or authorization from the federal government is

<sup>2</sup> According to Act; the word "Notwithstanding" probably intended

necessary to administer any provision of this section, the department shall request the waiver or authorization, and notwithstanding any other effective date to the contrary, the provision shall take effect only upon receipt of federal approval.

5. Initial written transition plan.

a. On or before September 30, 2022, the transition departments or department shall publish on their respective internet sites an initial written transition plan for merging the functions of the transition departments into the department of health and human services effective July 1, 2023, in order to do all of the following:

(1) More efficiently and effectively manage health and human services programs that are the responsibility of the state.

(2) Establish a health and human services policy for the state.

(3) Promote health and the quality of life in the health and human services field.

b. The transition plan shall describe, at a minimum, all of the following:

(1) The tasks that require completion before July 1, 2023, including a description of how the transition departments shall solicit comment from stakeholders, including employees of the transition departments, clients and partners of the transition departments, members of the public, and members of the general assembly.

(2) The proposed organizational structure of the department, at a minimum, including the division level of the table of organization. Any personnel in the state merit system of employment who are mandatorily transferred due to the transition shall be so transferred without any loss in salary, benefits, or accrued years of service.

(3) Proposed changes to any transition department boards, commissions, committees, councils, or other bodies and their functions.

(4) Office space and infrastructure requirements related to the transition.

(5) Any work site location changes for transitioning employees.

(6) The transition of service delivery sites.

(7) Procedures for the transfer and reconciliation of budgeting and funding between the transition departments and the department.

(8) The transition of technology services of the transition departments to the department.

(9) Any additional known tasks that may require completion after the transition on July 1, 2023.

c. The written transition plan published under paragraph "b" shall:

(1) Include a detailed timeline for the completion of the tasks described.

(2) Be updated quarterly during the remainder of the transition period.

(3) Describe how information will be provided to clients of the transition departments and the department regarding any changes in service delivery.

(4) Describe how the transition to the department will be funded, including how expenses associated with the transition will be managed; how funding for services provided by the transition departments will be managed to ensure provision of services by the transition departments and the department without interruption; and how federal funds will be used by or transferred between the transition departments and the department to ensure provision of services by the transition departments and the department without interruption.

6. Statutory and administrative rule updates.

a. Legislative changes required to implement the transition. Additional legislation is necessary to fully implement the transition. The director of the department of health and human services shall, in compliance with section 2.16, prepare draft legislation for submission to the legislative services agency, as necessary, for consideration by the general assembly during the 2023 legislative session, to implement the transition effective July 1, 2023. Notwithstanding any provision to the contrary in section 2.16, the draft legislation shall be submitted to the legislative services agency by October 1, 2022.

b. Update of administrative code required by the transition. In updating references and the format in the Iowa administrative code, in order to correspond to the transferring of duties of the transition departments, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall collectively develop a schedule for the necessary updating of the Iowa administrative code.

DIVISION XII  
NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY  
OF CARE RATE ADD-ON PROGRAM

Sec. 52. Section 249L.2, subsections 6 and 7, Code 2022, are amended by striking the subsections.

Sec. 53. Section 249L.2, subsection 8, Code 2022, is amended to read as follows:

8. “Nursing facility” means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant to chapter 135B, but does not include a distinct-part skilled nursing unit or a swing-bed unit operated by a hospital, or a nursing facility owned by the state or federal government or other governmental unit. ~~“Nursing facility” includes a non-state government-owned nursing facility if the nursing facility participates in the non-state government-owned nursing facility quality of care rate add-on program.~~

Sec. 54. REPEAL. 2019 Iowa Acts, chapter 85, sections 103, 104, and 108, are repealed.

Sec. 55. REPEAL. 2020 Iowa Acts, chapter 1063, section 390, is repealed.

DIVISION XIII  
HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM —  
FY 2021-2022 NONREVERSION

Sec. 56. 2021 Iowa Acts, chapter 182, section 3, subsection 2, paragraph e, is amended to read as follows:

e. Of the funds appropriated in this subsection, \$156,000 shall be used to provide audiological services and hearing aids for children. Notwithstanding section 8.33, moneys appropriated in this 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. The amount that does not revert shall be reported by the department to the general assembly.

Sec. 57. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV  
ADMISSION OR TRANSFER OF PERSONS WITH A DIAGNOSIS OF AN INTELLECTUAL  
DISABILITY TO A STATE MENTAL HEALTH INSTITUTE

Sec. 58. Section 4.1, subsection 9A, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

9A. “*Intellectual disability*” means a diagnosis of intellectual disability or intellectual developmental disorder, global developmental delay, or unspecified intellectual disability or intellectual developmental disorder which diagnosis shall be made only when the onset of the person’s condition was during the developmental period and based on an assessment of the person’s intellectual functioning and level of adaptive skills. A diagnosis of intellectual disability shall be made by a licensed psychologist or psychiatrist who is professionally trained to administer the tests required to assess intellectual functioning and to evaluate a person’s adaptive skills and shall be made in accordance with the criteria provided in the current version of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

Sec. 59. Section 226.8, Code 2022, is amended to read as follows:

**226.8 Persons with a diagnosis of an intellectual disability not receivable — exception — admission or transfer to state mental health institute.**

1. A Admission or transfer pursuant to section 222.7 to a state mental health institute of a person who has with a diagnosis of an intellectual disability, as defined in section 4.1, shall not be admitted, or transferred pursuant to section 222.7, to a state mental health institute

~~unless a professional diagnostic evaluation indicates that such~~ only occur under the following conditions:

a. If all of the following requirements are met:

(1) The person has been determined by the state mental health institute to meet admission criteria for inpatient psychiatric care.

(2) The state mental health institute has determined the person will benefit from psychiatric treatment or from some other specific program available at the state mental health institute to which it is proposed to admit or transfer the person.

(3) There is sufficient capacity available at the state mental health institute to support the needs of the person.

b. If determined appropriate for the person at the sole discretion of the director of human services, the administrator, or the director's or administrator's designee.

2. Charges for the care of any person with a diagnosis of an intellectual disability admitted to a state mental health institute shall be made by the institute in the manner provided by chapter 230, but the liability of any other person to any county mental health and disability services region for the cost of care of such person with a diagnosis of an intellectual disability shall be as prescribed by section 222.78.

#### DIVISION XV HEALTH-RELATED DATA

Sec. 60. Section 11.41, subsection 3, Code 2022, is amended to read as follows:

3. If the information, records, instrumentalities, and properties sought by the auditor of state are required by law to be kept confidential, the auditor of state shall have access to the information, records, instrumentalities, and properties, but shall maintain the confidentiality of all such information and is subject to the same penalties as the lawful custodian of the information for dissemination of the information. However, the auditor of state shall not have access to the income tax returns of individuals or to an individual's name or residential address from a reportable disease report under section 139A.3.

Sec. 61. Section 135.166, subsection 2, Code 2022, is amended to read as follows:

2. Unless otherwise authorized or required by state or federal law, data collected under this section shall not include the social security number or name of the individual subject of the data.

Sec. 62. Section 139A.3, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION.** 1A. A state or local agency employee or agent shall not have access to personally identifiable information included in a reportable disease report provided to or maintained by the department, a local board, or a local department, unless the employee or agent has completed data confidentiality training.

#### DIVISION XVI MEDICAID AND HAWK-I PROGRAMS — INSURANCE PROVISIONS APPLICABILITY

Sec. 63. **NEW SECTION. 505.34 Medical assistance and hawk-i programs — applicability of subtitle.**

1. The medical assistance program under chapter 249A and the healthy and well kids in Iowa (hawk-i) program under chapter 514I shall not be subject to this subtitle unless otherwise provided by law.

2. 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 the Iowa (hawk-i) program under chapter 514I, shall not be subject to this subtitle unless otherwise provided by law.

Sec. 64. Section 514B.32, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. The provisions of this chapter shall be applicable to 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, only with respect to licensure and solvency standards as evidenced by the managed care organization obtaining and maintaining a certificate of authority, and maintaining compliance with the solvency standards set forth in this chapter.

Sec. 65. Section 514I.2, subsection 9, Code 2022, is amended to read as follows:

9. “Participating insurer” means any of the following:

a. An entity licensed by the division of insurance of the department of commerce to provide health insurance in Iowa that has contracted with the department to provide health insurance coverage to eligible children under this chapter.

b. A managed care organization acting pursuant to a contract with the department of human services to administer the hawk-i program.

Sec. 66. Section 514I.5, subsection 9, Code 2022, is amended to read as follows:

9. The hawk-i board shall monitor the capacity of Medicaid managed care organizations acting pursuant to a contract with the department to administer the hawk-i program to specifically and appropriately address the unique needs of children and children’s health delivery.

#### DIVISION XVII

#### MORE OPTIONS FOR MATERNAL SUPPORT PROGRAM — MEDICAID POSTPARTUM COVERAGE REPORT

Sec. 67. NEW SECTION. 217.41C More options for maternal support program.

1. a. The department of human services shall create the more options for maternal support program, a statewide program to promote healthy pregnancies and childbirth through nonprofit organizations that provide pregnancy support services.

b. The more options for maternal support program is designed to do all of the following:

(1) Provide an approach and personalized support to pregnant women to provide stabilization to families.

(2) Promote improved pregnancy outcomes, including reducing abortions, by helping women practice sound health-related behaviors and improve prenatal nutrition.

(3) Improve child health and development by helping parents provide responsible and competent care for their children.

(4) Improve family economic self-sufficiency by linking parents to services that address individual economic and social needs.

c. For the purposes of this section, “*pregnancy support services*” means those nonmedical services that promote childbirth by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.

2. The program may provide and support all of the following pregnancy support services:

a. Nutritional services and education.

b. Housing, education, and employment assistance during pregnancy and up to one year following a birth.

c. Adoption education, planning, and services.

d. Child care assistance if necessary for a pregnant woman to receive pregnancy support services.

e. Parenting education and support services for up to one year following a child’s birth.

f. Material items which are supportive of pregnancy and childbirth including but not limited to cribs, car seats, clothing, diapers, formula, or other safety devices.

g. Information regarding health care benefits, including but not limited to available Medicaid coverage for pregnancy care and health care coverage for a child following birth.

h. A call center for information or to schedule appointments.

i. Medical information and referrals for medical care, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screenings, ultrasound services, prenatal care, and birth classes and planning.



j. Counseling, mentoring, educational information, and classes relating to pregnancy, parenting, adoption, life skills, and employment readiness.

3. The department of human services shall issue a request for proposals to select a program administrator for the program. A program administrator shall meet all of the following requirements:

a. Be a nonprofit entity incorporated in this state with a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code.

b. Have systems and processes in place that have been used for at least three years to successfully manage a statewide network of subcontractors providing pregnancy support services.

c. Have a commitment to promoting healthy pregnancies and childbirth instead of abortion as a fundamental part of the program administrator's mission.

d. Create and maintain a network of subcontractors to provide pregnancy support services.

e. Maintain records for each subcontractor.

f. Monitor compliance with the terms and conditions of a subcontractor.

4. A subcontractor providing pregnancy support services under the program shall meet all of the following requirements:

a. Be a nonprofit organization incorporated in this state with a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code.

b. Have a minimum of one year of operational experience in either providing core pregnancy support services or managing a network of providers of pregnancy support services as a subcontractor.

c. Have a primary mission of promoting healthy pregnancies and childbirth instead of abortion.

d. Have a system of financial accountability consistent with generally accepted accounting principles, including an annual budget.

e. Have a board that hires and supervises a director who manages the organization's operations.

f. Offer, at a minimum, counseling for women who are or may be experiencing unplanned pregnancies.

g. Provide confidential and free pregnancy support and other program services.

h. Provide each pregnant woman with accurate information on the developmental characteristics of unborn children and babies.

i. Ensure that program funds are not used to provide or refer pregnant women for terminations of pregnancy, or to encourage or affirmatively counsel a pregnant woman to terminate a pregnancy unless the pregnant woman's attending physician confirms the termination of pregnancy is medically necessary to prevent the pregnant woman's death.

j. Maintain confidentiality of all data, files, and records related to the program services provided to persons accessing program services in compliance with state and federal laws.

5. The department of human services shall publish the program administrator and subcontractor criteria on the department's internet site.

6. The department of human services shall adopt rules pursuant to chapter 17A to administer the program, and shall provide technical assistance to the program administrator, monitor the program administrator for adherence to state and federal requirements, and collect and maintain program data.

7. Beginning October 1, 2023, and on or before October 1 annually thereafter, the department of human services shall submit to the general assembly the following program information relative to the prior fiscal year:

a. The total number of subcontractors by geographical region and the total number of unduplicated clients served by each subcontractor by gender and age.

b. A description of outreach efforts by the administrator, subcontractors, and the department.

c. Total program expenditures.

d. The amounts attributable to the administrator contract and to each contract with the subcontractors.

e. The outcomes based on outcome measures included in the contracts with the administrator and each subcontractor.

Sec. 68. MEDICAID POSTPARTUM COVERAGE — REPORT. The department of human services shall review data regarding the postpartum coverage available to recipients of pregnancy-related Medicaid coverage and shall submit a report to the general assembly by December 15, 2022, that includes the number of recipients of postpartum services, the services utilized, and the costs of such services for the period beginning January 1, 2020, through June 30, 2022, as well as information regarding the number of states that have expanded Medicaid postpartum coverage beyond sixty days, such states' postpartum coverage expansion period, the amount of cost savings realized by the states that expanded coverage to twelve months postpartum, and whether a state expanded coverage pursuant to a Medicaid waiver or a state plan amendment.

DIVISION XVIII  
MENTAL HEALTH AND DISABILITY SERVICES REGIONS

Sec. 69. Section 331.389, Code 2022, is amended to read as follows:

**331.389 Mental health and disability services regions — criteria.**

1. ~~a.~~ Local access to mental health and disability services for adults shall be provided either by counties organized into a regional service system or by individual counties that are exempted as provided by this subsection. The department of human services shall encourage counties to enter into a regional system when the regional approach is likely to increase the availability of services to residents of the state who need the services comprised of mental health and disability services regions approved by the director of the department. It is the intent of the general assembly that the adult residents of this state should have access to needed mental health and disability services regardless of the location of their residence.

~~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 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.

2. The director of human services shall approve any a region meeting the requirements of subsection 3.

3. Each county in the state shall participate in an approved mental health and disability services region, ~~unless exempted pursuant to subsection 1.~~ A region exempted from the requirement to form a multicounty region prior to July 1, 2014, shall adhere to and fulfill all of the requirements of a multicounty region. A mental health and disability services region shall comply with all of the following requirements, as applicable:

a. The counties comprising ~~the~~ a multicounty region are contiguous.

b. ~~The~~ A multicounty region has at least three counties.

c. The region ~~has the capacity to provide~~ provides required core services and ~~perform~~ performs all other required functions.

d. At least one community mental health center or a federally qualified health center with providers qualified to provide psychiatric services, either directly or through contractual arrangements with mental health professionals qualified to provide psychiatric services, is located within the region, has the capacity to provide outpatient services for the region, and is either under contract with the region or ~~has provided documentation of intent to contract with the region to provide the services.~~

e. A hospital with an inpatient psychiatric unit or a state mental health institute is located in or within reasonably close proximity to the region, has the capability to provide inpatient services for the region, and is either under contract with the region or ~~has provided documentation of intent to contract with the region to provide the services.~~

f. The regional administrator structure ~~proposed for~~ or utilized by the region ~~has~~ demonstrates clear lines of accountability and the regional administrator functions as a lead agency utilizing ~~shared county staff or other~~ appropriate means of limiting administrative costs.

4. ~~County formation of a~~ A mental health and disability services region is subject to all of the following:

~~a. On or before April 1, 2013, counties voluntarily participating in a~~ The approved region have complied shall comply with all of the following formation criteria:

~~(1) The Any counties forming comprising the region have been shall be identified and the board of supervisors of the counties have approved a written letter of intent to join together to form the region.~~

~~(2) (a) The proposed region complies with the requirements in subsection 3.~~

~~(3) (b) The department provides shall provide written notice to the boards of supervisors of the counties identified for the region in the letter of intent a region's regional administrator that the counties have complied region is in compliance with the requirements in subsection 3.~~

~~b. Upon the department's determination that a region is in compliance with the provisions of paragraph "a" requirements of subsection 3, the participating counties are region shall be eligible for technical assistance provided by the department.~~

~~c. The department shall work with any county that has not agreed to be part of a region in accordance with paragraph "a" and with the regions forming around the county to resolve issues preventing the county from joining a region. In addition to the regional governance agreement requirements in section 331.392, the department may compel the county and region to engage in mediation for resolution of a dispute. The costs incurred for mediation shall be paid by the county and the region in dispute according to their governance agreement. A county that has not agreed to be part of a region in accordance with paragraph "a" shall be assigned by the department to a region, unless exempted prior to July 1, 2014. A county assigned by the department to a region shall be included in that region's amended governance agreement pursuant to this section as of an effective date designated by the department. The assigned county and region shall operate according to the region's existing governance agreement until the regional governance agreement is amended.~~

~~d. (1) On or before December 31, 2013, all counties shall be part of a region that is in compliance with the provisions of paragraph "a" other than meeting the April 1, 2013, date. If the department withdraws approval for a region, or if a county is not approved by the department as a single county region and otherwise not assigned to a region, the department may assign the county or counties no longer assigned to an approved region to an approved region.~~

~~(2) An approved region that has a county assigned to the region pursuant to subparagraph (1) shall amend the region's existing governance agreement to include the assigned county. The amended governance agreement shall include an effective date designated by the department.~~

~~(3) A county assigned to a region by the department pursuant to subparagraph (1) shall operate according to the governance agreement in existence at the time the county was assigned to the region until the region's amended governance agreement created pursuant to subparagraph (2) becomes effective.~~

~~e. On or before June 30, 2014, unless exempted prior to July 1, 2014, all counties A region shall be in compliance with all of the following mental health and disability services region implementation criteria:~~

~~(1) The board of supervisors of each county participating in the a multicounty region has voted to approve a chapter 28E agreement.~~

~~(2) The duly authorized representatives of all the counties participating in the a multicounty region have signed the chapter 28E agreement that is in compliance with section 331.390.~~

~~(3) The county board of supervisors' or supervisors' designee members and other members of the region's governing board have been appointed in accordance with section 331.390.~~

~~(4) Executive staff for the region's regional administrator have been identified or engaged.~~

~~(5) An initial draft of a A regional service management transition plan has been developed which identifies the steps to be taken by the region to do all of the following:~~

~~(a) Designate local Local access points for the disability services administered by the region.~~

(b) ~~Designate the~~ The region's targeted case manager providers funded by the medical assistance program.

(c) ~~Identify the~~ The service provider network for the region.

(d) ~~Define the~~ The service access and service authorization process to be utilized for by the region.

(e) ~~Identify the~~ The information technology and data management capacity to be employed to support regional functions.

(f) ~~Establish business~~ Business functions, funds accounting procedures, and other administrative processes.

(g) ~~Comply with data~~ Data reporting and other information technology requirements identified by the department.

(6) The department has approved the region's chapter 28E agreement ~~and the initial draft of the regional management transition plan unless the county was exempted from the requirements of subparagraph (1) prior to July 1, 2014.~~

(7) The department has approved the region's regional management plan.

~~f. If the department, in consultation with the state commission, determines that a region is in substantial compliance with the implementation criteria in paragraph "e" and has sufficient operating capacity to begin operations, the region may commence partial or full operations prior to July 2014.~~

5. a. If the department determines that a region ~~or an exempted county~~ is not adequately fulfilling the requirements under this chapter for a regional service system, the department shall address the region ~~or county~~ in the following order:

(1) Require compliance with a corrective action plan.

(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.

(3) Withdraw approval for the region ~~or for the county exemption~~, as applicable.

b. The department shall rely on all information available, including annual audits submitted under section 331.391, regional governance agreements submitted under section 331.392, and annual service and budget plans submitted under section 331.393 in determining whether a region ~~or an exempted county~~ is adequately fulfilling the requirements for a regional service system. The department may request and review financial documents, contracts, and other audits, and may perform on-site reviews and interviews to gather information.

Sec. 70. Section 331.390, subsection 1, Code 2022, is amended to read as follows:

1. a. The counties comprising a mental health and disability services region shall enter into an agreement under chapter 28E to form a regional administrator under the control of a governing board to function on behalf of those counties.

b. A region exempted from the requirement to enter into a chapter 28E agreement prior to July 1, 2014, shall submit written documents demonstrating that the region has formed a regional administrator under the control of a governing board to function on behalf of that region and otherwise comply with the requirements of this section.

Sec. 71. Section 331.391, subsection 1, Code 2022, is amended to read as follows:

1. The funding under the control of the governing board shall be maintained in a combined account. A county ~~exempted under section 331.389, subsection 1 from joining a multicounty region prior to July 1, 2014,~~ 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.

Sec. 72. Section 331.392, subsection 1, Code 2022, is amended to read as follows:

1. a. In addition to compliance with the applicable provisions of chapter 28E, the chapter 28E agreement entered into by the counties comprising a mental health and disability services region in forming the regional administrator to function on behalf of the counties shall comply with the requirements of this section.

b. Documents submitted by a region exempted from the requirement to enter into a chapter 28E agreement prior to July 1, 2014, pursuant to section 331.390, subsection 1, paragraph "b", shall also demonstrate compliance with the requirements of this section.

Sec. 73. Section 331.393, subsection 1, Code 2022, is amended to read as follows:

1. a. The mental health and disability services provided by counties operating as a region shall be delivered in accordance with a regional service system management plan approved by the region's governing board and implemented by the regional administrator in accordance with this section. The requirements for a regional service system management plan and plan format shall be specified in rule adopted by the state commission pursuant to a recommendation made by the department. A regional management plan shall include an annual service and budget plan, a policies and procedures manual, and an annual report. ~~Each region's initial plan shall be submitted to the department by April 1, 2014.~~

b. A region, regardless of whether the region is a single county or multicounty region, shall comply with all requirements of this section.

Sec. 74. Section 331.393, subsection 6, Code 2022, is amended by striking the subsection.

Sec. 75. Section 331.910, subsection 2, paragraph d, Code 2022, is amended to read as follows:

~~d. "Region" means a mental health and disability services region formed in accordance with section 331.389 or a county that has been exempted by the director of human services from being required to be a part of a mental health and disability services region in accordance with section 331.389.~~

#### DIVISION XIX HEALTH CARRIERS — TELEHEALTH

Sec. 76. Section 514C.34, subsection 3, Code 2022, is amended to read as follows:

3. a. Health care services that are delivered by telehealth must be appropriate and delivered in accordance with applicable law and generally accepted health care practices and standards prevailing at the time the health care services are provided, including all rules adopted by the appropriate professional licensing board, pursuant to chapter 147, having oversight of the health care professional providing the health care services.

b. A health carrier shall not exclude a health care professional who provides services for mental health conditions, illnesses, injuries, or diseases and who is physically located out-of-state from participating as a provider, via telehealth, under a policy, plan, or contract offered by the health carrier in the state if all of the following requirements are met:

(1) The health care professional is licensed in this state by the appropriate professional licensing board and is able to deliver health care services for mental health conditions, illnesses, injuries, or diseases via telehealth in compliance with paragraph "a".

(2) The health care professional is able to satisfy the same criteria that the health carrier uses to qualify a health care professional who is located in the state, and who holds the same license as the out-of-state professional, to participate as a provider, via telehealth, under a policy, plan, or contract offered by the health carrier in the state.

Sec. 77. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 78. APPLICABILITY. This division of this Act applies to health carriers that deliver, issue for delivery, continue, or renew a policy, contract, or plan in this state on or after the effective date of this Act.<sup>3</sup>

DIVISION XX  
NURSING FACILITY CONSTRUCTION OR EXPANSION RELIEF

Sec. 79. Section 249K.2, subsection 4, Code 2022, is amended to read as follows:

4. “*Major renovations*” means construction or facility improvements to a nursing facility in which the total amount expended exceeds ~~one million five~~ seven hundred fifty thousand dollars.

Sec. 80. Section 249K.5, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The nursing facility for which relief or an exception is requested is proposing replacement or enhancement of an HVAC, as defined in section 105.2, system for improved infection control.

Sec. 81. ADMINISTRATIVE RULES — ADOPTION AND AMENDMENT. The department of human services shall adopt or amend rules pursuant to chapter 17A to administer this division of this Act. Specifically, the department shall amend rules relating to nursing facility additional requirements for all requests for the capital cost per diem instant relief add-on and enhanced nondirect care rate component limit to provide that with regard to the additional requirements a nursing facility must meet, the facility has Medicaid utilization at or above forty percent for the two-month period before the request for additional reimbursement is submitted. Medicaid utilization for this purpose is calculated as total nursing facility Medicaid patient days divided by total in-house patient days as reported on the facility’s most current financial and statistical report.

DIVISION XXI  
PSYCHIATRY RESIDENCY PROGRAM

Sec. 82. NEW SECTION. **135.180 State-funded psychiatry residency program — fund — appropriations.**

1. The university of Iowa hospitals and clinics shall administer a state-funded psychiatry residency program in cooperation with the state mental health institutes at Independence and Cherokee, the state resource center at Woodward, the state training school at Eldora, and the Iowa medical and classification center at Oakdale. The university of Iowa hospitals and clinics shall expand the psychiatry residency program to provide additional residency positions by providing financial support for residency positions which are in excess of the federal residency cap established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33. Participating residents shall complete a portion of their psychiatry training at one of the state mental health institutes, the state resource center, the state training school, or the Iowa medical and classification center at Oakdale. For accreditation-required clinical experiences not available at the state mental health institutes, the state resource center, the state training school, or the Iowa medical and classification center at Oakdale, the psychiatry residency program and its residents may utilize clinical rotations at the university of Iowa hospitals and clinics and its affiliates across the state.

2. The university of Iowa hospitals and clinics shall apply to the accreditation council for graduate medical education for approval of twelve additional residency positions for each class of residents and the psychiatry residency program shall award the total number of residency positions approved for each class of residents. Preference in the awarding of residency positions shall be given to candidates who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa.

<sup>3</sup> According to Act; the phrase “the effective date of this division of this Act” probably intended

3. A psychiatry residency program fund is created in the state treasury consisting of the moneys appropriated or credited to the fund by law. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the psychiatry residency program fund for use in subsequent fiscal years. Moneys in the fund are appropriated to the university of Iowa hospitals and clinics to be used for the purposes of the program. For the fiscal years beginning on or after July 1, 2023, there is appropriated from the general fund of the state to the psychiatry residency program fund one hundred thousand dollars for each residency position approved and awarded under the program.

Approved June 14, 2022

## CHAPTER 1132

### ABUSE OF DEPENDENT ADULTS AND OLDER INDIVIDUALS — CRIMINAL AND CIVIL ACTIONS

S.F. 522

**AN ACT** relating to older individuals and dependent adults and creating certain criminal offenses and civil actions, and providing penalties.

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

#### DIVISION I CRIMINAL AND CIVIL RELIEF FOR OLDER INDIVIDUALS

Section 1. **NEW SECTION. 708.2D Older individual assault — mandatory minimums, penalties enhanced — extension of no-contact order.**

1. For the purposes of this section:
  - a. “Older individual” means an individual who is sixty years of age or older.
  - b. “Older individual assault” means an assault, as defined in section 708.1, of an older individual.
2. On a first offense of older individual assault, the person commits:
  - a. A simple misdemeanor, except as otherwise provided.
  - b. A serious misdemeanor, if the older individual assault causes bodily injury or mental illness.
  - c. An aggravated misdemeanor, if the older individual assault is committed with the intent to inflict a serious injury upon an older individual, or if the person uses or displays a dangerous weapon in connection with the assault. This paragraph does not apply if section 708.6 or 708.8 applies.
  - d. An aggravated misdemeanor, if the older individual assault is committed by knowingly impeding the normal breathing or circulation of the blood of an older individual by applying pressure to the throat or neck of the older individual or by obstructing the nose or mouth of the older individual.
3. Except as otherwise provided in subsection 2, on a second older individual assault, a person commits:
  - a. A serious misdemeanor if the first offense was classified as a simple misdemeanor and the second offense would otherwise be classified as a simple misdemeanor.
  - b. An aggravated misdemeanor if the first offense was classified as a simple or aggravated misdemeanor and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.
4. On a third or subsequent offense of older individual assault, a person commits a class “D” felony.

5. For an older individual assault committed by knowingly impeding the normal breathing or circulation of the blood of an older individual by applying pressure to the throat or neck of the older individual or by obstructing the nose or mouth of the older individual, and causing bodily injury, the person commits a class “D” felony.

6. *a.* A conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining that the violation charged is a second or subsequent offense.

*b.* For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of section 708.2 or 708.2A, or this section, which were issued on older individual assaults, and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

*c.* An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

7. *a.* A person convicted of violating subsection 2 or 3 shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. The court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence. This section does not prohibit the court from sentencing and the person from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3, if the person has not previously received a deferred sentence or judgment for a violation of section 708.2 or 708.2A, or this section, which was issued on an older individual assault.

*b.* A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 1, paragraph “e”, and shall be denied parole or work release until the person has served a minimum of one year of the person’s sentence. Notwithstanding section 901.5, subsections 1, 3, and 5, and section 907.3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.

8. If a person is convicted for, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.

9. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under chapter 235F. The clerk shall provide notice and copies of modifications of the judgment in the same manner.

**Sec. 2. NEW SECTION. 714.2A Theft against an older individual.**

1. If a person commits theft against an individual who was an older individual at the time the theft was committed and knew or should have known the conduct was directed at an older individual, notwithstanding the penalties specified in section 714.2, all of the following shall apply:

*a.* If a person commits theft in the first degree pursuant to section 714.2, subsection 1, the person is guilty of a class “B” felony.

*b.* If a person commits theft in the second degree pursuant to section 714.2, subsection 2, the person is guilty of a class “C” felony.

*c.* If a person commits theft in the third degree pursuant to section 714.2, subsection 3, the person is guilty of a class “D” felony.

*d.* If a person commits theft in the fourth degree pursuant to section 714.2, subsection 4, the person is guilty of an aggravated misdemeanor.



e. If a person commits theft in the fifth degree pursuant to section 714.2, subsection 5, the person is guilty of a serious misdemeanor.

2. For the purposes of this section, “*older individual*” means an individual who is sixty years of age or older.

Sec. 3. Section 714.16A, Code 2022, is amended to read as follows:

**714.16A Additional civil penalty for consumer frauds committed against elderly older individuals — fund established.**

1. a. If a person violates section 714.16, and the violation is committed against an ~~older person~~ individual, in an action brought by the attorney general, in addition to any other civil penalty, the court may impose an additional civil penalty not to exceed five thousand dollars for each such violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of section 714.16, regardless of whether an action has been filed pursuant to section 714.16.

b. A civil penalty imposed by a court or determined and accepted by the attorney general pursuant to this section shall be paid to the treasurer of state, who shall deposit the money in the elderly victim fund, a separate fund created in the state treasury and administered by the attorney general for the investigation and prosecution of frauds against the elderly. 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. An award of reimbursement pursuant to section 714.16 has priority over a civil penalty imposed by the court pursuant to this subsection.

2. In determining whether to impose a civil penalty under subsection 1, and the amount of any such penalty, the court shall consider the following:

a. Whether the defendant’s conduct was in willful disregard of the rights of the ~~older person~~ individual.

b. Whether the defendant knew or should have known that the defendant’s conduct was directed to an ~~older person~~ individual.

c. Whether the ~~older person~~ individual was substantially more vulnerable to the defendant’s conduct because of age, poor health, infirmity, impaired understanding, restricted mobility, or disability, than other persons.

d. Any other factors the court deems appropriate.

3. As used in this section, ~~“older person”~~ “older individual” means ~~a person who is sixty-five years of age or an individual who is sixty years of age or older.~~

Sec. 4. **NEW SECTION. 726.24 Elder abuse — initiation of charges — penalty.**

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

a. “*Abuse*” means the infliction of physical harm or the deprivation of goods or services that are necessary to meet essential needs or to avoid physical harm or psychological harm.

b. “*Caregiver*” means an individual who has the responsibility for the care or custody of an older individual, whether voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and includes but is not limited to a family member or other individual who provides, whether on the individual’s own behalf or on behalf of a public or private entity, compensated or uncompensated care to an older individual.

c. “*Elder abuse*” means the abuse, emotional abuse, neglect, isolation, or sexual exploitation of an older individual. “*Elder abuse*” does not include any of the following:

(1) Circumstances in which the older individual declines medical treatment if the older individual holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the older individual’s caregiver or fiduciary, acting in accordance with the older individual’s stated or implied consent, declines medical treatment if the older individual holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(3) The withholding or withdrawing of health care from an older individual who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the older individual or at the request of the older individual’s next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

d. “*Emotional abuse*” means the willful or reckless infliction of psychological harm, emotional or mental anguish, or the use of physical or chemical restraint, medication, or isolation as punishment or as a substitute for treatment or care.

e. “*Fiduciary*” means a guardian, trustee, executor, administrator, receiver, conservator, attorney in fact, or any person, whether individual or corporate, acting in any fiduciary capacity for or on behalf of any older individual.

f. (1) “*Isolate*” or “*isolation*” means preventing an older individual from having contact with another person by any of the following:

(a) Intentionally preventing the older individual from receiving visitors, mail, or telephone calls, including, without limitation, communicating to a person who comes to visit the older individual or a person who telephones the older individual that the older individual is not present or does not want to meet with or talk to the visitor or caller while knowing that the statement is false, contrary to the express wishes of the older individual, and intended to prevent the older individual from having contact with the visitor.

(b) Physically restraining the older individual to prevent the older individual from meeting with a person who comes to visit the older individual.

(c) Permitting any of the acts described in subparagraph division (a) or (b) to be committed against an older individual.

(2) “*Isolate*” or “*isolation*” does not mean an act intended to protect the property or physical or mental welfare of the older individual or an act performed pursuant to the instructions of a physician of the older individual.

g. “*Neglect*” means the failure of a caregiver or fiduciary to provide adequate food, shelter, clothing, supervision, physical or mental health care, and goods or services necessary to maintain the life, health, or safety of an older individual, which if not provided would constitute denial of critical care.

h. “*Older individual*” means a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person.

i. “*Older individual assault*” means the same as defined in section 708.2D.

j. “*Physical harm*” means bodily injury, bodily pain, impairment, or disease.

k. “*Psychological harm*” means an injury to the intellectual functioning or emotional state of an older individual as evidenced by an observable or measurable reduction in the older adult’s ability to function within that individual’s customary range of performance and that individual’s behavior.

l. “*Serious injury*” means the same as defined in section 702.18.

m. “*Sexual exploitation*” means any sexual contact against an older individual’s will. This includes acts in which the older individual is unable to understand the act or is unable to communicate or is under undue influence and includes coerced nudity; fondling, touching, or kissing; making the person fondle someone else’s genitals; forcing the person to observe sexual acts; photographing the person in sexually explicit ways whether for purposes of gratification or degradation; and sexual assault.

n. “*Undue influence*” means when a person uses or knowingly assists or causes another person to use that person’s role, relationship, or power to exploit the trust, dependency, or fear of an older individual, or uses or knowingly assists or causes another person to use that person’s role, relationship, or power to deceptively gain control over an older individual’s decision-making process.

2. It shall be unlawful for any person to abuse, emotionally abuse, neglect, isolate, or sexually exploit any older individual.

3. A charge of elder abuse may be initiated as a result of an investigation by a social services agency, or on the direct initiative of the attorney general, a county attorney, or a law enforcement agency.

4. A person who commits a first offense of elder abuse is guilty of the following, as applicable:

a. A person who intentionally commits elder abuse is guilty of a class “C” felony if the intentional elder abuse results in serious injury.

b. A person who recklessly commits elder abuse is guilty of a class “D” felony if the reckless elder abuse results in serious injury.

c. A person who intentionally commits elder abuse is guilty of a class “D” felony if the intentional elder abuse results in physical injury or psychological harm.

d. A person who recklessly commits elder abuse is guilty of an aggravated misdemeanor if the reckless elder abuse results in physical injury or psychological harm.

e. A person who otherwise intentionally commits elder abuse is guilty of a serious misdemeanor.

5. On a second or subsequent offense of elder abuse under subsection 4, paragraph “a”, a person commits a class “B” felony.

6. On a second or subsequent offense of elder abuse under subsection 4, paragraph “b” or “c”, a person commits a class “C” felony.

7. On a second or subsequent offense of elder abuse under subsection 4, paragraph “d” or “e”, a person commits a class “D” felony.

8. It does not constitute a defense to a prosecution for any violation of this section that the alleged perpetrator did not know the age of the victim.

9. In a criminal action in which an older individual is a victim, the state may move the court to advance the trial on the docket. The presiding judge, after consideration of the age and health of the victim, may advance the trial on the docket. The motion may be filed and served with the information or charges at any time.

10. a. A conviction or deferred judgment for or plea of guilty to a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining that the violation charged is a second or subsequent offense.

b. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of this section, or judgments or deferred judgments issued pursuant to sections 708.2D and 714.2A, and convictions or the equivalent of deferred judgments for violations in any other state under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

c. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

11. If a person is convicted or receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.

12. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under chapter 235F. The clerk shall provide notice and copies of modifications of the judgment in the same manner.

#### Sec. 5. NEW SECTION. **726.25 Financial exploitation of an older individual.**

1. For the purposes of this section:

a. “*Caregiver*” means an individual who has the responsibility for the care or custody of an older individual, whether voluntarily, by contract, through employment, or as a result of the operation of law, and includes but is not limited to a family member or other individual who provides compensated or uncompensated care to an older individual.

b. “*Coercion*” means communication or conduct which compels an older individual to act or refrain from acting against the older individual’s will.

c. “*Older individual*” means an individual who is sixty years of age or older.

d. “*Stands in a position of trust or confidence*” means the person has any of the following relationships relative to the older individual:

(1) Is a relative by consanguinity or affinity of the older individual.

(2) Is a joint tenant or tenant in common with the older individual.

(3) Has a legal or fiduciary relationship with the older individual. For the purposes of this paragraph, a legal or fiduciary relationship with the older individual does not include a legal or fiduciary relationship an older individual may have with a bank incorporated under the provisions of any state or federal law, any savings and loan association or savings bank incorporated under the provisions of any state or federal law, or any credit union organized under the provisions of any state or federal law.

(4) Is a financial planning or investment professional providing or offering to provide financial planning or investment advice to the older individual.

(5) Is a beneficiary of the older individual in a governing instrument.

(6) Is a caregiver for the older individual.

(7) Is a person who has otherwise formed a relationship of trust or reliance with the older individual such that the person should reasonably expect that the older individual would likely rely upon the person to act in good faith for the older individual's interest.

*e. "Undue influence"* means excessive persuasion by a person that causes an older individual to act or refrain from acting by overcoming an older individual's free will and results in inequity. In determining whether a result was produced by undue influence, all of the following shall be considered:

(1) *The vulnerability of the older individual.* Evidence of vulnerability may include but is not limited to incapacity, illness, disability, injury, age, education, impaired cognitive function, emotional distress, isolation, or dependency, and whether the person knew or should have known of the alleged older individual's vulnerability.

(2) *The person's apparent authority.* Evidence of apparent authority may include but is not limited to status as a fiduciary, family member, care provider, health care professional, legal professional, spiritual advisor, expert, or other qualifications.

(3) *The person's actions or tactics.* Evidence of actions or tactics used may include but is not limited to all of the following:

(a) Controlling necessities of life, medication, the older individual's interactions with others, access to information, or sleep.

(b) Use of affection, intimidation, or coercion.

(c) Initiation of changes in personal or property rights, use of haste or secrecy in effecting those changes, effecting changes at inappropriate times and places, and claims of expertise in effecting changes.

(4) *The equity of the result.* Evidence of the equity of the result may include but is not limited to the economic consequences to the older individual; any divergence from the older individual's prior intent, course of conduct, or dealing; the relationship of the value conveyed to the value of any services or consideration received; or the appropriateness of the change in light of the length and nature of the relationship. Evidence of an inequitable result, without more, is not sufficient to prove undue influence.

2. A person commits financial exploitation of an older individual when the person stands in a position of trust or confidence with the older individual and knowingly and by undue influence, deception, coercion, fraud, breach of fiduciary duty, or extortion, obtains control over or otherwise uses the benefits, property, resources, belongings, or assets of the older individual, to the detriment of the older individual.

3. A person who commits a first offense of financial exploitation of an older individual is guilty of the following, as applicable:

a. A serious misdemeanor if the value of the benefits, property, resources, belongings, or assets is one hundred dollars or less.

b. An aggravated misdemeanor if the value of the benefits, property, resources, belongings, or assets exceeds one hundred dollars but does not exceed one thousand dollars.

c. A class "D" felony if the value of the benefits, property, resources, belongings, or assets exceeds one thousand dollars but does not exceed ten thousand dollars.

d. A class "C" felony if the value of the benefits, property, resources, belongings, or assets exceeds ten thousand dollars but does not exceed fifty thousand dollars.

e. A class "B" felony if the value of the benefits, property, resources, belongings, or assets exceeds fifty thousand dollars, or if the older individual is seventy years of age to eighty years of age and the value of the benefits, property, resources, belongings, or assets is fifteen

thousand dollars or more, or if the older individual is eighty years of age or older and the value of the benefits, property, resources, belongings, or assets is five thousand dollars or more.

4. On a second or subsequent offense of financial exploitation of an older individual, a person commits a class “C” felony if the value of the benefits, property, resources, belongings, or assets does not exceed fifty thousand dollars unless subsection 3, paragraph “e”, applies.

5. Nothing in this section shall be construed to limit other remedies available to the older individual including those provided under chapters 235F and 236.

6. Nothing in this section shall be construed to alter the competency requirements under section 633.264 relative to a will or under section 633A.2102 relative to a trust.

7. Nothing in this section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist an older individual regarding or in the management of the older individual’s benefits, property, resources, belongings, or assets, but who has been, in whole or in part, unable to provide such assistance. “*Management of the older individual’s benefits, property, resources, belongings, or assets*” includes estate planning when performed by an attorney licensed to practice law in this state.

8. Nothing in this section shall be construed to impose criminal liability on a person based solely on the sale of a product or service, including legal services, or on the good-faith solicitation of a bona fide charitable donation to a nonprofit organization that qualifies for tax-exempt status under the Internal Revenue Code.

9. Nothing in this section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist an older individual in the management of the older individual’s benefits, property, resources, belongings, or assets when the efforts are undertaken for the preservation of the assets of the older individual or the older individual’s spouse or for the safety of the older individual or the older individual’s spouse.

10. It shall not be a defense to financial exploitation of an older individual that the alleged perpetrator did not know the age of the older individual or reasonably believed that the alleged victim was not an older individual.

11. In a criminal action in which an older individual is a victim, the state may make a motion to the court to advance the trial on the docket. The presiding judge, after consideration of the age and health of the victim, may grant a motion to advance the trial on the docket. The motion may be filed and served with the information or charges at any time.

12. a. A conviction or deferred judgment for or plea of guilty to a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining whether the violation charged is a second or subsequent offense.

b. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of this section or judgments or deferred judgments issued pursuant to sections 708.2D and 714.2A, and convictions or the equivalent of deferred judgments for violations in any other state under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

c. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

13. If a person is convicted of, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.

14. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under chapter 235F. The clerk shall provide notice and copies of modifications of the judgment in the same manner.

Sec. 6. NEW SECTION. **726.26 Dependent adult abuse — initiation of charges — penalty.**

1. For the purposes of this section, “caretaker”, “dependent adult”, and “dependent adult abuse” mean the same as defined in section 235B.2.

2. A charge of dependent adult abuse may be initiated upon the complaint of a private individual, as a result of an investigation by a social service agency, or on the direct initiative of the office of the attorney general, a county attorney, or a law enforcement agency.<sup>1</sup>

3. A caretaker who intentionally commits dependent adult abuse is guilty of a class “C” felony if the intentional dependent adult abuse results in serious injury.

4. A caretaker who recklessly commits dependent adult abuse is guilty of a class “D” felony if the reckless dependent adult abuse results in serious injury.

5. A caretaker who intentionally commits dependent adult abuse is guilty of a class “C” felony if the intentional dependent adult abuse results in physical injury.

6. A caretaker who commits dependent adult abuse by exploitation of a dependent adult is guilty of a class “D” felony if the value of the property, assets, or resources exceeds one hundred dollars.

7. A caretaker who recklessly commits dependent adult abuse is guilty of an aggravated misdemeanor if the reckless dependent adult abuse results in physical injury.

8. A caretaker who otherwise intentionally or knowingly commits dependent adult abuse is guilty of a serious misdemeanor.

9. A caretaker who commits dependent adult abuse by exploitation of a dependent adult is guilty of a simple misdemeanor if the value of the property, assets, or resources is one hundred dollars or less.

10. A caretaker alleged to have committed dependent adult abuse shall be charged with the respective offense cited, unless a charge may be brought based upon a more serious offense, in which case the charge of the more serious offense shall supersede the less serious charge.

Sec. 7. REPEAL. Section 235B.20, Code 2022, is repealed.

Sec. 8. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:

1. Create a new subchapter in chapter 726, entitled “Resident, Dependent Adult, and Older Individual Protection Act” that includes sections 726.24, 726.25, and 726.26, as enacted in this Act.

2. a. Transfer sections 726.7 and 726.8, Code 2022, to the new subchapter and renumber the transferred sections as follows:

(1) Section 726.7 as section 726.27.

(2) Section 726.8 as section 726.28.

b. Correct internal references as necessary.

3. Amend the title of the chapter to read “Protections for the family, dependent persons, residents of health care facilities, and older individuals”.

## DIVISION II CONFORMING CHANGES

Sec. 9. Section 13.2, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of elder abuse, older individual assault, theft against an older individual, consumer frauds committed against an older individual, and financial exploitation of an older individual under sections 708.2D, 714.2A, 714.16A, 726.24, and 726.25.

Sec. 10. Section 235E.4, Code 2022, is amended to read as follows:

**235E.4 Chapter 235B and section 726.26 application.**

Sections 235B.4 through ~~235B.20~~ 235B.19 and section 726.26, where not inconsistent with this chapter, shall apply to this chapter.

<sup>1</sup> See chapter 1153, §47 herein

Sec. 11. Section 272C.15, subsection 4, paragraph b, Code 2022, is amended to read as follows:

b. The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, dependent adult abuse in violation of section ~~235B.20~~ 726.26, a forcible felony as defined in section 702.11, or domestic abuse assault in violation of section 708.2A, and the applicant has not been convicted of another crime after release from incarceration.

Sec. 12. Section 664A.1, subsection 2, Code 2022, is amended to read as follows:

2. "*Protective order*" means a protective order issued pursuant to chapter 232, a court order or court-approved consent agreement entered pursuant to this chapter or chapter 235F, a court order or court-approved consent agreement entered pursuant to chapter 236 or 236A, including a valid foreign protective order under section 236.19, subsection 3, or section 236A.19, subsection 3, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault under section 708.2A or older individual assault under section 708.2D, or a civil injunction issued pursuant to section 915.22.

Sec. 13. Section 664A.2, subsection 1, Code 2022, is amended to read as follows:

1. This chapter applies to no-contact orders issued for violations or alleged violations of sections 708.2A, 708.2D, 708.7, 708.11, 709.2, 709.3, and 709.4, and any other public offense for which there is a victim.

Sec. 14. Section 664A.7, subsection 5, Code 2022, is amended to read as follows:

5. Violation of a no-contact order entered for the offense or alleged offense of domestic abuse assault in violation of section 708.2A, the offense or alleged offense of older individual assault in violation of section 708.2D, or a violation of a protective order issued pursuant to chapter 232, 235F, 236, 236A, 598, or 915 constitutes a public offense and is punishable as a simple misdemeanor. Alternatively, the court may hold a person in contempt of court for such a violation, as provided in subsection 3.

Sec. 15. Section 671A.2, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. The employee, agent, or independent contractor was convicted of any of the following:

(1) A public offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment or under the relationship or contract, or under conditions substantially similar to those reasonably expected to be encountered in the employment or under the relationship or contract, taking into consideration all of the following factors:

(a) The nature and seriousness of the public offense.

(b) The extent and nature of the employee, agent, or independent contractor's past criminal activity.

(c) The age of the employee, agent, or independent contractor when the public offense was committed.

(d) The amount of time that has elapsed since the employee, agent, or independent contractor's last criminal activity.

(2) A sexually violent offense as defined in section 229A.2.

~~(3) The offense of dependent adult abuse as provided for under section 235B.20.~~

~~(4) (3)~~ The offense of murder in the first degree under section 707.2.

~~(5) (4)~~ The offense of murder in the second degree under section 707.3.

~~(6) (5)~~ The offense of assault as defined in section 708.1 that is a felony under section 708.2.

~~(7) (6)~~ The offense of domestic abuse assault as defined in section 708.2A.

~~(8) (7)~~ The offense of kidnapping in the first degree under section 710.2.

~~(9)~~ (8) The offense of robbery in the first degree under section 711.2.

~~(10)~~ (9) An offense committed on certain real property for which an enhanced penalty was received under section 124.401A or 124.401B.

~~(11)~~ (10) A felony offense where the employee, agent, or independent contractor used or exhibited a dangerous weapon as defined in section 702.7 during the commission of or during immediate flight from the scene of the felony offense, or where the employee, agent, or independent contractor used or exhibited the dangerous weapon or was a party to the felony offense and knew that a dangerous weapon would be used or exhibited.

(11) The offense of dependent adult abuse as provided for under section 726.26.

Sec. 16. Section 901C.3, subsection 2, paragraph c, Code 2022, is amended by striking the paragraph.

Sec. 17. Section 915.22, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 6. The clerk of the district court shall provide notice and copies of restraining orders issued pursuant to this section in a criminal case involving an alleged violation of section 708.2D to the applicable law enforcement agencies and the twenty-four-hour dispatch for the law enforcement agencies, in the manner provided for protective orders under section 235F.6. The clerk shall provide notice and copies of modifications or vacations of these orders in the same manner.

Approved June 15, 2022

## CHAPTER 1133

### GEORGE WASHINGTON CARVER DAY

*S.F. 2380*

**AN ACT** to designate February 1 of each year as George Washington Carver Day.

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

Section 1. NEW SECTION. **1C.17 George Washington Carver Day.**

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the first day of February as George Washington Carver Day and to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the scientific and agricultural accomplishments and global humanitarian achievements of professor Carver and to acknowledge the Iowa educational institutions, Simpson college and Iowa state university, that allowed George Washington Carver to persevere through racial barriers and fulfill his potential as a human being.

Approved June 16, 2022



## CHAPTER 1134

### LOCAL INSPECTIONS OF MANUFACTURED HOMES — WORK-BASED LEARNING — HEALTH CARE PROFESSIONALS LOAN REPAYMENT AND AWARD PROGRAMS — LICENSING REGULATION AND FEES AND VETERANS AND MILITARY SPOUSES — INSURANCE PRODUCER LICENSING

S.F. 2383

**AN ACT** relating to various matters under the purview of the state, including city and county inspections, work-based learning, recruitment of health care professionals, regulations affecting veterans and military spouses, insurance producer temporary licenses, and including applicability provisions.

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

#### DIVISION I COUNTY AND CITY INSPECTIONS

Section 1. Section 335.30, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** A county shall not require an inspection of a manufactured home that has been inspected according to requirements of the United States department of housing and urban development and constructed in conformance with the federal manufactured home construction and safety standards provided in 24 C.F.R. pt. 3280.

Sec. 2. Section 414.28, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 3A.** A city shall not require an inspection of a manufactured home that has been inspected according to requirements of the United States department of housing and urban development and constructed in conformance with the federal manufactured home construction and safety standards provided in 24 C.F.R. pt. 3280.

#### DIVISION II WORK-BASED LEARNING

Sec. 3. Section 256.9, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 65.** Adopt rules to establish and maintain a process that requires the boards of directors of school districts to report to the department at least annually regarding student participation in work-based learning programs established by the board of directors of the school district, including registered apprenticeships, quality pre-apprenticeships, internships, on-the-job training, and projects through the Iowa clearinghouse for work-based learning.

Sec. 4. Section 272.1, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION. 18.** “*Work-based learning program supervisor*” means a person who is certified pursuant to section 272.16 to supervise students’ opportunities and experiences related to workplace tours, job shadowing, rotations, mentoring, entrepreneurship, service learning, internships, and apprenticeships.

Sec. 5. **NEW SECTION. 272.16 Work-based learning program supervisor certificates.**

1. The board of educational examiners shall adopt rules pursuant to chapter 17A relating to a certification system for work-based learning program supervisors. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. The certificate shall not require more than fifteen contact hours, which shall be available over the internet and which shall provide instruction related to fundamentals in career education, curriculum, assessment, and the evaluation of student participation.

2. Applicants shall be disqualified for any reason specified in section 272.2, subsection 14, or in rules adopted by the board of educational examiners.

3. A certificate issued pursuant to this section shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279.

4. The work-based learning program supervisor certificate established pursuant to this section shall be considered a professional development program.

Sec. 6. Section 279.61, subsection 1, paragraph a, subparagraph (2), Code 2022, is amended to read as follows:

(2) Identify the coursework and work-based learning needed in grades nine through twelve to support the student's postsecondary education and career options.

Sec. 7. Section 279.61, subsection 1, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Prior to graduation, advise the student how to successfully complete the free application for federal student aid.

### DIVISION III HEALTH CARE WORKFORCE RECRUITMENT

Sec. 8. Section 261.113, subsection 2, Code 2022, is amended to read as follows:

2. *Eligibility.* An individual is eligible to apply to enter into a program agreement with the commission pursuant to subsection 3 if the individual is enrolled full-time in and receives a recommendation from the state university of Iowa college of medicine or Des Moines university — osteopathic medical center in a curriculum leading to a doctor of medicine degree or a doctor of osteopathic medicine degree.

Sec. 9. Section 261.113, subsection 3, paragraphs c and d, Code 2022, are amended to read as follows:

c. Complete the residency program requirement with an Iowa-based residency program.

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 or part-time practice of medicine and surgery or osteopathic medicine and surgery specializing in family medicine, pediatrics, psychiatry, internal medicine, obstetrics and gynecology, neurology, 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. 10. Section 261.113, subsections 5, 7, 8, 9, 10, and 12, Code 2022, are amended to read as follows:

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

7. *Program agreement limitation.* The commission shall not enter into more than twenty program agreements annually unless surplus funds are available. The percentage of agreements entered into pursuant to subsection 3 by students attending eligible universities shall be evenly divided. However, if there are fewer applicants at one eligible university, eligible student applicants enrolled in other eligible universities may be awarded the remaining agreements.

8. *Selection of service commitment area.* A loan repayment recipient shall notify the commission of the recipient's service commitment area prior to beginning practice in the

area ~~in accordance with subsection 3, paragraph “d”~~. The commission may waive the requirement that the loan repayment recipient practice in the same service commitment area for all five years.

9. *Rules for additional loan repayment.* The commission shall adopt rules to provide, in addition to loan repayment provided to eligible students pursuant to ~~this section~~ an agreement entered into under subsection 3, and subject to the availability of surplus funds, loan repayment to a physician who received a doctor of medicine or doctor of osteopathic medicine degree from an eligible university as provided in subsection 2, obtained a license to practice medicine and surgery or osteopathic medicine and surgery in this state, completed the physician’s residency program requirement ~~with an Iowa-based residency program~~, and is engaged in the ~~full-time or part-time~~ practice of medicine and surgery or osteopathic medicine and surgery ~~as specified~~ specializing in a practice area listed in subsection 3, paragraph “d”, in a service commitment area for a period of five consecutive years. The amount of loan repayment provided to a physician pursuant to this subsection shall be subject to the same limitations applicable to an eligible student under subsection 5. The total amount of a physician’s eligible loans shall be established as of the date the physician applies for loan repayment pursuant to this subsection.

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~~ a part-time practice specified in the agreement and under subsection 3, paragraph “d”. ~~The~~ For agreements entered into pursuant to subsection 3 prior to July 1, 2022, the commission and the person may consent to amend the agreement under which the person shall engage in less than full-time the part-time practice of medicine and surgery or osteopathic medicine and surgery specializing in family medicine, pediatrics, psychiatry, internal medicine, obstetrics and gynecology, neurology, 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.

12. *Trust fund established.* A rural Iowa primary care trust fund is created in the state treasury as a separate fund under the control of the commission. The commission shall remit all repayments made pursuant to this section to the rural Iowa primary care trust fund. All moneys deposited or paid into the trust fund are appropriated and made available to the commission to be used for meeting the requirements of this section. Moneys in the fund up to the total amount that an eligible student or a physician may receive for an eligible loan in accordance with this section and upon fulfilling the requirements of subsection 3 or subsection 9, as applicable, shall be considered encumbered for the duration of the agreement entered into pursuant to subsection 3 eligible student’s or physician’s obligation under subsection 3 or subsection 9, as applicable. 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 in subsequent fiscal years.

Sec. 11. Section 261.113, subsection 11, paragraph a, subparagraph (6), Code 2022, is amended to read as follows:

(6) Any period of temporary medical incapacity during which the person obligated is unable, due to a medical condition, to engage in ~~full-time~~ or part-time practice as required under subsection 3, paragraph “d”.

Sec. 12. Section 261.113, subsection 11, paragraph b, Code 2022, is amended to read as follows:

b. Except for a postponement under paragraph “a”, subparagraph (6), an obligation to engage in practice under an agreement entered into pursuant to subsection 3, shall not be postponed for more than two years from the time the ~~full-time~~ or part-time practice was to have commenced under the agreement.

Sec. 13. Section 261.113, subsection 11, paragraph c, unnumbered paragraph 1, Code 2022, is amended to read as follows:

An obligation to engage in full-time or part-time practice under an agreement entered into pursuant to subsection 3 shall be considered satisfied when any of the following conditions are met:

Sec. 14. Section 261.113, subsection 13, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. “Part-time practice” means at least seventy percent of a forty-hour workweek.

Sec. 15. Section 261.115, subsection 5, paragraphs a and c, Code 2022, are amended to read as follows:

a. “Eligible institution” means an institution of higher learning governed by the state board of regents, a community college established under chapter 260C, or an accredited private institution as defined in section 261.9.

c. “Health care professional” means an advanced registered nurse practitioner, athletic trainer, occupational therapist, physician, physician assistant, podiatrist, registered nurse, or physical therapist who is licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

Sec. 16. Section 261.116, Code 2022, is amended to read as follows:

**261.116 Health care loan repayment award program.**

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

a. “Advanced registered nurse practitioner” means a person licensed as a registered nurse under chapter 152 or 152E who is licensed by the board of nursing as an advanced registered nurse practitioner.

b. “Nurse educator” means a registered nurse who holds a master’s degree or doctorate degree and is employed by a community college, an accredited private institution, or an institution of higher education governed by the state board of regents as a faculty member to teach nursing at a nursing education program approved by the board of nursing pursuant to section 152.5.

c. “Physician assistant” means a person licensed as a physician assistant under chapter 148C.

~~d. “Qualified student loan” means a loan that was made, insured, or guaranteed under Tit. IV of the federal Higher Education Act of 1965, as amended, or under Tit. VII or VIII of the federal Public Health Service Act, as amended, directly to the borrower for attendance at an approved postsecondary educational institution.~~

~~e. d.~~ “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.

2. *Program established.* A health care loan repayment award program is established to be administered by the commission for purposes of ~~repaying the qualified student loans of~~ providing financial awards to registered nurses, advanced registered nurse practitioners, physician assistants, and nurse educators who practice full-time in a service commitment area or teach full-time or part-time in this state, as appropriate, and who are selected for the program in accordance with this section. An applicant who is a member of the Iowa national guard is exempt from the service commitment area requirement, but shall submit an affidavit verifying the applicant is practicing full-time in this state. A part-time nurse educator must also practice as a registered nurse or an advanced registered nurse practitioner to qualify for an award under this section.

3. *Application requirements.* Each applicant for ~~loan repayment~~ an award shall, in accordance with the rules of the commission, do the following:

a. Complete and file an application for ~~loan repayment~~ an award. The individual shall be responsible for the prompt submission of any information required by the commission.

b. File a new application and submit information as required by the commission annually on the basis of which the applicant's eligibility for the renewed loan repayment award will be evaluated and determined.

c. Complete and return, on a form approved by the commission, an affidavit of practice verifying that the applicant is a registered nurse, an advanced registered nurse practitioner, or a physician assistant who is practicing full-time in a service commitment area in this state or is a nurse educator who teaches full-time or part-time in this state. A part-time nurse educator must also practice as a registered nurse or an advanced registered nurse practitioner to qualify for an award under this section. If practice in a service commitment area is required as a condition of receiving ~~loan repayment~~ an award, the affidavit shall specify the service commitment area in which the applicant is practicing full-time.

4. ~~Loan repayment~~ Award amounts. The annual amount of ~~loan repayment~~ an award provided to a recipient under this section shall ~~not exceed~~ is six thousand dollars, ~~or twenty percent of the recipient's total qualified student loan, whichever amount is less.~~ A recipient is eligible for the ~~loan repayment program~~ an award for not more than five consecutive years.

5. ~~Refinanced loans.~~ A loan repayment recipient who refinances a qualified student loan by obtaining a private educational loan may continue to receive loan repayment under this section if the amount of loan repayment does not exceed the lesser of the amount specified in subsection 4 or the balance of the loan repayment amount the loan repayment recipient qualified to receive with the qualified student loan.

6. ~~5.~~ Selection criteria. The commission shall establish by rule the evaluation criteria to be used in evaluating applications submitted under this section. Priority shall be given to applicants who are residents of Iowa and, if requested by the adjutant general, to applicants who are members of the Iowa national guard.

7. ~~6.~~ Health care loan repayment award fund. A health care ~~loan repayment~~ award fund is created for deposit of moneys appropriated to or received by the commission for use under the program. Notwithstanding section 8.33, moneys deposited in the health care ~~loan repayment~~ award fund shall not revert to any fund of the state at the end of any fiscal year but shall remain in the ~~loan repayment~~ award fund and be continuously available for <sup>1</sup> ~~loan repayment~~ under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the health care ~~loan~~ award fund shall be credited to the fund.

8. ~~7.~~ Report. The commission shall submit in a report to the general assembly by January 1, annually, the number of individuals who received ~~loan repayment~~ an award pursuant to this section, where the participants practiced or taught, the amount paid to each program participant, and other information identified by the commission as indicators of outcomes of the program.

9. ~~8.~~ Rules. The commission shall adopt rules pursuant to chapter 17A to administer this section.

#### DIVISION IV PROFESSIONAL LICENSING — MILITARY SPOUSES

Sec. 17. Section 272C.4, subsections 11, 12, and 13, Code 2022, are amended by striking the subsections.

Sec. 18. Section 272C.12, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

Notwithstanding any other provision of law, an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, shall be issued without an examination to a person ~~who establishes residency in this state or to a person who is married to an active duty member of the military forces of the United States and who is accompanying the member on an official permanent change of station to a military installation located in this state if all of the following conditions are met:~~

<sup>1</sup> See chapter 1153, §11 herein

Sec. 19. Section 272C.12, subsection 1, paragraph b, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

b. For a license issued pursuant to chapter 103 or 105, the person has established residency in this state or is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in this state.

Sec. 20. Section 272C.12, subsection 3, paragraph e, Code 2022, is amended to read as follows:

e. A person who is licensed by another issuing jurisdiction and is may be granted a privilege to practice in this state by another provision of law without receiving a license in this state.

Sec. 21. **NEW SECTION. 272C.12A Licensure of military spouses and veterans.**

1. A licensing board, agency, or department shall expedite the application for an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, by a person who is licensed in a profession or occupation with a similar scope of practice in another state and who is married to an active duty member of the military forces of the United States or is a veteran, as defined in section 35.1.

2. a. If the licensing board, agency, or department determines that the applicant does not qualify for licensure pursuant to section 272C.12 because the person is not licensed, certified, or registered in an occupation or profession with a substantially similar scope of practice, the licensing board, agency, or department shall issue a temporary license to the applicant for a period of time deemed necessary by the board, agency, or department for the applicant to complete education or training substantially similar to the education or training required for the issuance of the occupational or professional license, certificate, or registration required of this state.

b. The licensing board, agency, or department shall advise the applicant of the required education or training necessary to obtain a professional license, certificate, or registration in this state.

3. After an applicant submits records of completing the requirements identified in subsection 2, the licensing board, agency, or department shall issue an occupational or professional license, certificate, or registration to the applicant.

4. A licensing board, agency, or department shall adopt rules to provide credit toward qualifications for licensure to practice an occupation or profession in this state for education, training, and service obtained or completed by a person while serving honorably on federal active duty, state active duty, or national guard duty, as defined in section 29A.1, to the extent consistent with the qualifications required by the appropriate licensing board, agency, or department. The rules shall also provide credit toward qualifications for initial licensure for education, training, or service obtained or completed by a person while serving honorably in the military forces of another state or the organized reserves of the armed forces of the United States, to the extent consistent with the qualifications required by the appropriate licensing board, agency, or department.

5. A licensing board, agency, or department shall annually file a report with the governor and the general assembly providing information and statistics on licenses and temporary licenses issued under this section and information and statistics on credit received by individuals for education, training, and service pursuant to subsection 4.

Sec. 22. Section 272C.14, Code 2022, is amended to read as follows:

**272C.14 Waiver of fees.**

1. A licensing board, agency, or department, or the board of educational examiners shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

2. A licensing board, agency, department, or the board of educational examiners shall waive an initial application fee and one renewal fee for an applicant that has been honorably

or generally discharged from federal active duty or national guard duty, as those terms are defined in section 29A.1, that would otherwise be charged within five years of the discharge.<sup>2</sup>

Sec. 23. IMPLEMENTATION. Each board, as defined in section 272.1 or section 272C.1, shall adopt rules pursuant to chapter 17A as necessary to implement the section of this division of this Act amending section 272C.14 by January 11, 2023.<sup>3</sup>

DIVISION V  
FISHING AND HUNTING LICENSES — MILITARY VETERANS

Sec. 24. Section 483A.24, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 20. Upon payment of a fee, not to exceed five dollars, established by rules adopted pursuant to section 483A.1 for an annual armed forces fishing license or annual armed forces hunting and fishing combined license, the department shall issue an annual armed forces fishing license or annual armed forces hunting and fishing combined license to a resident of Iowa who has served in the armed forces of the United States on federal active duty. The department shall prepare an application to be used by a person requesting an annual armed forces fishing license or annual armed forces hunting and fishing combined license under this subsection. The department may consult with the department of veterans affairs when adopting rules to verify the status of applicants under this subsection.

DIVISION VI  
DRIVER'S LICENSE AND PARKING FEES — VETERANS

Sec. 25. Section 321.191, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 10. *Fees waived — veterans.* Notwithstanding the provisions of this section to the contrary, the department shall not charge the following fees for a driver's license to the following applicants:

a. The fees set forth under subsections 2 and 5 to an applicant who is a veteran with a permanent service-connected disability rating of one hundred percent, as certified by the United States department of veterans affairs.

b. The fees set forth under subsections 3 and 4 to an applicant who is on federal active duty or state active duty, as those terms are defined in section 29A.1, or who was issued an honorable discharge or general discharge under honorable conditions from such service.

Sec. 26. Section 364.3, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 17. a. A city that operates and maintains parking meters or non-metered parking lots shall not enforce any ordinance related to fees at such parking meters against, and shall not charge a fee at any non-metered parking lot to, a person whose vehicle is lawfully displaying any of the following registration plates:

(1) Medal of honor special registration plates issued pursuant to section 321.34, subsection 8.

(2) Ex-prisoner of war special registration plates issued pursuant to section 321.34, subsection 8A.

(3) Purple heart special registration plates issued pursuant to section 321.34, subsection 18.

(4) Registration plates displaying the alphabetical characters "DV" preceding the registration plate number pursuant to section 321.166, subsection 6.

b. This subsection shall not be construed to limit a city's authority to enforce other parking-related ordinances, including but not limited to ordinances regulating the length of time parking is allowed, parking along snow and emergency routes, and the hours and locations where parking is prohibited.

<sup>2</sup> See chapter 1149, §24 herein

<sup>3</sup> See chapter 1149, §25 herein

DIVISION VII  
TEMPORARY LICENSES — INSURANCE PRODUCERS

Sec. 27. Section 522B.10, subsection 1, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *e.* To an applicant for a resident insurance producer license who has met all of the requirements under section 522B.5, subsection 1, and who has not been issued a resident insurance producer license within ten business days from the date that the applicant submitted fingerprints and any other required identifying information to the commissioner pursuant to section 522B.5A, subsection 3.

NEW PARAGRAPH. *f.* To an applicant for a nonresident insurance producer license that has met all of the requirements under section 522B.7 and that has not been issued a nonresident insurance producer license within ten business days from that date that the applicant submitted fingerprints and any other required identifying information to the commissioner pursuant to section 522B.5A, subsection 3.

Approved June 16, 2022

**CHAPTER 1135**

CHILD CARE CENTERS — EMPLOYEE MINIMUM AGE, FINGERPRINTING, AND  
SUPERVISION — STAFF-TO-CHILDREN RATIOS

*H.F. 2198*

**AN ACT** relating to child care center minimum age requirements for employees and staff-to-children ratios, and including effective date provisions.

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

Section 1. Section 726.23, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Fingerprints are voluntarily given with the written permission of the child and parent or guardian for the purpose of allowing the child to work as an employee or substitute at a child care center as defined in section 237A.1.

Sec. 2. DEPARTMENT OF HUMAN SERVICES — CHILD CARE PROVIDER MINIMUM AGE REQUIREMENT. The department of human services shall amend its administrative rules pursuant to chapter 17A to provide that employees and substitutes working at a child care center who are sixteen years of age or older may provide child care to school age children without additional supervision. For the purposes of this section, “child care” and “child care center” mean the same as defined in section 237A.1.

Sec. 3. DEPARTMENT OF HUMAN SERVICES — CHILD CARE CENTER STAFF RATIO RULES. The department of human services shall amend its administrative rules pursuant to chapter 17A to provide that child care centers maintain a minimum child-to-staff ratio of one child care worker for every seven children who are two years of age and a minimum child-to-staff ratio of one child care worker for every ten children who are three years of age.

Sec. 4. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this Act relating to child care center staff ratio rules.

Approved June 16, 2022



**CHAPTER 1136****EMPLOYMENT SECURITY BENEFITS***H.F. 2355*

**AN ACT** relating to employment security benefits.

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

Section 1. Section 96.2, Code 2022, is amended to read as follows:

**96.2 Guide for interpretation.**

As a guide to the interpretation and application of this chapter, the public policy of this state is declared to be as follows: ~~Economic insecurity due to unemployment is a serious menace to negatively impacts the health, morals, and welfare of the people of this state Iowa. Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and the worker's family. The achievement of social security requires protection against this greatest hazard of our economic life. This can be provided~~ These undesirable consequences can be reduced by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. ~~The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons. This chapter provides for payment of benefits to workers unemployed through no fault of their own. The policy herein is intended to encourage stabilization in employment, to provide for integrated employment and training services in support of state economic development programs, and to provide meaningful job training and employment opportunities for the unemployed, underemployed, economically disadvantaged, dislocated workers, and others with substantial barriers to employment. To further this public policy, the state, through its department of workforce development, will maintain close coordination among all federal, state, and local agencies whose missions affect the employment or employability of the unemployed and underemployed.~~

Sec. 2. Section 96.3, subsection 5, paragraph a, Code 2022, is amended to read as follows:

*a. Duration of benefits.* The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or ~~twenty-six~~ sixteen times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off" indicator is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to ~~thirty-nine~~ twenty-six times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

Sec. 3. Section 96.3, subsection 7, paragraph b, subparagraph (1), subparagraph division (a), Code 2022, is amended to read as follows:

(a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. The employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers. If the department determines that an employer's failure to respond timely or adequately was due to insufficient notification from the department, the employer's account shall not be charged for the overpayment.

Sec. 4. Section 96.5, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* For the purposes of this subsection, "misconduct" means a deliberate act or omission by an employee that constitutes a material breach of the duties and obligations arising out of the employee's contract of employment. Misconduct is limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Misconduct by an individual includes but is not limited to all of the following:

- (1) Material falsification of the individual's employment application.
- (2) Knowing violation of a reasonable and uniformly enforced rule of an employer.
- (3) Intentional damage of an employer's property.
- (4) Consumption of alcohol, illegal or nonprescribed prescription drugs, or an impairing substance in a manner not directed by the manufacturer, or a combination of such substances, on the employer's premises in violation of the employer's employment policies.
- (5) Reporting to work under the influence of alcohol, illegal or nonprescribed prescription drugs, or an impairing substance in an off-label manner, or a combination of such substances, on the employer's premises in violation of the employer's employment policies, unless the individual is compelled to work by the employer outside of scheduled or on-call working hours.
- (6) Conduct that substantially and unjustifiably endangers the personal safety of coworkers or the general public.
- (7) Incarceration for an act for which one could reasonably expect to be incarcerated that results in missing work.
- (8) Incarceration as a result of a misdemeanor or felony conviction by a court of competent jurisdiction.
- (9) Excessive unexcused tardiness or absenteeism.
- (10) Falsification of any work-related report, task, or job that could expose the employer or coworkers to legal liability or sanction for violation of health or safety laws.
- (11) Failure to maintain any license, registration, or certification that is reasonably required by the employer or by law, or that is a functional requirement to perform the individual's regular job duties, unless the failure is not within the control of the individual.
- (12) Conduct that is libelous or slanderous toward an employer or an employee of the employer if such conduct is not protected under state or federal law.
- (13) Theft of an employer or coworker's funds or property.
- (14) Intentional misrepresentation of time worked or work carried out that results in the individual receiving unearned wages or unearned benefits.

Sec. 5. Section 96.5, subsection 3, paragraph a, subparagraph (1), subparagraph divisions (a), (b), (c), and (d), Code 2022, are amended to read as follows:

(a) One hundred percent, if the work is offered during the first ~~five weeks~~ week of unemployment.

(b) ~~Seventy-five~~ Ninety percent, if the work is offered during the ~~sixth~~ second through the ~~twelfth~~ third week of unemployment.

(c) ~~Seventy~~ Eighty percent, if the work is offered during the ~~thirteenth~~ fourth through the ~~eighteenth~~ fifth week of unemployment.

(d) ~~Sixty-five~~ Seventy percent, if the work is offered ~~after~~ during the ~~eighteenth~~ sixth through the ~~eighth~~ week of unemployment.

Sec. 6. Section 96.5, subsection 3, paragraph a, subparagraph (1), Code 2022, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work is offered after the eighth week of unemployment.

Sec. 7. Section 96.6, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. ~~The decision of the appeal board is final agency action and an appeal of the decision shall be made or~~ directly to the district court.

Sec. 8. Section 96.40, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *l.* The reduction in work hours for employees was not based on a work week exceeding forty hours.

Sec. 9. Section 96.40, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. Approval of a shared work plan shall be revoked if the employer lays off any employee, whether the employee is employed within an affected unit or not, while participating in the shared work unemployment compensation program.

NEW SUBSECTION. 12. A part-time employee shall be eligible for shared work unemployment compensation program benefits, provided that the employee meets all other requirements in this section.

Approved June 16, 2022

## CHAPTER 1137

### FISHING AND HUNTING LICENSES AND PERMITS

S.F. 581

**AN ACT** relating to fishing and hunting licenses and permits.

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

Section 1. Section 481A.130, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0h.* For each antlerless deer, seven hundred fifty dollars.

Sec. 2. Section 481A.130, subsection 1, paragraph h, Code 2022, is amended to read as follows:

*h.* For each deer, ~~except as provided in paragraph “g”,~~ and for each swan or crane, one thousand five hundred dollars.

Sec. 3. Section 481C.2A, subsection 5, Code 2022, is amended to read as follows:

5. The department shall administer and enforce the administrative rules concerning deer depredation, including issuance of deer depredation licenses and deer shooting permits, that are established by the commission and subject to the following conditions:

*a.* Except for a free license issued under subsection 1, paragraph “b”, the department shall require a fee of five dollars for a license or permit issued pursuant to this section.

*b.* In addition to other times the department finds necessary, the department shall allow licenses and permits issued pursuant to this section to be used in the months of September, October, November, and December.

Sec. 4. Section 483A.8, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 9. There shall be a January antlerless deer only hunting season in a county whenever that county has unsold antlerless deer licenses available in its county quota as set by the commission by rule. The commission shall establish the season dates. Licenses shall be available for sale beginning the day after the close of the late muzzleloader season until either the county quota allotment has been sold or until the end of the season, whichever occurs first. A January antlerless deer only license issued under this subsection is valid only in the county identified on the license. A rifle with a barrel length of at least sixteen inches and firing centerfire ammunition propelling an expanding-type bullet with a maximum diameter of no less than two hundred twenty-three thousandths of one inch and no larger than five hundred thousandths of one inch and with a published or calculated muzzle energy of five hundred foot pounds or higher is the approved method of take for this season.

Sec. 5. Section 483A.24, subsection 3, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The director shall provide up to ~~seventy-five~~ one hundred twenty-five nonresident deer hunting licenses for allocation as provided in this subsection.

Sec. 6. Section 483A.24, subsection 3, paragraph b, Code 2022, is amended to read as follows:

*b.* ~~Twenty-five~~ Seventy-five of the nonresident deer hunting licenses shall be allocated as provided in subsection 5.

Sec. 7. Section 483A.24, subsection 5, unnumbered paragraph 1, Code 2022, is amended to read as follows:

~~Twenty-five~~ Seventy-five of the nonresident deer hunting licenses ~~and wild turkey hunting licenses allocated under subsections 3 and 4~~ subsection 3 and twenty-five of the wild turkey hunting licenses allocated under subsection 4 shall be available for issuance to nonresidents who have served in the armed forces of the United States on active federal service and who were disabled during the veteran’s military service or who are serving in the armed forces of the United States on active federal service and have been disabled during military service to enable the disabled person to participate in a hunt that is conducted by an organization that conducts hunting experiences in this state for disabled persons. The licenses shall be issued as follows:

Sec. 8. Section 483A.24, subsection 19, Code 2022, is amended to read as follows:

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 or to a person who qualifies for the disabled veteran homestead credit under section 425.15. The department shall prepare an application to be used by a person requesting a lifetime trout fishing license under this subsection.

Sec. 9. Section 483A.8C, subsection 1, Code 2022, is amended to read as follows:

1. A nonambulatory person who is a resident may be issued one any sex deer hunting license to hunt deer with a shotgun, muzzleloading rifle, or any handgun or rifle described in section 481A.48 during any established deer hunting season ~~using the method of take authorized by rule for each season being hunted~~. If the tag is filled during one of the seasons, the license will not be valid in subsequent seasons. A person who applies for a license pursuant to this section shall complete a form, as required by rule, that is signed by a physician who verifies that the person is nonambulatory.

Sec. 10. DEER POPULATION STUDY. The department of natural resources shall conduct a study to determine the estimated deer population in each county in this state, which shall include historical population numbers and population trends and be supported by historical records dating back to 1970 if such data is available, and prepare a report. The department shall review and provide scientific data relating to the environmental impact of deer populations, including the impact to crops and nut, fruit, Christmas, and lumber trees. The department shall also review the spread of disease in deer and other cervidae wildlife populations. Additionally, the report shall include information on property loss, medical costs, and fatalities due to deer-vehicle accidents and incidents of airport runway incursions by deer. In conducting the study, the department shall work with relevant representatives from the Iowa state university of science and technology agricultural extension service, the department of transportation, and the insurance division of the department of commerce. Expenses for conducting the study shall be paid from the fish and wildlife protection fund established in section 456A.17 and such payments are considered a proper use of the funds for purposes of section 456A.27 and Article VII, section 9, of the Constitution of the State of Iowa. The department shall submit the report summarizing the results of the study to the general assembly by October 1, 2024, and every three years thereafter.

Approved June 17, 2022

## CHAPTER 1138

### SALES, USE, EXCISE, MOTOR FUEL, AND FRANCHISE TAXES — TAX PERMITS — SOLAR ENERGY SYSTEM TAX CREDITS — INCOME TAX DEDUCTIONS FOR CERTAIN PREMIUM PAY AND BONUSES

*S.F. 2367*

**AN ACT** relating to state taxation by specifying when returns are due, striking sales tax exemptions and exempting other products, and modifying distributions of revenue to local governments and school districts, the liability of sellers, the franchise tax, motor fuel tax reporting, tax refunds and credits, and the individual state income tax, and providing penalties, and including effective date, applicability, and retroactive applicability provisions.

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

#### DIVISION I SALES, USE, AND EXCISE TAX — RETURNS DUE

Section 1. Section 9C.3, subsection 3, Code 2022, is amended to read as follows:

3. The application shall state whether or not the applicant has an Iowa retailers sales or use tax permit and if the applicant has such permit, shall state the number of such permit.

Sec. 2. Section 9C.5, Code 2022, is amended to read as follows:

**9C.5 Issuance of license.**

Upon receiving an application for a transient merchant's license, the secretary of state shall investigate or cause to be investigated, the reputation and character of the applicant. If, upon making such investigation, the secretary of state is satisfied that the statements and representations contained in the application are true, and that the applicant is of good reputation and character, and the holder of an Iowa retailer's sales or use tax permit, and if a foreign corporation, has authority to do business in the state of Iowa, the secretary shall issue to the applicant a license as a transient merchant upon payment of the fee as herein prescribed for the period of time requested in said application and for use at the location and place where it is stated in said application the sale will be held or the business conducted, both of which shall be set out in said license. Such license shall be valid only for the period of time and at the location and place described therein.

Sec. 3. Section 99G.30A, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. Frequency of deposits and ~~quarterly~~ monthly reports of the monitor vending machine excise tax with the department of revenue are governed by the tax provisions in section 423.31. Monitor vending machine excise tax collections shall not be included in computation of the total tax to determine frequency of filing under section 423.31.

Sec. 4. Section 321.105A, subsection 4, paragraph b, Code 2022, is amended to read as follows:

b. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 2, and sections 423.23, 423.24, 423.25, ~~423.32~~, 423.33, 423.35, 423.37 through 423.42, 423.45, and 423.47, consistent with the provisions of this section, apply with respect to the fees for new registration authorized under this section in the same manner and with the same effect as if the fees for new registration were retail use taxes within the meaning of those statutes.

Sec. 5. Section 421.26, Code 2022, is amended to read as follows:

**421.26 Personal liability for tax due.**

If a licensee or other person under section 452A.65, a retailer or purchaser under chapter 423A, 423B, 423C, 423D, or 423E, or section 423.14, 423.14A, 423.29, 423.31, ~~423.32~~, or 423.33, or a user under section 423.34, or a permit holder or licensee under section 453A.13, 453A.16, or 453A.44 fails to pay a tax under those sections when due, an officer of a corporation or association, notwithstanding section 489.304, a member or manager of a limited liability company, or a partner of a partnership, having control or supervision of or the authority for remitting the tax payments and having a substantial legal or equitable interest in the ownership of the corporation, association, limited liability company, or partnership, who has intentionally failed to pay the tax is personally liable for the payment of the tax, interest, and penalty due and unpaid. However, this section shall not apply to taxes on accounts receivable. The dissolution of a corporation, association, limited liability company, or partnership shall not discharge a person's liability for failure to remit the tax due.

Sec. 6. Section 423.2, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. Sales of building materials, supplies, and equipment to owners, contractors, subcontractors, or builders for the erection of buildings or the alteration, repair, or improvement of real property are retail sales of tangible personal property in whatever quantity sold. Where the owner, contractor, subcontractor, or builder is also a retailer holding a ~~retail sales or use tax~~ permit and transacting retail sales of building materials, supplies, and equipment, the person shall purchase such items of tangible personal property without liability for the tax if such property will be subject to the tax at the time of resale or at the time it is withdrawn from inventory for construction purposes. The sales tax shall be due in the reporting period when the materials, supplies, and equipment are withdrawn from inventory for construction purposes or when sold at retail. The tax shall not be due when materials are withdrawn from inventory for use in construction outside of Iowa and the tax shall not apply to tangible personal property purchased and consumed by the manufacturer as building materials in the performance by the manufacturer or its

subcontractor of construction outside of Iowa. The sale of carpeting is not a sale of building materials. The sale of carpeting to owners, contractors, subcontractors, or builders shall be treated as the sale of ordinary tangible personal property and subject to the tax imposed under this subsection and the use tax.

Sec. 7. Section 423.3, subsection 39, paragraph a, subparagraph (2), Code 2022, is amended to read as follows:

(2) The sale of all or substantially all of the tangible personal property, or specified digital products, or services held or used by a seller in the course of the seller's trade or business for which the seller is required to hold a sales or use tax permit when the seller sells or otherwise transfers the trade or business to another person who shall engage in a similar trade or business.

Sec. 8. Section 423.3, subsection 80, paragraph d, Code 2022, is amended to read as follows:

d. Subject to the limitations in paragraph "c", where the owner, contractor, subcontractor, or builder is also a retailer holding a retail sales or use tax permit and transacting retail sales of building materials, supplies, and equipment, the tax shall not be due when materials are withdrawn from inventory for use in construction performed for a designated exempt entity if an exemption certificate is received from such entity.

Sec. 9. Section 423.3, subsection 104, paragraph b, subparagraph (1), Code 2022, is amended to read as follows:

(1) "*Commercial enterprise*" means the same as defined in section 423.3, subsection 47, paragraph "d", subparagraph (1), but also includes professions and occupations, and includes public utilities as defined in section 476.1, subsection 3.

Sec. 10. Section 423.5, subsection 2, Code 2022, is amended to read as follows:

2. The excise tax is imposed upon every person using the property within this state until the tax has been paid directly to the county treasurer, the state department of transportation, a retailer, or the department. This tax is imposed on every person using the services or the product of the services in this state until the user has paid the tax either to an Iowa sales or use tax permit holder or to the department.

Sec. 11. Section 423.14, subsection 2, paragraph b, Code 2022, 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, 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~~ 423.31, and 423.33.

Sec. 12. Section 423.14A, subsection 3, paragraph c, subparagraph (2), Code 2022, is amended to read as follows:

(2) A marketplace facilitator shall collect sales and use tax on the entire sales price or purchase price paid by a purchaser on each Iowa sale subject to sales and use tax that is made or facilitated by the marketplace facilitator, regardless of whether the marketplace seller for whom an Iowa sale is made or facilitated has or is required to have a ~~retail~~ sales or use tax permit or would have been required to collect sales and use tax had the sale not been facilitated by the marketplace facilitator, and regardless of the amount of the sales price or purchase price that will ultimately accrue to or benefit the marketplace facilitator, the marketplace seller, or any other person. This sales and use tax collection responsibility of a marketplace facilitator applies but shall not be limited to sales facilitated through a computer software application, commonly referred to as in-app purchases, or through another specified digital product.

Sec. 13. Section 423.31, subsections 1, 3, 5, and 6, Code 2022, are amended to read as follows:

1. a. Except as provided in paragraph “b”, each person subject to this section and section 423.36 and in accordance with the provisions of this section and section 423.36 shall, on or before the last day of the month following the close of each calendar quarter month during which such person is or has become or ceased being subject to the provisions of this section and section 423.36, make, sign, and file electronically a return for the calendar quarter month in the form as may be required. Returns shall show information relating to sales prices including tangible personal property, specified digital products, and services converted to the use of such person, the amounts of sales prices excluded and exempt from the tax, the amounts of sales prices subject to tax, a calculation of tax due, and any other information for the period covered by the return as may be required. Returns shall be signed by the retailer or the retailer’s authorized agent and must be certified by the retailer to be correct in accordance with forms and rules prescribed by the director. A person required to file a sales or use tax return who is unable to do so may request permission from the director to file a return by another method.

b. Notwithstanding paragraph “a”, each person subject to this section who collects and remits less than one thousand two hundred dollars in sales or use tax to the department per calendar year may file a return on or before the last day of the month following the close of the calendar year.

~~3. The sales tax forms prescribed by the director shall be referred to as “retailers tax deposit”. Deposit forms shall be signed by the retailer or the retailer’s duly authorized agent, and shall be duly certified by the retailer or agent to be correct. The director may authorize incorporated banks and trust companies or other depositories authorized by law which are depositories or financial agents of the United States, or of this state, to receive any sales or use tax imposed under this chapter, in the manner, at the times, and under the conditions the director prescribes. The director shall prescribe the manner, times, and conditions under which the receipt of the tax by those depositories is to be treated as payment of the tax to the department.~~

5. a. Upon making application and receiving approval from the director, a person and its affiliates that make retail sales of tangible personal property, specified digital products, or taxable enumerated services may make deposits and file a consolidated sales or use tax return for the affiliated group, pursuant to rules adopted by the director. A person and each affiliate that files a consolidated return are jointly and severally liable for all tax, penalty, and interest found due for the tax period for which a consolidated return is filed or required to be filed.

b. A business required to file a consolidated sales or use tax return shall file a form entitled “schedule of consolidated business locations” with its quarterly sales or use tax return that shows the taxpayer’s consolidated permit number, the permit number for each Iowa business location, the state sales tax amount by business location, and the amount of state sales tax due on goods consumed that are not assigned to a specific business location. Consolidated quarterly sales or use tax returns that are not accompanied by the schedule of consolidated business locations form are considered incomplete and are subject to penalty under section 421.27.

~~6. If necessary or advisable in order to insure ensure the payment of the tax, the director may require returns and payment of the tax to be made for other than quarterly monthly periods, the provisions of this section or other provision to the contrary notwithstanding.~~

Sec. 14. Section 423.31, subsection 2, Code 2022, is amended by striking the subsection.

Sec. 15. Section 423.33, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. If a purchaser fails to pay sales tax to the retailer required to collect the tax, then in addition to all of the rights, obligations, and remedies provided, a use tax is payable by the purchaser directly to the department, and sections 423.31, ~~423.32~~, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 apply to the purchaser.



Sec. 16. Section 423.33, subsection 3, Code 2022, is amended to read as follows:

3. *Event sponsor's liability for sales tax.* A person sponsoring a flea market or a craft, antique, coin, or stamp show or similar event shall obtain from every retailer selling tangible personal property, specified digital products, or taxable services at the event proof that the retailer possesses a valid sales or use tax permit or secure from the retailer a statement, taken in good faith, that tangible personal property, specified digital products, or services offered for sale are not subject to sales tax. Failure to do so renders a sponsor of the event liable for payment of any sales tax, interest, and penalty due and owing from any retailer selling property or services at the event. Sections 423.31, ~~423.32~~, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 apply to the sponsors. For purposes of this subsection, a "person sponsoring a flea market or a craft, antique, coin, or stamp show or similar event" does not include a marketplace facilitator as defined in section 423.14A, subsection 1, an organization which sponsors an event determined to qualify as an event involving casual sales pursuant to section 423.3, subsection 39, or the state fair or a fair as defined in section 174.1.

Sec. 17. Section 423.34, Code 2022, is amended to read as follows:

**423.34 Liability of user.**

Any person who uses any tangible personal property, specified digital products, or services enumerated in section 423.2 upon which the use tax has not been paid, either to the county treasurer or to a retailer or direct to the department as required by this subchapter, shall be liable for the payment of tax, and shall on or before the last day of the month next succeeding each ~~quarterly~~ monthly period pay the use tax upon all tangible personal property, specified digital products, or services used by the person during the preceding ~~quarterly~~ monthly period in the manner and accompanied by such returns as the director shall prescribe. All of the provisions of sections ~~423.32~~ 423.31 and 423.33 with reference to the returns and payments shall be applicable to the returns and payments required by this section.

Sec. 18. Section 423.36, subsection 4, paragraph b, Code 2022, is amended to read as follows:

b. If an applicant is making sales outside Iowa for use in this state or furnishing services outside Iowa, the product or result of which will be used in this state, that applicant shall be issued one sales or use tax permit by the department applicable to these out-of-state sales or services.

Sec. 19. Section 423.36, subsection 4, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. If an applicant is required to collect sales or use tax and is not included in the definition of a retailer maintaining a place of business in this state in section 423.1, subsection 48, paragraph "a", subparagraph (1), the applicant shall be issued one sales or use tax permit by the department regardless of the number of locations from which sales are made.

Sec. 20. Section 423.36, subsections 7 and 8, Code 2022, are amended to read as follows:

7. a. Sellers who are not regularly engaged in selling at retail and do not have a permanent place of business, but who are temporarily engaged in selling from trucks, portable roadside stands, concessionaires at state, county, district, or local fairs, carnivals, or the like, shall report and remit the sales tax on a temporary seasonal basis, under rules the director shall provide for the efficient collection of the sales tax. This subsection applies to sellers who are temporarily engaged in furnishing services.

b. Persons engaged in selling tangible personal property, specified digital products, or furnishing services shall not be required to obtain or retain a sales or use tax permit for a place of business at which taxable sales of tangible personal property, specified digital products, or taxable performance of services will not occur.

8. The provisions of subsection 1, dealing with the lawful right of a retailer to transact business, as applicable, apply to persons having receipts from furnishing services enumerated in section 423.2, except that a person holding a permit pursuant to subsection 1 shall not be required to obtain any separate sales or use tax permit for the purpose of engaging in business involving the services.

Sec. 21. Section 423.40, subsections 1, 2, 3, and 5, Code 2022, are amended to read as follows:

1. In addition to the sales or use tax or additional sales or use tax, the taxpayer shall pay a penalty as provided in section 421.27. The taxpayer shall also pay interest on the sales or use tax or additional sales or use tax at the rate in effect under section 421.7 for each month counting each fraction of a month as an entire month, computed from the date the ~~semimonthly or monthly tax deposit form~~ or return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this subchapter. Unpaid penalties and interest may be enforced in the same manner as the taxes imposed by this chapter.

2. a. Any person who knowingly sells tangible personal property, specified digital products, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, or communication service at retail, or engages in the furnishing of services enumerated in section 423.2, in this state without procuring a permit to collect tax, as provided in section 423.36, or who violates section 423.24 and the officers of any corporation who so act are guilty of a serious misdemeanor.

b. A person who knowingly sells tangible personal property, specified digital products, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, or communication service at retail, or engages in the furnishing of services enumerated in section 423.2, in this state after the person's sales or use tax permit has been revoked and before it has been restored as provided in section 423.36, subsection 6, and the officers of any corporation who so act are guilty of an aggravated misdemeanor.

3. A person who willfully attempts in any manner to evade any tax imposed by this chapter or the payment of the tax or a person who makes or causes to be made a false or fraudulent ~~semimonthly or monthly tax deposit form~~ or return with intent to evade any tax imposed by subchapter II or III or the payment of the tax is guilty of a class "D" felony.

5. A person required to pay sales or use tax, or to make, sign, or file a ~~tax deposit form~~ or return or supplemental return, who willfully makes a false or fraudulent ~~tax deposit form~~ or return, or willfully fails to pay at least ninety percent of the tax or willfully fails to make, sign, or file the ~~tax deposit form~~ or return, at the time required by law, is guilty of a fraudulent practice.

Sec. 22. Section 423.45, subsection 4, paragraph b, Code 2022, is amended to read as follows:

b. The sales tax liability for all sales of tangible personal property and specified digital products and all sales of services is upon the seller and the purchaser unless the seller takes from the purchaser a valid exemption certificate stating under penalty of perjury that the purchase is for a nontaxable purpose and is not a retail sale as defined in section 423.1, or the seller is not obligated to collect tax due, or unless the seller takes a fuel exemption certificate pursuant to subsection 5. If the tangible personal property, specified digital products, or services are purchased tax free pursuant to a valid exemption certificate and the tangible personal property, specified digital products, or services are used or disposed of by the purchaser in a nonexempt manner, the purchaser is solely liable for the taxes and shall remit the taxes directly to the department and sections 423.31, ~~423.32~~, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 shall apply to the purchaser.

Sec. 23. Section 423.45, subsection 5, paragraph c, Code 2022, is amended to read as follows:

c. The seller may accept a completed fuel exemption certificate, as prepared by the purchaser, for three years unless the purchaser files a new completed exemption certificate. If the fuel is purchased tax free pursuant to a fuel exemption certificate which is taken by the seller, and the fuel is used or disposed of by the purchaser in a nonexempt manner, the purchaser is solely liable for the taxes, and shall remit the taxes directly to the department and sections 423.31, ~~423.32~~, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 shall apply to the purchaser.

Sec. 24. Section 423.50, subsection 1, Code 2022, is amended to read as follows:

1. Only one remittance of tax per return is required ~~except as provided in this subsection. Sellers that collect more than thirty thousand dollars in sales and use taxes for this state during the preceding calendar year shall be required to make additional remittances as required under rules adopted by the director. The filing of a return is not required with an additional remittance.~~

Sec. 25. Section 423.57, Code 2022, is amended to read as follows:

**423.57 Statutes applicable.**

The director shall administer this subchapter as it relates to the taxes imposed in this chapter in the same manner and subject to all the provisions of, and all of the powers, duties, authority, and restrictions contained in sections 423.14, 423.14A, 423.14B, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21, 423.22, 423.23, 423.24, 423.25, 423.29, 423.31, ~~423.32~~, 423.33, 423.34, 423.34A, 423.35, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42, section 423.43, subsection 1, and sections 423.45, 423.46, and 423.47.

Sec. 26. Section 423.58, Code 2022, is amended to read as follows:

**423.58 Collection, permit, and tax return exemption for certain out-of-state businesses.**

Notwithstanding sections 423.14, 423.14A, 423.14B, 423.29, 423.31, ~~423.32~~, and 423.36, a person meeting the requirements of section 29C.24 is not required to obtain a sales or use tax permit, collect and remit sales and use tax, or make and file applicable sales or use tax returns, as provided in section 29C.24, subsection 3, paragraph "a", subparagraph (2).

Sec. 27. Section 423A.6, subsection 4, Code 2022, is amended to read as follows:

4. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31, 423.33, 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the taxes authorized under this chapter, in the same manner and with the same effect as if the state and local hotel and motel taxes were retail sales taxes within the meaning of those statutes. Notwithstanding this subsection, the director shall provide for ~~quarterly~~ monthly filing of returns and for other than ~~quarterly~~ monthly filing of returns both as prescribed in section 423.31. The director may require all persons who are engaged in the business of deriving any sales price subject to tax under this chapter to register with the department. All taxes collected under this chapter by a retailer, lodging provider, lodging facilitator, lodging platform, or any other person are deemed to be held in trust for the state of Iowa and the local jurisdictions imposing the taxes.

Sec. 28. Section 423B.5, subsection 3, Code 2022, is amended to read as follows:

3. A tax permit other than the state sales or use tax permit required under section 423.36 shall not be required by local authorities.

Sec. 29. Section 423B.6, subsection 2, paragraph c, Code 2022, is amended to read as follows:

c. Frequency of deposits and ~~quarterly~~ monthly reports of a local sales and services tax with the department of revenue are governed by the tax provisions in section 423.31. Local tax collections shall not be included in computation of the total tax to determine frequency of filing under section 423.31.

Sec. 30. Section 423C.4, Code 2022, is amended to read as follows:

**423C.4 Administration and enforcement.**

All powers and requirements of the director of revenue to administer the state sales tax law under chapter 423 are applicable to the administration of the tax imposed under section 423C.3, including but not limited to section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 through 422.75, section 423.14, subsection 1, and sections 423.15, 423.23, 423.24, 423.25, 423.31, 423.33, 423.35 and 423.37 through 423.42, 423.45, 423.46, and 423.47. However, as an exception to the powers specified in section 423.31, the director shall only require the filing of ~~quarterly~~ monthly reports.

Sec. 31. Section 423D.4, subsection 3, Code 2022, is amended to read as follows:

3. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31 through 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the tax authorized under this chapter, in the same manner and with the same effect as if the excise taxes on equipment sales or use were retail sales taxes within the meaning of those statutes. Notwithstanding this subsection, the director shall provide for ~~quarterly~~ monthly filing of returns and for other than ~~quarterly~~ monthly filing of returns both as prescribed in section 423.31. All taxes collected under this chapter by a retailer or any user are deemed to be held in trust for the state of Iowa.

Sec. 32. Section 423G.5, subsection 3, Code 2022, is amended to read as follows:

3. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31 through 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, shall apply with respect to the tax authorized under this chapter, in the same manner and with the same effect as if the excise taxes on the sale or furnishing of a water service were retail sales taxes within the meaning of those statutes. Notwithstanding this subsection, the director shall provide for ~~quarterly~~ monthly filing of returns and for other than ~~quarterly~~ monthly filing of returns both as prescribed in section 423.31. All taxes collected under this chapter by a retailer or any user are deemed to be held in trust for the state of Iowa.

Sec. 33. Section 728.1, subsection 6, Code 2022, is amended to read as follows:

6. “*Place of business*” means the premises of a business required to obtain a sales or use tax permit pursuant to chapter 423, the premises of a nonprofit or not-for-profit organization, and the premises of an establishment which is open to the public at large or where entrance is limited by a cover charge or membership requirement.

Sec. 34. Section 728.5, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

An owner, manager, or person who exercises direct control over a place of business required to obtain a sales or use tax permit shall be guilty of a serious misdemeanor under any of the following circumstances:

Sec. 35. REPEAL. Section 423.32, Code 2022, is repealed.

Sec. 36. TEMPORARY PENALTY AND INTEREST GRACE PERIOD. A taxpayer shall file a return and pay tax pursuant to section 423.31, subsection 1, as amended by this division of this Act. However, if a taxpayer is unable to file a return or pay tax in accordance with the changes to section 423.31, subsection 1, as amended by this division of this Act, by July 1, 2022, the taxpayer shall file returns and pay tax for tax periods ending on or before September 30, 2022, according to the taxpayer’s registration as of June 30, 2022, and such a taxpayer shall not incur a penalty for doing so. Interest on unpaid payments for such taxpayers unable to file a return or pay a tax in accordance with the changes to section 423.31, subsection 1, as amended by this division of this Act, shall be suspended until October 1, 2022.

Sec. 37. AUTHORITY TO MODIFY PERMITS. Notwithstanding any provision of law to the contrary, the department of revenue shall have authority to convert, renumber, or combine existing sales tax, retailer’s use tax, and consumer’s use tax permits for taxpayers holding multiple tax permits in accordance with section 423.31, subsection 1, as amended by this division of this Act.

Sec. 38. IMPLEMENTATION — EMERGENCY RULES. The department of revenue may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules

adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 39. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act enacting emergency rules relating to the implementation of this division of this Act.

Sec. 40. EFFECTIVE DATE. The following takes effect January 1, 2023:

The section of this division of this Act amending section 423.3, subsection 104, paragraph “b”, subparagraph (1).

## DIVISION II SALES AND USE TAX EXEMPTIONS

Sec. 41. Section 423.3, subsection 47, paragraph a, subparagraph (4), Code 2022, is amended by striking the subparagraph.

Sec. 42. Section 423.3, subsection 68, paragraph c, subparagraph (1), subparagraph division (a), Code 2022, is amended to read as follows:

(a) “*Clothing*” includes but is not limited to the following: aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; ~~diapers (children and adults, including disposable diapers)~~; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoelaces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel.

Sec. 43. Section 423.3, Code 2022, is amended by adding the following new subsections:  
NEW SUBSECTION. 108. The sales price from the sale of feminine hygiene products. For purposes of this subsection, “*feminine hygiene products*” means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle.

NEW SUBSECTION. 109. The sales price from the sale of a child or adult diaper, whether cloth or disposable.

Sec. 44. EFFECTIVE DATE. Except as otherwise provided, this division of this Act takes effect January 1, 2023.

Sec. 45. EFFECTIVE DATE. The following takes effect January 1, 2024:

The section of this division of this Act amending section 423.3, subsection 47, paragraph “a”, subparagraph (4).

## DIVISION III DISTRIBUTIONS OF REVENUE TO LOCAL GOVERNMENTS AND SCHOOL DISTRICTS

Sec. 46. Section 423B.7, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. The director of revenue by ~~August 15 of each fiscal year~~ the last day of each month shall ~~send~~ transfer to each city or county where the local option tax is imposed, ~~an estimate of the amount of tax moneys remitted to the department attributable to each city or county will receive for the year and for each month of the year from the preceding month. At the end of each month, the director may revise the estimates for the year and remaining months.~~

Sec. 47. Section 423B.7, subsection 2, paragraphs b and c, Code 2022, are amended by striking the paragraphs.

Sec. 48. Section 423F.2, subsection 4, paragraph a, Code 2022, is amended to read as follows:

a. The director of revenue by ~~August 15 of each fiscal year~~ the last day of each month shall ~~send transfer~~ send transfer to each school district ~~an estimate of the amount of tax moneys remitted to the department attributable to each school district will receive for the year and for each month of the year from the preceding month. At the end of each month, the director may revise the estimates for the year and remaining months.~~

Sec. 49. Section 423F.2, subsection 4, paragraph b, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

b. On or before August 15 of each fiscal year the director of revenue shall provide to each school district an estimate of the amount of tax moneys to be distributed to each school district for the current fiscal year.

Sec. 50. Section 423F.2, subsection 4, paragraph c, Code 2022, is amended by striking the paragraph.

Sec. 51. TRANSITION PROVISION FOR LOCAL OPTION SALES TAX AND SECURING AN ADVANCED VISION FOR EDUCATION — TRANSFER AMOUNTS. Notwithstanding any other provision of law to the contrary, the department of revenue shall estimate monthly local option sales tax and securing an advanced vision for education transfer amounts through the end of the 2022 calendar year. The department of revenue shall transfer estimated amounts to each local government or school district for the months of July, August, and September 2022. Beginning with the October 2022 transfer, the department shall not use estimated amounts and shall transfer the amount of tax attributable to each local government or school district for the tax remitted in September 2022. Any adjustment amount that is necessary to the July, August, or September 2022 estimated transfer amount to reflect the accurate attributable amount shall be made by the department of revenue or the local government or school district by the close of business on December 30, 2022.

#### DIVISION IV

#### LIABILITY OF SELLERS USING CERTIFIED SERVICE PROVIDER

Sec. 52. Section 423.48, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. A model 1 seller's obligation to calculate, collect, and remit sales and use taxes shall be performed by its certified service provider, except for the seller's obligation to remit tax on its own purchases. As the seller's agent, the certified service provider is liable for its model 1 seller's sales and use tax due Iowa on all sales transactions it processes for the seller except as set out in this section. A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless ~~the seller misrepresents the types of items or services it sells or commits fraud~~ certified service provider establishes that the certified service provider is not liable in accordance with the agreement. In the absence of ~~probable cause to believe that the seller has committed fraud or made a material misrepresentation~~ liability relief established by the certified service provider, the seller is not subject to audit on the transactions processed by the certified service provider. A model 1 seller is subject to audit for transactions not processed by the certified service provider. The director is authorized to perform a system check of the model 1 seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and the extent to which the seller's transactions are being processed by the certified service provider.

DIVISION V  
AUTHORITY TO CANCEL VARIOUS PERMITS ISSUED BY THE DEPARTMENT

Sec. 53. Section 421.17, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 37. Notwithstanding any other provision of law to the contrary, to cancel the following permits upon verification by the department of revenue the permits are no longer in use: income tax withholding, sales or use tax, or motor fuel tax.

DIVISION VI  
ECONOMIC DEVELOPMENT AUTHORITY SALES AND USE TAX REFUND INCENTIVES

Sec. 54. Section 15.331A, subsection 2, Code 2022, is amended to read as follows:

2. To receive the refund, a claim shall be filed by the eligible business with the department of revenue 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 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 contract 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 contract 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 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. The application must be made within one year after the project completion date. 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.

c. The eligible business shall inform the department of revenue in writing after project contract 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. 55. Section 15.331A, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. For purposes of this section, "*contract completion*" means the date of completion of a written contract relating to the construction or equipping of the facility that is part of the project of the eligible business.

Sec. 56. Section 15.331C, subsections 1 and 2, Code 2022, are amended to read as follows:

1. ~~An~~ In lieu of the sales and use tax refund provided in section 15.331A, an eligible business may claim a 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. The eligible business shall make application to the department of revenue in the manner and form prescribed by the department of revenue, and within the time for

applying for a sales and use tax refund under section 15.331A. After timely receiving the form from the third-party developer and application from the eligible business, the department of revenue shall audit the claim and, if approved, 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 paid and 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 under this section 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 refund or 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. 57. Section 15.355, subsection 2, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. A housing business may claim a refund of the sales and use taxes paid under chapter 423 prior to the completion of the housing project that are directly related to a housing project and specified in the agreement.

b. To receive a refund, a claim shall be filed by the housing business with the department of revenue as follows:

(1) The contractor or subcontractor shall state under oath, on forms provided by the department of revenue, the amount of sales and use taxes paid under chapter 423 prior to the completion of the housing project that are directly related to a housing project and specified in the agreement.

(2) The contractor or subcontractor shall file the forms with the housing business before final settlement is made.

(3) (a) The housing business shall, after the agreement completion date, make application to the department of revenue for any refund of the amount of sales and use taxes paid under chapter 423 prior to the completion of the housing project that were directly related to a housing project and specified in the agreement. The application shall be made in the manner and upon forms to be provided by the department of revenue. The department of revenue shall audit the claim and, if approved, issue a warrant to the housing business. The application must be made within one year after the agreement completion date. A claim filed by the housing business in accordance with this subsection shall not be denied by reason of a limitation provision set forth in chapter 421 or 423.

(b) For purposes of this subparagraph, "agreement completion date" means the date on which the authority notifies the department of revenue that all applicable requirements of 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 adopt pursuant to section 15.356, are satisfied.

c. A contractor or subcontractor who willfully makes a false claim under oath in violation of the provisions of this subsection shall be guilty of a simple misdemeanor and in addition to any other penalty, the contractor or subcontractor shall be liable for the payment of the tax and any applicable penalty and interest.



Sec. 58. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 59. APPLICABILITY. This division of this Act applies to claims for refunds filed on or after the effective date of this division of this Act.

#### DIVISION VII FRANCHISE TAX

Sec. 60. Section 422.63, Code 2022, is amended to read as follows:

**422.63 Amount of tax.**

1. The franchise tax is imposed annually in an amount equal to five the percent specified in subsection 2 of the net income received or accrued during the taxable year. If the net income of the financial institution is derived from its business carried on entirely within the state, the tax shall be imposed on the entire net income, but if the business is carried on partly within and partly without the state, the portion of net income reasonably attributable to the business within the state shall be specifically allocated or equitably apportioned within and without the state under rules of the director.

2. a. For tax years beginning prior to January 1, 2023, five percent.

b. For tax years beginning on or after January 1, 2023, but before January 1, 2024, four and seven-tenths percent.

c. For tax years beginning on or after January 1, 2024, but before January 1, 2025, four and four-tenths percent.

d. For tax years beginning on or after January 1, 2025, but before January 1, 2026, four and one-tenth percent.

e. For tax years beginning on or after January 1, 2026, but before January 1, 2027, three and eight-tenths percent.

f. For tax years beginning on or after January 1, 2027, three and one-half percent.

#### DIVISION VIII MANUFACTURED FOOD — SALES TAX EXEMPTION

Sec. 61. Section 423.3, subsection 49, Code 2022, is amended to read as follows:

49. a. The sales price from the sale of carbon dioxide in a liquid, solid, or gaseous form, electricity, steam, and other taxable services and the lease or rental of tangible personal property when used by a manufacturer of food products to primarily produce marketable food products for human consumption food or food ingredients, including but not limited to treatment of material to change its form, context, or condition, in order to produce the food product or food ingredients, maintenance of quality or integrity of the food product or food ingredients, changing or maintenance of temperature levels necessary to avoid spoilage or to hold the food product or food ingredients in marketable condition, maintenance of environmental conditions necessary for the safe or efficient use of machinery and material used to produce the food product or food ingredients, sanitation and quality control activities, formation of packaging, placement into shipping containers, and movement of the material or food product or food ingredients until shipment from the building of manufacture.

b. For purposes of this subsection, “food or food ingredients” means the same as “food and food ingredients” as defined in subsection 57, paragraph “d”, and includes tangible personal property that could be sold for ingestion or chewing by humans but is sold for another use.

Sec. 62. REFUNDS. Refunds of taxes, interest, or penalties which arise from the enactment of this division of this Act, for sales or services occurring between January 1, 2019, and the effective date of this division of this Act, shall be limited to one hundred thousand dollars in the aggregate for any calendar year in which claims are eligible for a refund and shall not be allowed unless refund claims are filed by October 1, 2022, notwithstanding any other law to the contrary. If the amount of claims totals more than one hundred thousand dollars in the aggregate for any calendar year in which claims are eligible for a refund, the department of revenue shall prorate the one hundred thousand dollars in the aggregate

among all the claimants for that particular calendar year in relation to the amounts of the claimants' valid claims.

Sec. 63. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 64. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2019.

#### DIVISION IX MOTOR FUEL REPORTING REQUIREMENT — PENALTY

Sec. 65. Section 452A.33, subsection 1, paragraph c, Code 2022, is amended to read as follows:

c. (1) The retail dealer shall prepare and submit file the report with the department in a manner and according to procedures required by the department in compliance with section 452A.61. However, the department may require that the retail dealer file the report with the department by electronic transmission. The department may require that retail dealers report to the department on an annual, quarterly, or monthly basis. The department, upon application by a retail dealer, may grant a reasonable extension of time to file the report.

(2) If a retail dealer fails to file the report as required by this section or fails to maintain records required to file the report the department may impose a civil penalty of not more than one hundred dollars per occurrence in addition to any other penalty provided by law. The penalty amount shall be deposited into the general fund of the state.

#### DIVISION X SOLAR ENERGY SYSTEM TAX CREDIT

Sec. 66. Section 422.11L, subsection 4, paragraph a, Code 2022, is amended to read as follows:

a. The Except as provided in subsection 7, the cumulative value of tax credits claimed annually by applicants pursuant to this section shall not exceed five million dollars. Of this amount, at least one million dollars shall be reserved for claims associated with or resulting from residential solar energy system installations. In the event that the total amount of claims submitted for residential solar energy system installations in a tax year is an amount less than one million dollars, the remaining unclaimed reserved amount shall be made available for claims associated with or resulting from nonresidential solar energy system installations received for the tax year.

Sec. 67. Section 422.11L, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 7. a. Notwithstanding any other law to the contrary, the department may review or reconsider the following as if the credit did not expire:

(1) Applications for installations that were completed prior to the 2022 calendar year that were denied solely due to the expiration of the credit provided in subsection 1, paragraph "a", regardless of whether the applicant appealed the denial.

(2) Pending applications and new applications for the credit provided in subsection 1, paragraph "a", for installations that were completed during the 2021 calendar year as long as the application is received by June 30, 2022.

(3) The department shall use the original submission date of applications described in this paragraph to determine the order for reviewing such applications.

b. The cumulative value of tax credits in subsection 3, paragraph "d", subparagraph (2), shall not limit the amount of annual tax credits that may be awarded for valid applications that qualify pursuant to this subsection.

c. A tax credit awarded pursuant to this subsection may be first claimed for the tax year beginning during the 2022 calendar year.

Sec. 68. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 69. RETROACTIVE APPLICABILITY. A tax credit award issued pursuant to this division of this Act applies retroactively to tax years beginning on or after January 1, 2022.

#### DIVISION XI

#### INDIVIDUAL INCOME TAX EXCLUSION — CERTAIN PREMIUM PAY AND BONUSES

Sec. 70. Section 422.7, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 63. *a.* (1) Subtract to the extent included the amount, not to exceed one thousand dollars, of premium pay, as defined in 42 U.S.C. §802(g)(3), received by a certified peace officer who was designated by the governor as an eligible worker under 42 U.S.C. §802(g)(2).

(2) Subtract, to the extent included, the amount, not to exceed one thousand dollars, of premium pay, as defined in 42 U.S.C. §802(g)(3), received by a correctional officer or medical staff member at a correctional facility who was designated by the governor as an eligible worker under 42 U.S.C. §802(g)(2).

(3) Subtract to the extent included the amount, not to exceed one thousand dollars, of premium pay, as defined in 42 U.S.C. §802(g)(3), received by a teacher employed by an independently accredited school or a teacher employed by the state who was designated by the governor as an eligible worker under 42 U.S.C. §802(g)(2).

(4) Subtract to the extent included the amount of a teacher retention payment, not to exceed one thousand dollars, received by a teacher that was funded from moneys received by the state from the elementary and secondary school emergency relief funds pursuant to the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Pub. L. No. 116-260, or the federal American Rescue Plan Act of 2021, Pub. L. No. 117-2.

(5) Subtract to the extent included the amount of a teacher retention payment, not to exceed one thousand dollars, received by a teacher employed by a private school or specially accredited school, that was funded from the private sector worker premium pay program administered by the department of education that was funded from state moneys.

(6) Subtract to the extent included the amount of a recruitment and retention bonus, not to exceed one thousand dollars, received by a child care worker through the recruitment and retention bonus program administered by the department of human services.

*b.* An employer or any payor of an amount to an individual under paragraph “*a*” pursuant to a program described in paragraph “*a*” shall report the amount paid to each individual to the department of revenue in the manner and form required by the department.

*c.* Notwithstanding any provision of law to the contrary, public records related to the distribution of funds under this subsection shall be kept confidential to the extent that the release of such information would reveal the personal identifying information of a peace officer defined in section 801.4, subsection 11.

*d.* The department may adopt rules pursuant to chapter 17A to administer this subsection.

*e.* This subsection is repealed January 1, 2026.

Sec. 71. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 72. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2022, for tax years beginning on or after January 1, 2022, but before January 1, 2023, for payments received in the 2022 calendar year.

Approved June 17, 2022

**CHAPTER 1139****REGULATION, REDEMPTION, AND DISPOSAL OF BEVERAGE CONTAINERS***S.F. 2378*

**AN ACT** relating to beverage containers control provisions, including handling fees, refund value, applicability to certain beverages, and acceptance of beverage containers, providing penalties, and including effective date provisions.

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

Section 1. Section 22.7, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 75. Identifying information submitted to the department of revenue from a distributor pursuant to section 455C.2, subsection 2, paragraph “b”. However, this subsection shall not be construed to prohibit the dissemination of aggregated information that does not identify a specific distributor.

Sec. 2. Section 455C.1, subsections 1 and 6, Code 2022, are amended to read as follows:

1. “Beverage” means wine as defined in section 123.3, subsection 54, alcoholic liquor as defined in section 123.3, subsection 5, beer as defined in section 123.3, subsection 7, high alcoholic content beer as defined in section 123.3, subsection 22, canned cocktail as defined in section 123.3, subsection 11, mineral water, soda water, and similar carbonated soft drinks in liquid form and intended for human consumption.

6. “Dealer agent” means a person who solicits or picks up empty beverage containers from a dealer for the purpose of returning the empty beverage containers to a distributor or manufacturer.

Sec. 3. Section 455C.1, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. “Mobile redemption system” means a redemption center location at which a consumer may return empty beverage containers on which a refund value has been paid that uses innovative technology to process empty beverage containers and return the amount of the refund value to consumers.

NEW SUBSECTION. 12A. “Participating dealer” means a dealer who accepts the return of empty beverage containers from a consumer.

Sec. 4. Section 455C.2, Code 2022, is amended to read as follows:

**455C.2 Refund values.**

1. A refund value of ~~not less than~~ five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to ~~the a participating dealer or person operating a redemption center and acceptance of the empty beverage container by the participating dealer or person operating a redemption center,~~ the participating dealer or person operating a redemption center shall return the amount of the refund value to the consumer within a reasonable time not to exceed ten days.

2. a. In addition to the refund value provided in subsection 1 of this section, a dealer, or person operating a redemption center who redeems empty beverage containers or a dealer agent shall be reimbursed by the distributor required to accept the empty beverage containers under section 455C.3 shall provide reimbursement in an amount which that is one cent per container for containers accepted from a dealer agent and three cents per container for containers accepted from a participating dealer or redemption center. A dealer, dealer agent, or person operating a redemption center may compact empty metal beverage containers with the approval of the distributor required to accept the containers.

b. A distributor who pays a handling fee for beverage containers that used to contain beer, including high alcoholic content beer, may claim a refund of the barrel tax established in section 123.136 paid by the distributor in the amount of one cent for each such beverage container accepted. The department of revenue shall prescribe forms for a distributor to use to claim a refund under this paragraph. Identifying information collected by the department

of revenue pursuant to this paragraph that can be used to identify a specific distributor shall be considered confidential information pursuant to section 22.7, subsection 75.<sup>1</sup>

Sec. 5. Section 455C.3, subsections 1, 2, and 4, Code 2022, are amended to read as follows:

1. A participating dealer shall not refuse to accept from a consumer any empty beverage container of the kind, size, and brand sold by the participating dealer, or refuse to pay to the consumer the refund value of a beverage container as provided under section 455C.2.

2. A distributor shall accept and pick up from a participating dealer served by the distributor or a redemption center for a dealer served by the distributor at least weekly, or when the distributor delivers the beverage product if deliveries are less frequent than weekly, any empty beverage container of the kind, size, and brand sold by the distributor, and shall pay to the participating dealer or ~~person operating~~ a redemption center the refund value of a beverage container and the reimbursement as provided under section 455C.2 within one week following pickup of the containers or when the participating dealer or ~~redemption center~~ normally pays the distributor for the deposit on beverage products purchased from the distributor if less frequent than weekly. A distributor or employee or agent of a distributor is not in violation of this subsection if a redemption center is closed when the distributor attempts to make a ~~regular delivery~~ or a regular pickup of empty beverage containers. This subsection does not apply to a distributor selling alcoholic liquor to the alcoholic beverages division of the department of commerce.

4. A distributor shall accept from a dealer agent any empty beverage container of the kind, size, and brand sold by the distributor and ~~which that~~ that was picked up by the dealer agent ~~from a dealer~~ within the geographic territory served by the distributor and the distributor shall pay the dealer agent the refund value of the empty beverage container and the reimbursement as provided in section 455C.2.

Sec. 6. Section 455C.4, Code 2022, is amended to read as follows:

**455C.4 Refusal to accept containers.**

1. Except as provided in section 455C.5, subsection 3, a dealer, ~~a person operating~~ a redemption center, a distributor, or a manufacturer may refuse to accept any empty beverage container ~~which that~~ that does not have stated on it a refund value as provided under section 455C.2.

2. a. A dealer may refuse to accept and to pay the refund value of any empty beverage container if ~~the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the department approving a redemption center under section 455C.6~~ any of the following apply:

(1) The dealer holds a food establishment license under chapter 137F to prepare or serve food, has a certified food protection manager as required by the 2017 United States food and drug administration food code and supplement, and sells time/temperature control for safety food as defined in section 137F.2.

(2) The dealer has entered an agreement with an approved redemption center for the operation of a mobile redemption system and all of the following apply:

(a) The dealer provides adequate space, utilities, and internet connection to operate the mobile redemption system.

(b) The agreement does not require additional payment to the dealer or the mobile redemption system.

(3) The dealer's place of business is in a county with a population of more than thirty thousand and within ten miles of an approved redemption center or if the dealer's place of business is in a county with a population of thirty thousand or fewer and within fifteen miles of an approved redemption center.

b. A dealer who refuses to accept and to pay the refund value on any empty beverage container pursuant to this subsection shall conspicuously display on the front door of the dealer's place of business a notice that the dealer does not accept empty beverage containers. The notice shall also provide the location of the nearest approved redemption center to

<sup>1</sup> See chapter 1153, §51 herein

the dealer's place of business. After the department has made available an electronic method for locating approved redemption centers pursuant to paragraph "c", a dealer may direct consumers to such electronic method instead of providing the location of the nearest approved redemption center on the notice.

c. The department shall make available to the public an electronic method of locating approved redemption centers.

d. A dealer who provides space for a mobile redemption system pursuant to paragraph "a", subparagraph (2), shall not be considered to be in violation of any county or city ordinance that would otherwise limit the ability of the dealer to provide such space as long as the mobile redemption system operates in a location that is not zoned primarily for residential purposes.

~~3. A dealer or a distributor may refuse to accept and to pay the refund value of an empty wine or alcoholic liquor container which is marked to indicate that it was sold by a state liquor store. The alcoholic beverages division shall not reimburse a dealer or a distributor the refund value on an empty wine or alcoholic liquor container which is marked to indicate that the container was sold by a state liquor store.~~

~~4. 3.~~ A class "E" liquor control licensee may refuse to accept and to pay the refund value on an empty alcoholic liquor container from a participating dealer or a redemption center or from a person acting on behalf of or who has received empty alcoholic liquor containers from a participating dealer or a redemption center.

~~5. 4.~~ A manufacturer or distributor may refuse to accept and to pay the refund value and reimbursement as provided in section 455C.2 on any empty beverage container that was picked up by a dealer agent from a dealer outside the geographic territory served by the manufacturer or distributor.

Sec. 7. Section 455C.5, subsection 1, Code 2022, is amended to read as follows:

1. a. Each beverage container sold or offered for sale in this state by a dealer shall clearly indicate the refund value of the container by embossing or by a stamp, label, or other method securely affixed to the container, ~~the refund value of the container.~~ The department shall specify, by rule, the minimum size of the refund value indication on the beverage containers.

b. The department of revenue shall require the registration of the universal product code for each beverage container using a method of registration determined by the department of revenue.

Sec. 8. Section 455C.6, subsection 1, Code 2022, is amended to read as follows:

1. To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the department, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers. A participating dealer may act as a redemption center for purposes of this chapter.

Sec. 9. Section 455C.12, subsections 2 and 3, Code 2022, are amended to read as follows:

2. A distributor who collects or attempts to collect a refund value on an empty beverage container when the distributor has paid the refund value on the container to a participating dealer, redemption center, or consumer is guilty of a fraudulent practice.

3. Any person who does any of the following acts is guilty of a fraudulent practice:

a. Collects or attempts to collect the refund value on the container a second time, with the knowledge that the refund value has once been paid by the distributor to a participating dealer, redemption center, or consumer.

b. Manufactures, sells, possesses, or applies a false or counterfeit label or indication which that shows or purports to show a refund value for a beverage container, with intent to use the false or counterfeit label or indication.

c. Collects or attempts to collect a refund value on a container with the use of a false or counterfeit label or indication showing a refund value, knowing the label or indication to be false or counterfeit.

Sec. 10. Section 455C.12, Code 2022, is amended by adding the following new subsections:

**NEW SUBSECTION.** 6. A person who knowingly attempts to redeem a beverage container that is not properly marked as required by section 455C.5, subsection 1, shall be subject to a civil penalty not to exceed ten dollars per improperly marked beverage container, but not to exceed five thousand dollars total per attempted transaction.

**NEW SUBSECTION.** 7. Except as provided in subsection 6, a person who violates any provision of this chapter shall be subject to a civil penalty of two thousand dollars per violation, which shall be assessed and collected in the same manner as provided in section 455B.109. Any civil penalty collected under this chapter shall be deposited in the bottle bill fund established in section 455C.12D.

Sec. 11. **NEW SECTION. 455C.12A Administrative enforcement — compliance orders.**

The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this chapter or any rule adopted or permit or order issued pursuant to this chapter. The person to whom such compliance order is issued may cause to be commenced a contested case within the meaning of chapter 17A by filing within thirty days a notice of appeal to the commission. On appeal, the commission may affirm, modify, or vacate the order of the director.

Sec. 12. **NEW SECTION. 455C.12B Judicial review.**

Judicial review of any order or other action of the commission or director may be sought in accordance with the terms of chapter 17A. Notwithstanding the terms of chapter 17A, petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed.

Sec. 13. **NEW SECTION. 455C.12C Civil actions for compliance — penalties.**

1. The attorney general, on request of the department, shall institute any legal proceedings necessary to obtain compliance with an order of the commission or the director, including proceedings for a temporary injunction, or prosecuting any person for a violation of an order of the commission or the director, the provisions of this chapter, or any rules adopted or permit or order issued pursuant to this chapter.

2. Any person who violates any order issued pursuant to section 455C.12A shall be subject to a civil penalty not to exceed two thousand dollars for each day of such violation.

Sec. 14. **NEW SECTION. 455C.12D Bottle bill fund.**

A bottle bill fund is established in the state treasury under the control of the department. The fund shall consist of moneys deposited in the fund pursuant to section 455C.12, subsection 7, and any other moneys appropriated to or deposited in the fund. Moneys in the fund are appropriated to the department for purposes of administering and enforcing this chapter, including reimbursing the attorney general for costs incurred by the attorney general in enforcing this chapter. 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. 15. Section 455C.13, Code 2022, is amended to read as follows:

**455C.13 Distributors' Collection and disposal agreements authorized.**

1. A distributor, dealer, or redemption center may enter into a contract or agreement with any other distributor, manufacturer, or person for the purpose of collecting or ~~paying the refund value on,~~ or disposing of, beverage containers as provided in this chapter.

2. For purposes of this chapter, any contracts entered into pursuant to this section for the collection or disposal of empty beverage containers shall not be deemed to interfere with the refund value pursuant to section 455C.2.

Sec. 16. Section 455C.16, Code 2022, is amended to read as follows:

**455C.16 Beverage containers — disposal at sanitary landfill prohibited.**

~~Beginning July 1, 1990, the~~ ~~The~~ final disposal of beverage containers by a dealer, distributor, or manufacturer, or person operating a redemption center, in a sanitary landfill, is prohibited. ~~Beginning September 1, 1992, including~~ the final disposal of beverage containers that used to contain alcoholic liquor as defined in section 123.3, subsection 5, by a participating dealer, distributor, or manufacturer, or person operating a redemption center in a sanitary landfill, is prohibited.

**Sec. 17. NEW SECTION. 455C.18 Unclaimed refund value and handling fees.**

Any amount of refund value or handling fees possessed by a distributor after the distributor has made payments required pursuant to this chapter shall be considered the property of the distributor.

**Sec. 18. LEGISLATIVE FISCAL COMMITTEE REVIEW.**

1. The legislative fiscal committee established in section 2.45 shall hold a meeting during the legislative interim immediately preceding the 2026 regular legislative session. During the meeting, the committee shall review the enforcement of chapter 455C by the department of natural resources, including the collection of civil penalties, the report submitted by the attorney general pursuant to subsection 2, whether and how many redemption centers have been approved by the department, the adequacy of the reimbursement amount under section 455C.2, and any other information the committee deems important. The committee shall submit a report of its findings and recommendations to the general assembly no later than January 31, 2026.

2. The attorney general shall submit a report to the general assembly prior to the legislative fiscal committee's meeting under subsection 1. The report shall detail any legal proceedings arising under chapter 455C since January 1, 2023.

**Sec. 19. REFUSAL TO ACCEPT BEVERAGE CONTAINERS.**

1. A dealer may refuse to accept beverage containers before January 1, 2023, if any of the following apply:

a. The dealer has entered an agreement with an approved redemption center for the operation of a mobile redemption system and all of the following apply:

(1) The dealer provides adequate space, utilities, and internet connection to operate the mobile redemption system.

(2) The agreement does not require additional payment to the dealer or the mobile redemption system.

b. The dealer's place of business is in a county with a population of more than thirty thousand and within ten miles of an approved redemption center or if the dealer's place of business is in a county with a population of thirty thousand or fewer and within fifteen miles of an approved redemption center.

2. A dealer who refuses to accept beverage containers pursuant to this section shall conspicuously display on the front door of the dealer's place of business a notice that the dealer does not accept empty beverage containers. The notice shall also provide the location of the nearest approved redemption center to the dealer's place of business.

**Sec. 20. EFFECTIVE DATE.**

1. Except as provided in subsections 2 or 3, this Act takes effect January 1, 2023.

2. The section of this Act amending section 455C.5, subsection 1, takes effect November 15, 2023.

3. The section of this Act allowing a dealer to refuse to accept beverage containers before January 1, 2023, being deemed of immediate importance, takes effect upon enactment.

Approved June 17, 2022



**CHAPTER 1140**

**APPROPRIATIONS — ADMINISTRATION AND REGULATION**

*S.F. 2385*

**AN ACT** relating to and making appropriations involving certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, providing for other properly related matters, and including contingent effective date provisions.

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

DIVISION I  
FY 2022-2023

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, 2022, and ending June 30, 2023, 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	53.82

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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2.00 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, 2022, and ending June 30, 2023, 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 annual comprehensive financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the annual comprehensive 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, 2022, and ending June 30, 2023, 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:

.....	\$	774,910
.....	FTEs	7.00

Sec. 6. OFFICE OF THE CHIEF INFORMATION OFFICER.

1. There is appropriated to the office of the chief information officer for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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.

2. a. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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 lowAccess 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 lowAccess shall be deposited in the lowAccess revolving fund created under section 8B.33 and shall be used only for the support of lowAccess 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, 2022, and ending June 30, 2023, 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, 2022, and

ending June 30, 2023, 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:

.....	\$	12,990,766
.....	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:

.....	\$	2,433,413
.....	FTEs	16.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,523,101
.....	FTEs	121.85

(2) 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.

(3) The insurance division shall use 1.00 full-time equivalent position authorized in this paragraph for an employee whose sole responsibility is investigating complaints and notifications related to financial exploitation of eligible adults.

(4) Except as provided in subparagraphs (2) and (3), the insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(5) 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:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files 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.

(6) (a) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	200,000
.....	FTEs	2.00

(b) The insurance division shall use the 2.00 full-time equivalent positions authorized in this subparagraph for management, enforcement, and investigation of matters related to pharmacy benefit manager programs.

(c) Moneys appropriated in this subparagraph are contingent upon the enactment of 2022 Iowa Acts, Senate File 2231,<sup>1</sup> or House File 2384,<sup>2</sup> if enacted.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	9,226,486
.....	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.

<sup>1</sup> Not enacted  
<sup>2</sup> Chapter 1113 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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	10.55

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, 2022, 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, 2021, and ending June 30, 2022. 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:

.....	\$	5,185,782
.....	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.

d. Notwithstanding section 8.33, from moneys appropriated in this subsection, any unencumbered or unobligated moneys that remain at the close of the fiscal year, not to exceed \$318,900, shall not revert but shall remain available for expenditure for the costs associated with the completion of additional surveys required of long-term care facilities due to the COVID-19 pandemic. The moneys shall provide the one-time state match moneys for a federal award from the centers for Medicare and Medicaid services to the health facilities division of the department of inspections and appeals. Any unencumbered or unobligated moneys that remain at the close of the fiscal year ending June 30, 2024, from the moneys that do not revert June 30, 2023, pursuant to this paragraph, shall revert to the general fund.

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:

.....	\$	2,607,454
.....	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, 2022, and ending June 30, 2023, 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, 2023.

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 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, 2022, and ending June 30, 2023, 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:

.....	\$	6,912,974
.....	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, 2022, and ending June 30, 2023, 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
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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, 2022, and ending June 30, 2023, 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:

.....	\$	2,770,693
.....	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, 2022, and ending June 30, 2023, 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
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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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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	150.51

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, 2022, and ending June 30, 2023, 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
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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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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
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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, paragraph “a”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2022, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 fund moneys:

.....	\$	269,953
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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, 2022, and ending June 30, 2023, 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:

.....	\$	18,432,885
.....	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 2022-2023. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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 the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

.....	\$	17,525
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DIVISION III  
TECHNOLOGY MODERNIZATION FUND APPROPRIATION — OFFICE OF THE  
SECRETARY OF STATE

Sec. 29. Section 9.4A, Code 2022, is amended to read as follows:

**9.4A Technology modernization fund.**

1. A technology modernization fund is created in the state treasury under the control of the secretary of state. Moneys in the fund are appropriated to the secretary of state for purposes of modernizing technology used by the secretary of state to fulfill the duties of office.

2. On and after July 1, 2017, ~~any increased fee amount collected by the secretary of state shall be credited to the technology modernization fund. From each fee collected, the amount credited to the fund equals the difference between the fee amount collected and the amount~~

~~assessed for the same fee on June 30, 2017 2022, any unobligated or unencumbered moneys remaining in this fund are appropriated to the secretary of state for purposes of modernization within the business services division until fully expended or until June 30, 2026, whichever occurs first.~~

~~3. Each fiscal year, not more than two million dollars shall be credited to the fund.~~

4. 3. This section is repealed July 1, ~~2022~~ 2026.

#### DIVISION IV ALCOHOLIC BEVERAGE CONTROL APPROPRIATIONS

Sec. 30. Section 123.17, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 7A. After any transfers provided for in subsections 3, 5, 6, and 7, and before any other transfer to the general fund, the department of commerce shall transfer from the beer and liquor control fund one million dollars to the Iowa department of public health for distribution pursuant to section 125.59.

Sec. 31. SUNDAY SALES PRIVILEGE FEES. Notwithstanding section 125.59, Code 2022, to the contrary, if 2022 Iowa Acts, Senate File 2374,<sup>3</sup> or successor legislation, is enacted, the treasurer of state shall not transfer on July 1, 2022, for that fiscal year the estimated amounts to be received from section 123.36, subsection 8, and section 123.143, subsection 1, for the privilege of Sunday sales of alcoholic beverages from July 1, 2022, through December 31, 2022, to the department of public health. Moneys received by the alcoholic beverages division of the department of commerce pursuant to section 123.36, subsection 8, and section 123.143, subsection 1, for the period beginning July 1, 2022, through December 31, 2022, as described in this section shall be credited to the beer and liquor control fund created in section 123.17.

Sec. 32. CONTINGENT EFFECTIVE DATE. The section of this division of this Act amending section 123.17 takes effect January 1, 2023, if 2022 Iowa Acts, Senate File 2374,<sup>4</sup> or successor legislation, is enacted.

Approved June 17, 2022

## CHAPTER 1141 HUNTING OR TRAPPING — PERSONS UNDER SIXTEEN YEARS OF AGE ACCOMPANYING AN ADULT

*H.F. 2209*

**AN ACT** relating to residents under sixteen years of age accompanying an adult who is hunting or trapping.

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

Section 1. Section 483A.24, subsection 9, Code 2022, is amended to read as follows:

9. A resident of the state under sixteen years of age is not required to have a hunting or fur harvester license to accompany the minor's parent or guardian, or any other competent adult with the consent of the minor's parent or guardian, while the parent or guardian or other

<sup>3</sup> Chapter 1099 herein

<sup>4</sup> Chapter 1099 herein

adult is hunting ~~raccoons~~ or trapping any game or fur-bearing animal so long as the minor is not hunting or trapping and does not carry or use a firearm or any other weapon.

Approved June 17, 2022

## CHAPTER 1142

### BRADY-GIGLIO LISTS — PROCEDURAL REQUIREMENTS FOR COMPILATION — NOTICE

H.F. 2496

**AN ACT** relating to the procedural requirements for placing an officer's name on a Brady-Giglio list, and for a prosecuting agency disclosing exculpatory evidence.

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

Section 1. Section 80F.1, subsection 1, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0a.* “Brady-Giglio list” means a list compiled by a prosecuting agency containing the names and details of officers who have sustained incidents of untruthfulness, criminal convictions, candor issues, or some other type of issue which places the officer's credibility into question. This paragraph is repealed July 1, 2023.

NEW PARAGRAPH. *0f.* “Prosecuting agency” means the attorney general, an assistant attorney general, the county attorney, an assistant county attorney, a special prosecutor, a city attorney, or an assistant city attorney.

Sec. 2. Section 80F.1, subsection 23, paragraph a, Code 2022, is amended to read as follows:

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~~ agency making a determination or disclosure that exculpatory evidence exists concerning the officer.

Sec. 3. Section 80F.1, subsection 23, paragraph c, Code 2022, is amended by striking the paragraph.

Sec. 4. Section 80F.1, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 24. a. A prosecuting agency that maintains a Brady-Giglio list shall adopt a policy that, at a minimum, includes all of the following:

(1) The criteria used by the prosecuting agency to place an officer's name on a Brady-Giglio list.

(2) The officer's right to receive written notice before the prosecuting agency places the officer's name on a Brady-Giglio list, and the officer's right to provide input to the prosecuting agency before the prosecuting agency makes a determination of whether the officer's name should be placed on a Brady-Giglio list.

(3) The duty of the prosecuting agency to provide notice of the prosecuting agency's decision regarding placement of the officer's name on a Brady-Giglio list.

(4) The officer's right to make a request for reconsideration of the prosecuting agency's determination to include the officer's name on a Brady-Giglio list and to submit supporting and corroborating documents and evidence in support of the officer's request for reconsideration.

(5) The applicable time frame and procedures for notifying the officer of the prosecuting agency's final decision on an officer's request for reconsideration.

b. Before a prosecuting agency places an officer's name on a Brady-Giglio list, the prosecuting agency shall send a written notice by mail or email to the officer's current or last known employment address. Upon receipt of the notice, and if the officer's contact information is known, the officer's current or last known employer shall provide the written notice to the officer. The written notice shall include, at a minimum, all of the following:

(1) A notice that the officer's name may be placed on a Brady-Giglio list.

(2) The officer's right to request documents, records, and any other evidence in the possession of the prosecuting agency relevant to the determination of whether the officer's name should be placed on a Brady-Giglio list from the prosecuting agency.

(3) The officer's right to provide input to the prosecuting agency prior to the prosecuting agency's determination of whether the officer's name should be placed on a Brady-Giglio list.

(4) The prosecuting agency's procedural requirements for an officer to provide input to the prosecuting agency prior to the prosecuting agency's determination of whether the officer's name should be placed on a Brady-Giglio list.

c. If the prosecuting agency makes a determination to place the officer's name on a Brady-Giglio list, the prosecuting agency shall send a written notice by mail or email to the officer's current or last known employment address. Upon receipt of the notice, and if the officer's contact information is known, the officer's current or last known employer shall provide the written notice to the officer. The written notice shall include, at a minimum, all of the following:

(1) The officer's right to make a request to reconsider the allegations and the placement of the officer's name on a Brady-Giglio list.

(2) The prosecuting agency's procedural requirements for submitting a written request for reconsideration of the prosecuting agency's determination to place the officer's name on a Brady-Giglio list including the method and time frame for submitting the request for reconsideration and any supporting and corroborating documents and evidence from any pertinent sources.

(3) A statement that, if the officer intends to make a request for reconsideration, the officer must submit the written request for reconsideration to the prosecuting agency within ten business days after receiving the notice.

d. If an officer submits a request for reconsideration pursuant to this subsection and the officer's request for reconsideration is approved by the prosecuting agency on its merits, the officer's name shall be removed from the Brady-Giglio list. If the officer's request for reconsideration is denied by the prosecuting agency, the officer's name shall remain on the Brady-Giglio list. If the officer does not submit a request for reconsideration or fails to comply with the requirements for submitting a request for reconsideration, the officer's name shall remain on the Brady-Giglio list.

e. An officer whose name was placed on a Brady-Giglio list prior to the effective date of this Act shall have the right to request reconsideration as follows:

(1) A prosecuting agency shall notify the officer, within ninety days of the effective date of this Act, and provide the officer with the information required under paragraph "c".

(2) Upon receipt of a notification from a prosecuting agency pursuant to subparagraph (1), an officer shall have ten days to request reconsideration.

f. This subsection does not limit the duty of a prosecuting agency to produce Brady-Giglio discovery evidence in all cases as required by the Constitution of the United States, the Constitution of the State of Iowa, and the rules of criminal procedure, including after the initial placement of the officer's name on a Brady-Giglio list, while the decision or a request for reconsideration is still under consideration.

g. This subsection does not limit or restrict a prosecuting agency's ability to remove an officer's name from a Brady-Giglio list if, upon receipt of additional supporting and corroborating information or a change in factual circumstances at any time, the prosecuting agency determines that the officer's name no longer requires placement on a Brady-Giglio list.

h. This subsection does not create a private cause of action against a prosecuting agency or an employee of a prosecuting agency.

i. This subsection is repealed July 1, 2023.

Approved June 17, 2022

## CHAPTER 1143

### GAMBLING REGULATION AND WAGERING

*H.F. 2497*

**AN ACT** relating to gambling regulation and wagering, concerning cashless wagering, forfeiture and withholding of certain gaming winnings, sports wagering, occupational licenses, limitations on gambling game licenses, and simulcasting licensure and taxation, providing penalties and making penalties applicable, and including effective date and retroactive applicability provisions.

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

#### DIVISION I CASHLESS WAGERING

Section 1. Section 99D.9, subsection 6, paragraph b, Code 2022, is amended to read as follows:

b. A licensee shall not permit a financial institution, vendor, or other person to dispense cash or credit through an electronic or mechanical device including but not limited to a satellite terminal as defined in section 527.2, that is located in the wagering area. However, this paragraph shall not apply to cashless wagering systems where a person accesses a cash account through a mobile application used by the licensee to conduct cashless wagering. The mobile application shall include the statewide telephone number authorized by the Iowa department of public health to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99D.7, subsection 23.

Sec. 2. Section 99F.7, subsection 10, paragraph b, Code 2022, is amended to read as follows:

b. A licensee shall not permit a financial institution, vendor, or other person to dispense cash or credit through an electronic or mechanical device including but not limited to a satellite terminal, as defined in section 527.2, that is located on the gaming floor. However, this paragraph shall not apply to cashless wagering systems where a person accesses a cash account through a mobile application used by the licensee to conduct cashless wagering. The mobile application shall include the statewide telephone number authorized by the Iowa department of public health to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

#### DIVISION II GAMING WINNINGS FORFEITURE AND WITHHOLDING

Sec. 3. Section 99D.7, subsection 23, Code 2022, is amended to read as follows:

23. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, and from the wagering area of a racetrack enclosure, from the gaming floor, and from the sports wagering area, as defined in section 99F.1, of all other licensed facilities under this chapter and chapter 99F as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process

established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter, chapter 99E, and chapter 99F. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options. The state and any licensee under this chapter, chapter 99E, or chapter 99F shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state. The commission shall not initiate any administrative action or impose penalties on a licensee who voluntarily reports to the commission activity described in section 99D.24, subsection 4, paragraph “c”.

Sec. 4. Section 99D.24, subsection 4, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Knowingly or intentionally passes a winning wager or share to another person or provides fraudulent identification in order to avoid the forfeiture of any money or thing of value as a voluntarily excluded person pursuant to the processes established under section 99D.7, subsection 23.

NEW PARAGRAPH. d. Knowingly or intentionally passes a winning wager or share to another person or provides fraudulent identification in order to avoid the application of a setoff as provided in section 99D.28.

Sec. 5. Section 99D.28, subsection 7, Code 2022, is amended to read as follows:

7. A claimant agency or licensee, acting in good faith, shall not be liable to any person for actions taken pursuant to this section. In addition, the commission shall not initiate any administrative action or impose penalties on a licensee who voluntarily reports to the commission activity described in section 99D.24, subsection 4, paragraph “d”.

Sec. 6. Section 99F.4, subsection 22, Code 2022, is amended to read as follows:

22. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, from the gaming floor and sports wagering area of an excursion gambling boat, from the wagering area, as defined in section 99D.2, and from the gaming floor and sports wagering area of all other licensed facilities under this chapter and chapter 99D as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter, chapter 99D, and chapter 99E. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options. The state and any licensee under this chapter, chapter 99D, or chapter 99E shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state. The commission shall not

initiate any administrative action or impose penalties on a licensee who voluntarily reports to the commission activity described in section 99F.15, subsection 4, paragraph “n”.

Sec. 7. Section 99F.15, subsection 4, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. n. Knowingly or intentionally passes a winning wager or share to another person or provides fraudulent identification in order to avoid the forfeiture of any money or thing of value as a voluntarily excluded person pursuant to the processes established under section 99F.4, subsection 22.

NEW PARAGRAPH. o. Knowingly or intentionally passes a winning wager or share to another person or provides fraudulent identification in order to avoid the application of a setoff as provided in section 99F.19.

Sec. 8. Section 99F.19, subsection 7, Code 2022, is amended to read as follows:

7. A claimant agency or licensee, acting in good faith, shall not be liable to any person for actions taken pursuant to this section. In addition, the commission shall not initiate any administrative action or impose penalties on a licensee who voluntarily reports to the commission activity described in section 99F.15, subsection 4, paragraph “o”.

### DIVISION III SPORTS WAGERING

Sec. 9. Section 99F.1, subsection 24, Code 2022, is amended to read as follows:

24. *“Professional sporting event”* means an event, excluding a minor league sporting event, at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event, unless the event includes professional athletes participating in a sports or athletic event without compensation in excess of actual expenses for a charitable purpose.

Sec. 10. Section 99F.1, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 27A. *“Sports-related event”* means an event that takes place in relation to an authorized sporting event, but that is not tied to the outcome of a specific athletic event or contest as authorized by the commission. *“Sports-related event”* includes but is not limited to professional sports drafts and individual player awards.

Sec. 11. Section 99F.1, subsection 28, Code 2022, is amended to read as follows:

28. *“Sports wagering”* means the acceptance of wagers on an authorized sporting event or sports-related event by any system of wagering as authorized by the commission. *“Sports wagering”* does not include placing a wager on the performance or nonperformance of any individual athlete participating in a single game or match of a collegiate sporting event in which a collegiate team from this state is a participant, or placing a wager on the performance of athletes in an individual international sporting event governed by the international olympic committee in which any participant in the international sporting event is under eighteen years of age.

Sec. 12. Section 99F.7A, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. Establish, subject to commission approval, sports wagering rules that specify the amounts to be paid on winning sports wagers, the effect of changes in the scheduling of an authorized sporting event or sports-related event subject to sports wagering, and the source of the information used to determine the outcome of a sports wager. The sports wagering rules shall be displayed in the licensee’s sports wagering area, posted on the internet site or mobile application used by the licensee to conduct advance deposit sports wagering as authorized in section 99F.9, and included in the terms and conditions of the licensee’s advance deposit sports wagering system.

Sec. 13. Section 99F.7A, subsection 4, Code 2022, is amended to read as follows:

4. A licensee issued a license to conduct sports wagering under this section shall employ reasonable steps to prohibit coaches, athletic trainers, officials, players, or other individuals who participate in an authorized sporting event or sports-related event that is the subject of sports wagering from sports wagering under this chapter. In addition, a licensee shall employ reasonable steps to prohibit persons who are employed in a position with direct involvement with coaches, players, athletic trainers, officials, players, or participants in an authorized sporting event or sports-related event that is the subject of sports wagering from sports wagering under this chapter.

Sec. 14. Section 99F.12, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. A licensee under section 99F.7A shall promptly report to the commission any criminal or disciplinary proceedings commenced against the licensee or its employees in connection with the licensee conducting sports wagering or advance deposit sports wagering, any abnormal wagering activity or patterns that may indicate a concern about the integrity of an authorized sporting event or events sports-related event, and any other conduct with the potential to corrupt a wagering outcome of an authorized sporting event or sports-related event for purposes of financial gain, including but not limited to match fixing, and suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification. The commission is required to share any information received pursuant to this paragraph with the division of criminal investigation, any other law enforcement entity upon request, or any regulatory agency the commission deems appropriate. The commission shall promptly report any information received pursuant to this paragraph with any sports team or sports governing body as the commission deems appropriate, but shall not share any information that would interfere with an ongoing criminal investigation.

#### DIVISION IV OCCUPATIONAL LICENSES

Sec. 15. Section 99F.1, subsection 18, Code 2022, is amended to read as follows:

18. “*Holder of occupational license*” means a person licensed by the commission to perform an occupation which the commission has identified as requiring a license to engage in the excursion gambling boat industry in Iowa administration, control, and conduct of gambling games and sports wagering.

Sec. 16. Section 99F.4, subsection 2, Code 2022, is amended to read as follows:

2. To license qualified sponsoring organizations, to license the operators of excursion gambling boats, to identify occupations within the excursion gambling boat operations engaged in the administration, control, and conduct of gambling games and sports wagering which require licensing, and to adopt standards for licensing the occupations including establishing fees for the occupational licenses and licenses for qualified sponsoring organizations. The fees shall be paid to the commission and deposited in the general fund of the state. All revenue received by the commission under this chapter from license fees and regulatory fees shall be deposited in the general fund of the state and shall be subject to the requirements of section 8.60.

#### DIVISION V GAMBLING GAME LICENSE MORATORIUM

Sec. 17. NEW SECTION. 99F.5A **Limitations on issuance of licenses to conduct gambling games.**

1. Commencing June 1, 2022, the total number of licenses issued by the commission to conduct gambling games on an excursion gambling boat, at a gambling structure, or at a pari-mutuel racetrack shall not exceed nineteen subject to the requirements of this section.



2. Licenses to conduct gambling games shall be restricted to those counties where an excursion gambling boat, gambling structure, or racetrack enclosure was operating and licensed to conduct gambling games on June 1, 2022.

3. The commission shall be authorized to take any of the following actions concerning the issuance of licenses to conduct gambling games:

a. A gambling games licensee may move to a new location within the same county and retain the gambling games license.

b. A licensed facility may be sold and a new gambling games license issued for operation in the same county.

c. If a license to conduct gambling games is surrendered, not renewed, or revoked, a new gambling games license may be issued for operation in the same county.

4. This section is repealed June 30, 2024.

Sec. 18. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 19. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to June 1, 2022.

#### DIVISION VI SIMULCASTING LICENSURE AND TAXATION

Sec. 20. NEW SECTION. **99D.9D Alternative simulcasting licensure — horse and dog races.**

1. An entity that has entered into an agreement with the Iowa horsemen's benevolent and protective association for source market fees related to simultaneously telecast horse or dog races may submit an application to the commission for a license under this chapter to conduct pari-mutuel wagering on simultaneously telecast horse or dog races, subject to the requirements of this section. Unless inconsistent with the requirements of this section, an entity submitting an application for a license under this section shall comply with all requirements for submitting an application for a license under this chapter.

2. If an application for a license under subsection 1 is approved by the commission pursuant to the requirements of this section and section 99D.9, the entity submitting the application shall be granted a license under this section to conduct pari-mutuel wagering on simultaneously telecast horse or dog races conducted at a facility of a licensee authorized to conduct gambling games under chapter 99D or chapter 99F pursuant to an agreement with the licensee of that facility as authorized by this section. A licensee issued a license pursuant to this section shall comply with all requirements of this chapter applicable to licensees unless otherwise inconsistent with the provisions of this section.

3. A license issued pursuant to this section shall authorize the licensee to enter into an agreement with any licensee authorized to operate an excursion gambling boat or gambling structure under chapter 99F to conduct, without the requirement to conduct live horse or dog races at the facility, pari-mutuel wagering on simultaneously telecast horse or dog races at the facility of the licensee authorized to operate an excursion gambling boat or gambling structure under chapter 99F.

4. The commission shall establish an annual license fee and regulatory fee for any entity issued a license under this section to conduct pari-mutuel wagering on simultaneously telecast horse or dog races as authorized by this section. The commission shall not impose any other fees for simultaneously telecast horse or dog races conducted by any licensee under this section.

5. The commission shall require that an annual audit be conducted and submitted to the commission, in a manner determined by the commission, concerning the operation of the simultaneously telecast horse or dog races by any licensee under this section.

Sec. 21. Section 99D.15, subsection 4, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

4. A tax is imposed on the gross sum wagered by the pari-mutuel method on horse races and dog races which are simultaneously telecast, in lieu of the taxes imposed pursuant to subsection 1 or 3. The rate of tax is determined as follows:

a. If wagering on simultaneously telecast horse races and dog races is not conducted by a licensee under section 99D.9D, a tax of two percent is imposed on the gross sum wagered by the pari-mutuel method on horse races and dog races which are simultaneously telecast. The tax revenue from simulcast horse races under this paragraph shall be distributed as provided in subsection 1 and the tax revenue from simulcast dog races under this paragraph shall be distributed as provided in subsection 3.

b. If wagering on simultaneously telecast horse races and dog races is conducted by a licensee under section 99D.9D, a tax of two percent is imposed on the gross sum wagered by the pari-mutuel method on horse races and dog races which are simultaneously telecast in excess of twenty-five million dollars in a calendar year. Of the tax revenue collected from simulcast horse races under this paragraph, one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which a horse racetrack is located in this state and licensed under this chapter. The remaining amount of tax revenue shall be deposited with the commission.

Approved June 17, 2022

**CHAPTER 1144**

**APPROPRIATIONS — TRANSPORTATION**

*H.F. 2557*

**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 — FY 2022-2023. 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, 2022, and ending June 30, 2023, 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. Transportation operations:

..... \$ 19,687,808

b. Motor vehicles:

..... \$ 27,760,997

3. For payments to the department of administrative services and the office of the chief information officer for utility services:

..... \$ 405,748

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:		
.....	\$	145,673
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:		
.....	\$	44,329
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
14. For costs associated with upgrades to the electronic records management system:		
.....	\$	3,290,000
For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 12 through 14 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 — FY 2022-2023. 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, 2022, and ending June 30, 2023, 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. Transportation operations:		
.....	\$	324,562,935
.....	FTEs	2,468.00
b. Motor vehicles:		
.....	\$	1,161,169
.....	FTEs	289.00
2. For payments to the department of administrative services and the office of the chief information officer for utility services:		
.....	\$	2,492,449
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:		
.....	\$	3,496,159
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 costs associated with producing transportation maps:	\$	195,000
9. For inventory and equipment replacement:	\$	12,700,000
10. For costs associated with the statewide interoperability network:	\$	296,665
11. For facility major maintenance and enhancement:	\$	5,300,000
12. For facility routine maintenance and preservation:	\$	4,700,000
13. For maintenance projects at rest area facilities throughout the state:	\$	400,000
14. For costs associated with upgrades to the electronic records management system:	\$	210,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 through 14 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 3. ROAD USE TAX FUND — FY 2023-2024 — FY 2024-2025. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for costs associated with upgrades to the electronic records management system:

1. FY 2023-2024	\$	3,402,800
2. FY 2024-2025	\$	1,974,000

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, 2027. 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. 4. PRIMARY ROAD FUND — FY 2023-2024 — FY 2024-2025. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for costs associated with upgrades to the electronic records management system:

1. FY 2023-2024	\$	217,200
2. FY 2024-2025	\$	126,000

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, 2027. 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. 5. 2019 Iowa Acts, chapter 52, section 4, unnumbered paragraph 2, is amended to read as follows:

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 16 15 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. For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 16 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 four 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 17, 2022

**CHAPTER 1145**  
APPROPRIATIONS — JUDICIAL BRANCH  
*H.F. 2558*

**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, 2022, and ending June 30, 2023, 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, 2022; and maintenance, equipment, and miscellaneous purposes:

..... \$ 190,100,550

From the moneys appropriated in this paragraph, the judicial branch shall fund the appointment of four new district associate judge positions and the associated support staff.

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, 2023, 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, 2021, and ending June 30, 2022, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2022, and ending June 30, 2023.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 this Act for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023.

Sec. 6. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2022, effective for the pay period beginning June 24, 2022, 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, 2022, effective with the pay period beginning June 24, 2022, and for subsequent pay periods:

a. Chief justice of the supreme court:	\$	196,106
b. Each justice of the supreme court:	\$	187,326
c. Chief judge of the court of appeals:	\$	175,619
d. Each associate judge of the court of appeals:	\$	169,765
e. Each chief judge of a judicial district:	\$	163,910
f. Each district judge except the chief judge of a judicial district:	\$	158,056
g. Each district associate judge:	\$	140,495
h. Each associate juvenile judge:	\$	140,495
i. Each associate probate judge:	\$	140,495
j. Each judicial magistrate:	\$	43,318
k. Each senior judge:	\$	9,366

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 46.3, subsection 3, Code 2022, is amended to read as follows:*

*3. No more than ~~a simple majority~~ half of the commissioners appointed shall be of the same gender.\**

*\*Sec. 8. Section 46.6, subsection 2, Code 2022, is amended to read as follows:*

*2. The judge of longest service in the district shall serve ~~as the chair of a particular on the district judicial nominating commission. If the judges of longest service in the district are of equal service, the eldest of such judges shall be chairperson of the particular~~ serve on the judicial nominating commission. The commissioners of the district judicial nominating commission shall elect a chairperson from their own number. The chairperson shall serve a two-year term that expires on April 30 of even-numbered years. A commissioner may be reelected for a second or third term as chairperson. If a chairperson of a judicial nominating commission desires to be relieved of the duties of chairperson while retaining the status of commissioner, the chairperson shall notify the governor and the other commissioners of the commission. At the next meeting of the commission, the commissioners shall elect a new chairperson for the remainder of the two-year term.\**

Sec. 9. Section 602.1301, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. Before December 1, the supreme court shall submit to the director of the department of management an estimate of the total expenditure requirements of the judicial branch. The director of the department of management shall submit this estimate received from the supreme court to the governor ~~for inclusion without change in the governor's~~

\* Item veto; see message at end of the Act

~~proposed budget for the succeeding fiscal year.~~ The estimate shall also be submitted to the chairpersons of the committees on appropriations.

Sec. 10. Section 602.9116, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The court administrator shall submit to the general assembly a copy of each actuarial valuation and annual actuarial update.

*Approved June 17, 2022, with exceptions noted.*

KIM REYNOLDS, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2558, an Act relating to appropriations to the judicial branch.

House File 2558 is approved on this date with the exception of sections 7 and 8.

Sections 7 and 8 would have made minor changes to Iowa's district judicial nominating commissions. Each commission currently has eleven members: five appointed by the Governor, five elected by resident lawyers of the district, and one district court judge—the longest-serving in the district. The senior judge also serves as chair of the commission. Section 8 would have eliminated the requirement that the senior judge automatically serves as chair of the commission. Instead, each commission would be tasked with electing a chair from its own membership.

District court judges play a highly influential role on Iowa's district judicial nominating commissions. Just recently, I was required to take the extraordinary action of restarting a selection process due to the poor behavior of one particular district court judge during a meeting of a commission. The judge's conduct was so egregious that the House of Representatives later authorized its judiciary committee to open an investigation into the judge's conduct. I share the House's concern of the judge's alleged improper influence over other commission members. And I agree with those federal judges that have recently recognized that involving judges in the selection process at all raises serious judicial ethics concerns and should thus be avoided.

But section 8 does not resolve these serious concerns about the undue influence of judges on district court commissions. And I am unconvinced that section 8 would lead to any meaningful change. Judges would remain as members on each commission and would likely continue to be elected to serve as chair. Any other result would create an uncomfortable dynamic for all other commissioners—especially the elected lawyers who regularly practice in front of that judge and have a reasonable interest in fostering that relationship.

Section 7 would amend the sex-balance requirement for governor-appointed commissioners by replacing a simple-majority requirement with a one-half requirement. But a governor appoints five members to each commission—not six. Section 7 therefore would have created an impossibility in appointing any fifth commissioner and should not be enacted.

For these reasons, I respectfully disapprove House File 2558 in part, only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of House File 2558 not disapproved as stated herein is approved on this date.

Sincerely,  
KIM REYNOLDS, *Governor*



CHAPTER 1146

APPROPRIATIONS — JUSTICE SYSTEM

H.F. 2559

AN ACT relating to appropriations to the justice system.

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

DIVISION I

FY 2022-2023 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, 2022, and ending June 30, 2023, 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:

..... \$ 6,530,099
..... FTEs 217.00

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

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

d. To improve the department of justice’s cybersecurity and technology infrastructure:

..... \$ 202,060

2. a. The department of justice, in submitting budget estimates for the fiscal year beginning July 1, 2023, 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, 2021, and actual and expected reimbursements for the fiscal year beginning July 1, 2022.

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, 2023.

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 or 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, 2022, and ending June 30, 2023, 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:

.....	\$	3,199,004
.....	FTEs	18.00

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, 2022, and ending June 30, 2023, 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:

.....	\$	43,937,403
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b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	36,849,581
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c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	56,250,842
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d. For the Oakdale correctional facility for department-wide institutional pharmaceuticals and miscellaneous purposes:

.....	\$	8,556,620
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e. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	30,318,214
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f. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	28,464,947
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g. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 11,043,114  
 h. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 27,175,874  
 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.

i. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 24,823,392  
 j. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 32,636,226  
 k. 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:

..... \$ 1,195,319  
 l. 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, 2022, and ending June 30, 2023, 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:

..... \$ 6,321,190

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:

..... \$ 243,797

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, 2022, and ending June 30, 2023, 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:

..... \$ 16,207,339

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:

..... \$ 12,789,649

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:

..... \$ 7,710,790

d. For the fourth judicial district department of correctional services:

..... \$ 6,193,805

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... \$ 23,440,024

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:

..... \$ 16,755,370

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:

..... \$ 9,672,851

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:

..... \$ 9,238,778

2. 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.

3. 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.

4. 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.

5. 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.

6. 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, 2022, 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, 2022. 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, 2023. 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, 2022, 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, 2022, and ending June 30, 2023, 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:

.....	\$	1,239,824
.....	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, 2022, and ending June 30, 2023, 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:

.....	\$	30,112,503
.....	FTEs	234.00

Moneys received by the office of the state public defender pursuant to Tit. IV-E of the federal Social Security Act remaining unencumbered and unobligated at the end of the fiscal year shall not revert, but shall be transferred to the Tit. IV-E juvenile justice improvement fund to remain available for expenditures by the office of the state public defender in succeeding fiscal years for the purposes allowed by Tit. IV-E of the federal Social Security Act.

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

.....	\$	42,160,374
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Moneys received by the office of the state public defender pursuant to Tit. IV-E of the federal Social Security Act remaining unencumbered and unobligated at the end of the fiscal year shall not revert, but shall be transferred to the Tit. IV-E juvenile justice improvement fund to remain available for expenditures by the office of the state public defender in succeeding fiscal years for the purposes allowed by Tit. IV-E of the federal Social Security Act.

3. TITLE IV-E JUVENILE JUSTICE IMPROVEMENT FUND — OFFICE OF THE STATE PUBLIC DEFENDER. A Tit. IV-E juvenile justice improvement fund is created in the state treasury. The fund shall consist of moneys received by the office of the state public defender pursuant to Tit. IV-E of the federal Social Security Act that remain unencumbered and unobligated at the end of a fiscal year. Moneys deposited in the fund are appropriated to and shall be administered by the office of the state public defender and shall be available for expenditure by the office of the state public defender in succeeding fiscal years for the purposes allowed by Tit. IV-E of the federal Social Security Act.

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, 2022, and ending June 30, 2023, 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:

.....	\$	1,308,724
.....	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, 2022, and ending June 30, 2023, 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:

.....	\$	7,014,705
.....	FTEs	248.00

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, 2022, and ending June 30, 2023, 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:

.....	\$	2,289,389
.....	FTEs	26.41

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, 2022, and ending June 30, 2023, 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:

.....	\$	5,946,368
.....	FTEs	45.00

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:

.....	\$	19,712,633
.....	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:

.....	\$	8,613,894
.....	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 positions during the current fiscal year. The division of narcotics enforcement shall only employ the additional full-time equivalent positions 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
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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:

.....	\$	5,602,778
.....	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:

.....	\$	71,409,788
.....	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
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8. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	1,025,520
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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 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
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10. For the office to combat human trafficking established pursuant to section 80.45, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	200,742
.....	FTEs	2.00

11. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	50,000
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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, 2022, and ending June 30, 2023, 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:

..... \$ 10,556,268

..... FTEs 65.00

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, 2022, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2023, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2023. 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, 2022, and ending June 30, 2023, 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:

..... \$ 1,343,051

..... 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, 2022, and ending June 30, 2023, 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:

..... \$ 1,318,547

..... FTEs 8.89

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

(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, 2022, and ending June 30, 2023, 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:

..... \$ 300,000

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, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For farm mediation services as specified in section 13.13, subsection 2:

..... \$ 300,000

2. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to chapter 669:

..... \$ 2,000,000

DIVISION II  
INDIGENT DEFENSE

Sec. 21. Section 815.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. For appointments made on or after July 1, 2022, the reasonable compensation shall be calculated on the basis of seventy-eight dollars per hour for class “A” felonies, seventy-three dollars per hour for class “B” felonies, and sixty-eight dollars per hour for all other cases.

DIVISION III  
DEPARTMENT OF PUBLIC SAFETY

Sec. 22. Section 80.48, subsection 1, Code 2022, is amended to read as follows:

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, including any installation and licensing costs. The department is authorized to designate moneys in the fund for the future purchase, maintenance, and replacement of equipment used by the department, including any installation and licensing costs.

**CHAPTER 1147**

**APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES**

*H.F. 2560*

**AN ACT** relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and making related statutory changes, and including effective date provisions.

*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, 2022, and ending June 30, 2023, 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:

..... \$ 18,960,194  
..... 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:

..... \$ 325,000

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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 for expenditure 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, 2022, and ending June 30, 2023, 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 for expenditure 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, 2022, and ending June 30, 2023, 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 for expenditure 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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.

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, 2022, and ending June 30, 2023, 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:

..... \$ 463,000

2. The department shall adopt rules pursuant to chapter 17A necessary to implement and administer 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.

DIVISION II  
DEPARTMENT OF NATURAL RESOURCES

Sec. 13. 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, 2022, and ending June 30, 2023, 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 conservation officer, 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. 14. 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, 2022, and ending June 30, 2023, 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:

.....	\$	47,541,987
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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, 2022, and ending June 30, 2023, 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. 15. 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, 2022, and ending June 30, 2023, 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
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DESIGNATED APPROPRIATIONS  
MISCELLANEOUS FUNDS

Sec. 16. 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of administering and enforcing the state snowmobile programs:  
..... \$ 100,000

Sec. 17. 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of paying for administration expenses of the department’s underground storage tanks section:  
..... \$ 200,000

SPECIAL APPROPRIATIONS  
GENERAL FUND

Sec. 18. 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes 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. 19. 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, 2022, and ending June 30, 2023, 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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 20. 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, 2022, and ending June 30, 2023, 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

DIVISION III  
IOWA STATE UNIVERSITY  
SPECIAL GENERAL FUND APPROPRIATIONS

Sec. 21. 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, 2022, and ending June 30, 2023, 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, 2023, 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. 22. LIVESTOCK DISEASE RESEARCH.

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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the livestock disease research fund created in section 267.8:

.....	\$	170,390
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2. Moneys appropriated 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 IV  
STATE UNIVERSITY OF IOWA  
SPECIAL GENERAL FUND APPROPRIATION  
AGRICULTURAL SAFETY AND HEALTH

Sec. 23. 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, 2022, and ending June 30, 2023, 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
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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, 2022, as worked by the director during the fiscal year beginning July 1, 2021.

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, 2023, 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 or unobligated moneys appropriated in subsection 1 for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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 of the state from any otherwise unencumbered or 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 V  
ENVIRONMENT FIRST FUND  
GENERAL APPROPRIATIONS

Sec. 24. 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, 2022, and ending June 30, 2023, 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 of 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. 25. 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, 2022, and ending June 30, 2023, 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. 26. 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, 2022, and ending June 30, 2023, 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, subchapter III, part 4, pursuant to sections 455B.262B and 456.14:

..... \$ 495,000

Sec. 27. REVERSION.

1. a. Except as provided in paragraph “b”, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2022, in 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, 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, 2022, 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 shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2025.

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 VI  
ENVIRONMENT FIRST FUND  
SPECIAL APPROPRIATIONS

Sec. 28. 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, 2022, and ending June 30, 2023, 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 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 VII  
IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND

Sec. 29. 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, 2022, and ending June 30, 2023, the following amount, to be allocated as provided in section 455A.19:

..... \$ 12,000,000

Sec. 30. 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, 2022, and ending on June 30, 2023.

DIVISION VIII  
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP GENERAL FUND  
DEDICATED APPROPRIATIONS

Sec. 31. CHOOSE IOWA PROMOTION 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the choose Iowa fund established pursuant to section 159.31A, if enacted in 2022 Iowa Acts, House File 2581: <sup>1</sup>

..... \$ 500,000

2. This section is contingent on the establishment of a choose Iowa promotional program as provided in chapter 159, if enacted in 2022 Iowa Acts, House File 2581. <sup>2</sup>

DIVISION IX  
STATUTORY PROVISIONS — DALIS — VALUE ADDED AGRICULTURAL GRANT  
PROGRAM

Sec. 32. 2021 Iowa Acts, chapter 143, section 12, is amended to read as follows:

SEC. 12. VALUE ADDED AGRICULTURE GRANT 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 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

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. 33. EFFECTIVE DATE. The section of this division of this Act amending 2021 Iowa Acts, chapter 143, section 12, takes effect upon enactment.

DIVISION X  
STATUTORY PROVISIONS — STATE PARK HOUSING

Sec. 34. **NEW SECTION. 456A.13B Occupancy of state housing in state parks.**

1. If an employee of the department occupies a state-owned residence located within a state park on January 1, 2022, the employee may continue to occupy that residence until December 31, 2023, under the same terms and conditions that applied on the date that the employee first occupied the residence.

2. This section is repealed on January 1, 2024.

Sec. 35. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act enacting section 456A.13B.

Approved June 17, 2022

<sup>1</sup> Chapter 1152 herein

<sup>2</sup> Chapter 1152 herein

**CHAPTER 1148**

**APPROPRIATIONS — ECONOMIC DEVELOPMENT**

*H.F. 2564*

**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, the state board of regents and certain regents institutions, providing for properly related matters, and including applicability provisions.

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

DIVISION I  
FY 2022-2023 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, 2022, and ending June 30, 2023, 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	55.24

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
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c. HISTORICAL DIVISION

For the support of the historical division:

.....	\$	3,142,351
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d. HISTORIC SITES

For the administration and support of historic sites:

.....	\$	426,398
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e. ARTS DIVISION

For the support of the arts division:

.....	\$	1,317,188
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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
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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
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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, 2022, 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, 2022:

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, 2022, and ending June 30, 2023, 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	105.85

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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 12.70

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, 2022, and ending June 30, 2023, the following



amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 250,000

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, 2022, and ending June 30, 2023, 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. BUTCHERY INNOVATION AND REVITALIZATION PROGRAM

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, for the purpose designated:

For support of the butchery innovation and revitalization program established in section 15E.370:

..... \$ 633,325

b. 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For support of the butchery innovation and revitalization program established in section 15E.370:

..... \$ 366,675

9. TOURISM OFFICE

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 the tourism office to be used for advertising, promoting, placement, and implementation of the economic development authority’s strategic plan for tourism and travel:

..... \$ 1,100,000

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.

c. The economic development authority shall submit an annual report on or before January 15 to the general assembly regarding the tourism office’s activities funded with moneys appropriated under this subsection. The report shall be provided in an electronic format and shall include metrics and criteria that allow the general assembly to quantify and evaluate the effectiveness and economic impact of the tourism office’s activities related to advertising, promoting, placement, and implementation of the economic development authority’s strategic plan for tourism and travel.

10. 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, 2022, and ending June 30, 2023, 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”:

..... \$ 633,325

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 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 subsequent fiscal years.

11. 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes 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	1.15

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.

12. 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

STEM best:

.....	\$	700,000
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Empower rural Iowa program:

.....	\$	700,000
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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.

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 2022-2023. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the amounts appropriated from the general fund of the state pursuant to those 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 4, paragraph “d”, subparagraph (1):

.....	\$	448,403
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2. For the purposes of regional tourism marketing under section 99F.11, subsection 4, paragraph “d”, subparagraph (2):

.....	\$	1,443,700
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Sec. 5. FINANCIAL ASSISTANCE REPORTING — ECONOMIC DEVELOPMENT AUTHORITY. The economic development authority shall submit an annual report to the general assembly no later than November 1, 2022, 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, 2022, \$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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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 10.00

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, 2022, and ending June 30, 2023, 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 58.46

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 26.15

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	188.63

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, 2022, and ending June 30, 2023, 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	3.15

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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	2,416,084
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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, 2022, and ending June 30, 2023, to accomplish the mission of the department.

Sec. 13. 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, 2022, and ending June 30,

2023, 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. 14. 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. 15. 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, 2022.

Sec. 16. 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, 2022, and ending June 30, 2023, 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, 2023, 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 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	10.00

(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

(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, 2022.

(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. 17. 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, 2022, and ending June 30, 2023, 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

..... FTEs 4.35

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  
BEER AND LIQUOR CONTROL FUND — STATEWIDE TOURISM MARKETING SERVICES AND EFFORTS

Sec. 18. NEW SECTION. 15.275 **Statewide tourism marketing services and efforts.**

1. From the moneys transferred to the authority from the beer and liquor control fund pursuant to section 123.17, subsection 7, the authority shall award contracts to one or more entities to conduct statewide tourism marketing services and efforts and to provide services to campaigns, workshops, and conferences that promote travel and tourism throughout the state. Each contract awarded by the authority shall specify that the entity must conduct statewide tourism marketing services and efforts that meet all of the following requirements:

a. The marketing services and efforts shall be of professional quality and shall be coordinated with, and not duplicate, existing programs or services conducted by the authority that are related to tourism marketing.

b. The marketing services and efforts shall include hosting and leveraging tourism advocacy events.

c. The marketing services and efforts shall be accessible to tourism-focused organizations.

d. The marketing services and efforts shall advocate for the travel and tourism industry and the sectors connected to Iowa's visitor economy to leverage public and private partnerships to market and promote the state as a travel destination.

2. The authority shall report to the general assembly on or before September 1 of each fiscal year on the effectiveness of each entity that conducted statewide tourism marketing services and efforts in the immediately preceding fiscal year pursuant to a contract awarded under subsection 1. The report shall be provided in an electronic format and shall include metrics and criteria that allow the general assembly to quantify and evaluate the effectiveness and economic impact of each entity's statewide tourism marketing services and efforts.

Sec. 19. Section 123.17, subsection 7, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

7. 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 two million dollars annually for statewide tourism marketing services and efforts pursuant to section 15.275.

### DIVISION III HOUSING RENEWAL PILOT PROGRAM

#### Sec. 20. HOUSING RENEWAL PILOT PROGRAM.

1. For purposes of this section, "nonprofit Iowa affiliate" means 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.

2. a. A housing renewal program fund is created in the state treasury under the control of the Iowa finance authority. The fund shall consist of moneys appropriated to or deposited in the fund. Moneys in the fund are appropriated to the authority to establish and administer a housing renewal pilot program.

b. For the fiscal year beginning July 1, 2022, and ending June 30, 2023, there is appropriated from the general fund of the state to the Iowa finance authority five hundred thousand dollars for deposit in the housing renewal program fund.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the housing renewal program fund shall be credited to the fund. Payment of interest, recaptures of grant awards, and other repayments under the housing renewal pilot program shall be deposited in the fund.

3. a. The Iowa finance authority shall provide moneys from the housing renewal program fund to a nonprofit Iowa affiliate that shall use the moneys to award grants under the housing renewal pilot program to eligible participants.

b. Eligible participants under paragraph "a" shall use a grant awarded under the housing renewal pilot program only for purposes of the acquisition, rehabilitation, and resale of ownership units; the acquisition and demolition of blighted structures; and the redevelopment of ownership units.

4. Twenty-five percent of moneys appropriated to the housing renewal program fund shall be allocated to rural communities in the eighty-eight least populated counties in the state.



5. a. The nonprofit Iowa affiliate may partner with a city, a county, a consortium of local governments, or an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code; however, the nonprofit Iowa affiliate shall determine the geographic location of all projects for which a grant is awarded.

b. The nonprofit Iowa affiliate shall not award a grantee more than one hundred thousand dollars per ownership unit. A grantee may use up to five percent of a grant for administration expenses related to the grantee's project.

c. (1) A grantee shall have thirty-six months from the date a contract is executed between the nonprofit Iowa affiliate and the grantee for the grantee's project. The grantee's project shall be considered complete when all grant funds awarded to the grantee have been expended, and all ownership units that are covered by the contract are finished and available for sale.

(2) If a grantee has no project activity within thirty-six months from the date a contract is executed between the nonprofit Iowa affiliate and the grantee, the grant award shall be returned to the Iowa finance authority for deposit in the housing renewal program fund.

d. A grantee shall sell each completed ownership unit to a homebuyer whose income is under the one hundred twenty percent area median income and who must occupy the ownership unit as the homebuyer's primary residence. The deed to the ownership unit must contain a restrictive resale requirement that prohibits the homebuyer or a subsequent owner from selling the ownership unit to a person with an income above the one hundred twenty percent area median income for five calendar years from the date the grantee sold the ownership unit to the first homebuyer whose income is under the one hundred twenty percent area median income.

6. A grantee may use income generated from the sale of an ownership unit only for the purpose of additional eligible expenses under the housing renewal pilot program.

7. The Iowa finance authority shall not use more than five percent of moneys allocated to the housing renewal program fund for administration and oversight of the housing renewal pilot program.

8. The Iowa finance authority shall adopt rules pursuant to chapter 17A to administer this division.

9. The Iowa finance authority, in coordination with the nonprofit Iowa affiliate, shall submit a report to the general assembly on or before December 31, 2023, describing the community, economic, and financial impact of the housing renewal pilot program.

#### DIVISION IV HIGH QUALITY JOBS TAX CREDITS

Sec. 21. Section 15.119, subsection 2, paragraph a, subparagraph (2), Code 2022, is amended to read as follows:

(2) In allocating tax credits pursuant to this subsection for the fiscal year beginning July 1, ~~2021~~ 2022, and for each fiscal year thereafter, the authority shall not allocate more than ~~seventy~~ sixty-eight million dollars for purposes of this paragraph.

#### DIVISION V EMPLOYER CHILD CARE TAX CREDIT

Sec. 22. NEW SECTION. 237A.31 Employer child care tax credit.

1. The taxes imposed under chapter 422, subchapter II or III, the franchise tax imposed under chapter 422, subchapter V, the gross premiums tax under chapter 432, or the moneys and credits tax imposed under section 533.329 shall be reduced by an employer child care tax credit equal to the amount of the federal employer-provided child care tax credit provided in section 45F of the Internal Revenue Code the taxpayer was eligible for in the same tax year.

2. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

3. a. The aggregate amount of tax credits authorized pursuant to this section shall not exceed an aggregate limit of two million dollars annually.

b. To receive a tax credit, a taxpayer must submit an application to the economic development authority in the form and manner prescribed by the authority by rule. The economic development authority shall issue certificates under this section on a first-come, first-served basis, which certificates may be redeemed for tax credits. The economic development authority shall issue such certificates so that not more than the amount authorized for such tax credits under paragraph “a” may be claimed.

4. The department of revenue, in consultation with the economic development authority, shall adopt rules pursuant to chapter 17A to administer this section.

**Sec. 23. NEW SECTION. 422.12O Employer child care tax credit.**

1. The taxes imposed under this subchapter, less the credits allowed under section 422.12, shall be reduced by an employer child care tax credit allowed pursuant to section 237A.31.

2. An individual may claim the tax credit allowed a partnership, S corporation, limited liability company, 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 a partnership, S corporation, limited liability company, estate, or trust.

**Sec. 24.** Section 422.33, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 32. The taxes imposed under this subchapter shall be reduced by an employer child care tax credit allowed pursuant to section 237A.31.

**Sec. 25.** Section 422.60, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 15. The taxes imposed under this division shall be reduced by an employer child care tax credit allowed pursuant to section 237A.31.

**Sec. 26. NEW SECTION. 432.12O Employer child care tax credit.**

The taxes imposed under this chapter shall be reduced by an employer child care tax credit allowed pursuant to section 237A.31.

**Sec. 27.** Section 533.329, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The moneys and credits tax imposed under this section shall be reduced by an employer child care tax credit allowed pursuant to section 237A.31.

**Sec. 28.** APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2023.

Approved June 17, 2022

## CHAPTER 1149

### APPROPRIATIONS — EDUCATION

H.F. 2575

**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 applicability provisions.

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

DIVISION I  
 FY 2022-2023 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, 2022, and ending June 30, 2023, 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:

.....	\$	2,893,503
.....	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, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

For general administration salaries, support, maintenance, and miscellaneous purposes, and 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 related to the future ready Iowa skilled workforce last-dollar scholarship program, and for not more than the following full-time equivalent positions:

.....	\$	591,533
.....	FTEs	4.95

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:

.....	\$	3,229,468
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b. For the fiscal year beginning July 1, 2022, 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, 2022, 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:

.....	\$	650,000
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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:

.....	\$	2,504,933
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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:

.....	\$	500,000
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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:

..... \$ 700,000  
 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:

..... \$ 23,927,005  
 10. MENTAL HEALTH PRACTITIONER LOAN REPAYMENT PROGRAM

a. For deposit in the mental health practitioner loan repayment program trust fund established pursuant to section 261.117, as enacted by 2022 Iowa Acts, House File 2549,<sup>1</sup> or Senate File 2195,<sup>2</sup> if enacted:

..... \$ 520,000

b. Moneys appropriated in this subsection are contingent upon the enactment of 2022 Iowa Acts, House File 2549,<sup>3</sup> if enacted.

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, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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.

DEPARTMENT OF EDUCATION

Sec. 5. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2023, 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, 2022.

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:

..... \$ 6,116,328  
 ..... FTEs 249.00

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, 2023, the division shall submit a written report to the general assembly regarding the division’s outreach efforts with community rehabilitation program providers.

<sup>1</sup> Chapter 1120 herein

<sup>2</sup> Not enacted

<sup>3</sup> Chapter 1120 herein

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	21.00

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	58.36

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	24.48

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:

.....	\$	23,406,799
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a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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 lettered 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.

d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, \$200,000 shall be used to invest in this state’s early childhood database system that integrates state administrative data to provide results that inform and improve the early childhood system of programs and services in this state.

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 until the close of the succeeding fiscal year.

16. JOBS FOR AMERICA'S GRADUATES

For school districts to reinforce combined efforts and regional initiatives that accelerate paraeducator and teacher credential attainment and 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:

..... \$ 8,146,450

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":

..... \$ 600,000

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, 2022, and ending June 30, 2023, 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 until the close of the succeeding 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:

..... \$ 3,383,936

b. Of the moneys appropriated in this subsection for distribution to area education agencies, \$200,000 shall be used for purposes of implementing a children’s grief and loss rural pilot program to serve Iowa children in 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, 2022, and ending June 30, 2023, 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, 2023.

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:

..... \$ 35,000

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 until the close of the succeeding 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:

.....	\$ 221,658,161
Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:	
a. Merged Area I	\$ 10,901,112
b. Merged Area II	\$ 10,991,321
c. Merged Area III	\$ 10,128,121
d. Merged Area IV	\$ 5,027,789
e. Merged Area V	\$ 12,590,460
f. Merged Area VI	\$ 9,755,374
g. Merged Area VII	\$ 14,902,662
h. Merged Area IX	\$ 18,919,128
i. Merged Area X	\$ 34,639,366
j. Merged Area XI	\$ 37,667,676
k. Merged Area XII	\$ 12,311,796
l. Merged Area XIII	\$ 13,442,325
m. Merged Area XIV	\$ 5,121,413
n. Merged Area XV	\$ 16,000,872
o. Merged Area XVI	\$ 9,258,746

Sec. 6. LIMITATIONS OF STANDING APPROPRIATION FOR AT-RISK CHILDREN. Notwithstanding the standing appropriation in section 279.51 for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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”.

STATE BOARD OF REGENTS

Sec. 7. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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, 2022, and ending June 30, 2023, 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, 2022, 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 allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to support new strategic initiatives, meet needs caused by enrollment increases, meet the demand for new courses and services, to fund new but unavoidable or mandated cost increases, and to support any other initiatives important to the core functions of the universities:

..... \$ 5,500,000

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:

..... \$ 2,220,598  
 ..... 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 .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	.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
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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
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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:

.....	\$	18,307,366
.....	FTEs	385.34

(1) 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.

(2) Notwithstanding section 8.33, if moneys appropriated in this lettered paragraph remain unencumbered or unobligated at the close of the fiscal year, an amount not more than \$150,000 shall not revert but shall remain available for costs incurred by the Iowa agricultural extension association as host of the 2023 national meeting of the national association of county agricultural agents until the close of the succeeding fiscal year.

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	7.00

(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 lettered paragraph 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 lettered paragraph 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	.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:

.....	\$	11,089,039
.....	FTEs	121.00

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:

.....	\$	4,654,408
.....	FTEs	56.00

Sec. 8. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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. 9. 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, 2022, for expenses relating to prescription drug costs for students attending the Iowa school for the deaf and the Iowa braille and sight saving school.

DIVISION II  
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2022-2023

Sec. 10. 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, 2022, and ending June 30, 2023, 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, 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, \$3,883,000 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this lettered paragraph, 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, 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, \$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, 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 1.00 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, 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  
 CLASSROOM MANAGEMENT AND TRANSPORTATION REIMBURSEMENT**

Sec. 11. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM INCENTIVE FUND. There is appropriated from the general fund of the state to the department education <sup>4</sup> for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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:

..... \$ 2,351,382

Sec. 12. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM TRANSPORTATION CLAIMS REIMBURSEMENT. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For payment of school district claims for reimbursement submitted under section 256.25A, subsection 1, paragraph “a”:

..... \$ 500,000

Notwithstanding section 8.33, moneys appropriated pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this section for the following fiscal year.

<sup>4</sup> According to Act, the phrase “department of education” probably intended

DIVISION IV  
APPROPRIATIONS — STANDING LIMITED

Sec. 13. Section 261.25, subsections 1 and 2, Code 2022, 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-eight million eight hundred ninety-six thousand fifty~~ fifty million one hundred eighteen thousand four hundred fifty-one 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~~ five hundred ~~fifty-six thousand two hundred twenty thousand~~ dollars for tuition grants for qualified students who are enrolled in eligible institutions. Of the moneys appropriated under this subsection, not more than 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”.

DIVISION V  
STATE PROGRAM ALLOCATION

Sec. 14. Section 284.13, subsection 1, paragraphs a, b, c, e, f, and g, Code 2022, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2021~~ 2022, and ending June 30, ~~2022~~ 2023, 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, ~~2021~~ 2022, and ending June 30, ~~2022~~ 2023, 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, ~~2021~~ 2022, and ending June 30, ~~2022~~ 2023, 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, ~~2021~~ 2022, and ending June 30, ~~2022~~ 2023, 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, ~~2021~~ 2022, and ending June 30, ~~2022~~ 2023, 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, ~~2021~~ 2022 2023, 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.

DIVISION VI  
PROGRAMS FOR AT-RISK CHILDREN

Sec. 15. Section 279.51, Code 2022, is amended by adding the following new subsection: NEW SUBSECTION. 3A. 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.

Sec. 16. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII  
IOWA GEOLOGICAL SURVEY

Sec. 17. Section 456.5A, subsection 2, Code 2022, is amended to read as follows:

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 geological 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.

DIVISION VIII  
THERAPEUTIC CLASSROOM INCENTIVE GRANT PROGRAM — APPLICATIONS

Sec. 18. Section 256.25, subsection 3, Code 2022, is amended to read as follows:

3. The department shall develop a grant application and selection and evaluation criteria. Selection criteria shall include a method for prioritizing grant applications submitted by school districts ~~located in mental health and disability services regions providing children's behavioral health services in accordance with chapter 331, subchapter III, part 6, with those proposing to serve the most students given highest priority.~~ First priority shall be given to applications submitted by school districts that submitted an application pursuant to this section for the previous fiscal year. Second priority shall be given to applications submitted by school districts that, pursuant to subsection 2, are collaborating and partnering with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, or institutions that provide mental health services for children. Third priority shall be given to applications submitted by school districts located in mental health and disability services regions providing behavioral health services for children in accordance with chapter 331, subchapter III, part 6. Grant awards shall be distributed as equitably as possible among small, medium, and large school districts. For purposes of this subsection, a small school district is a district with an actual enrollment of fewer than six hundred pupils; a medium school district is a district with an actual enrollment that is at least six hundred pupils, but less than two thousand five hundred pupils; and a large school district is a district with an actual enrollment of two thousand five hundred or more pupils.

Sec. 19. APPLICABILITY. This division of this Act applies to grant applications submitted pursuant to section 256.25 on or after July 1, 2022.



DIVISION IX  
CHARTER SCHOOL FUNDING

Sec. 20. Section 256E.8, subsection 2, paragraphs a, b, and c, Code 2022, are amended to read as follows:

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, shall receive under paragraph “c” 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 by the school district of residence 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, pursuant to the timeline in section 282.20, subsection 3, 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~~ The amount otherwise required to be paid to the charter school under paragraph “a” or “b” shall instead be paid by the department to the charter school for during the student’s initial year of enrollment school year for which the student is enrolled in the charter school. The amount paid to the charter school under this paragraph shall result in an equal reduction to the school district of residence’s state aid payment amount under chapter 257 for the school budget year following the school year for which the payment to the charter school is made, so long as the student was counted in the district of residence’s actual enrollment in the school year for which the student attended the charter school.

Sec. 21. Section 256E.8, subsection 4, Code 2022, is amended to read as follows:

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~~ The department shall adopt rules to establish a process for determining estimated enrollments for charter school funding purposes in school years after the first school year of a charter school. Amounts paid using estimated enrollments shall be reconciled during the subsequent payment payments based on actual enrollment of the charter school during the first each school year.

Sec. 22. EMERGENCY RULES. The department of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 23. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X  
WAIVER OF FEES

Sec. 24. Section 272C.14, Code 2022, as amended by 2022 Iowa Acts, Senate File 2383,<sup>5</sup> section 22, is amended to read as follows:

**272C.14 Waiver of fees.**

<sup>5</sup> Chapter 1134 herein

1. A licensing board, agency, or department, ~~or the board of educational examiners~~ shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

2. A licensing board, agency, or department, ~~or the board of educational examiners~~ shall waive an initial application fee and one renewal fee for an applicant that has been honorably or generally discharged from federal active duty or national guard duty, as those terms are defined in section 29A.1, that would otherwise be charged within five years of the discharge.

Sec. 25. 2022 Iowa Acts, Senate File 2383, <sup>6</sup> section 23, is amended by striking the section and inserting in lieu thereof the following:

SEC. 23. IMPLEMENTATION. Each board, as defined in section 272C.1, shall adopt rules pursuant to chapter 17A as necessary to implement the section of this division of this Act amending section 272C.14, by January 11, 2023.

DIVISION XI  
FY 2021-2022 APPROPRIATION — COOPERATIVE EXTENSION SERVICE IN  
AGRICULTURE AND HOME ECONOMICS

Sec. 26. 2021 Iowa Acts, chapter 170, section 10, subsection 3, paragraph c, is amended to read as follows:

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

(1) 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.

(2) Notwithstanding section 8.33, if moneys appropriated in this lettered paragraph remain unencumbered or unobligated at the close of the fiscal year, an amount of not more than \$150,000 shall not revert but shall remain available until the close of the fiscal year that begins July 1, 2023, for costs incurred by the Iowa agricultural extension association as host of the 2023 national meeting of the national association of county agricultural agents.

Sec. 27. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 17, 2022

**CHAPTER 1150**  
APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS  
*H.F. 2579*

**AN ACT** relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and the sports wagering receipts fund, providing for related matters, and including effective date and retroactive applicability provisions.

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

<sup>6</sup> Chapter 1134 herein

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

a. For safety and security on the state capitol complex, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023: ..... \$ 1,000,000

b. For deposit in the monument maintenance account created in section 8A.321 for purposes of maintenance of state monuments on the capitol complex grounds:

FY 2022-2023: ..... \$ 500,000

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. (1) For deposit in the water quality initiative fund created in section 466B.45 for purposes of supporting the water quality initiative administered by the division of soil conservation and water quality as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023: ..... \$ 8,200,000

(2) (a) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in subwatersheds as designated by the department that are part of high-priority watersheds identified by the water resources coordinating council.

(b) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council.

(3) In supporting projects in watersheds and subwatersheds as provided in subparagraph (2), all of the following shall apply:

(a) The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

(b) The division shall implement demonstration projects as provided in subparagraph division (a) by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

(c) The division shall implement demonstration projects on a cost-share basis as determined by the division. Except for edge-of-field practices, the state’s share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

(d) The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

(e) The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record.

(4) The moneys appropriated in this lettered paragraph shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural

land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

(5) The moneys appropriated in this lettered paragraph may be used to contract with persons to coordinate the implementation of efforts provided in this paragraph.

(6) The moneys appropriated in this lettered paragraph may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

(7) Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in this lettered paragraph to carry out the provisions of this paragraph on a cost-share basis in combination with other moneys available to the department from a state or federal source.

(8) Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of the water quality initiative administered by the soil conservation division.

b. For deposit in the renewable fuels infrastructure fund created in section 159A.16 for renewable fuel infrastructure programs:

FY 2022-2023:

..... \$ 10,000,000

The appropriation made in this paragraph shall be in lieu of the standing appropriation in section 159A.17 for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

c. For updating the maximum return to nitrogen modeling system for fertilizer management notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023:

..... \$ 1,000,000

Any information received, collected, or held for purposes of this paragraph is a confidential record exempt from public release if the information identifies a person who holds a legal interest in agricultural land or who has previously held a legal interest in agricultural land, a person who is involved or who has previously been involved in managing the agricultural land or producing crops or livestock on the agricultural land, or the identifiable location of the agricultural land.

3. DEPARTMENT FOR THE BLIND

For building repairs for the building located at 524 Fourth Street, Des Moines, Iowa:

FY 2022-2023:

..... \$ 196,900

4. DEPARTMENT OF CORRECTIONS

a. For kitchen equipment at the Clarinda treatment complex:

FY 2022-2023:

..... \$ 750,000

b. For various infrastructure projects at correctional facilities:

FY 2022-2023:

..... \$ 4,900,000

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 2022-2023:

..... \$ 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 2020 federal decennial census:

FY 2022-2023:

..... \$ 250,000

6. ECONOMIC DEVELOPMENT AUTHORITY

a. For deposit in the community attraction and tourism fund created in section 15F.204:  
FY 2022-2023:

..... \$ 10,000,000

b. For deposit in the sports tourism infrastructure program fund created in section 15F.404 for financing sports tourism infrastructure projects:

FY 2022-2023:

..... \$ 12,000,000

Of the moneys appropriated in this paragraph, the authority shall provide financial assistance from the sports tourism program infrastructure fund for sports tourism infrastructure projects subject to the requirements of section 15F.401 applicable to sports tourism infrastructure projects and this paragraph. Financial assistance shall not be provided to reimburse costs incurred prior to the approval of the financial assistance and shall not be provided until all financing for the sports tourism infrastructure project is secured and documented. An applicant for financial assistance from moneys appropriated in this paragraph shall demonstrate the availability of matching moneys for financing the sports tourism infrastructure project in the form of a private and public partnership with financing from city, county, and private sources. Financial assistance shall be provided for sports tourism infrastructure projects that draw a national and international audience and attract a significant number of visitors from outside the state. However, financial assistance shall not be provided for sports tourism infrastructure projects located in a reinvestment district as defined and approved by the authority pursuant to section 15J.4 or to applicants that have received a rebate of sales tax imposed and collected by retailers pursuant to section 423.4, subsection 5.

c. For providing financial assistance to a city or nonprofit organization hosting the national junior olympics, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023:

..... \$ 150,000

d. For equal distribution to regional sports authority districts certified by the authority pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023:

..... \$ 500,000

7. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

For costs associated with completing a study by the United States army corps of engineers concerning flood prevention improvements to a levee, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023:

..... \$ 650,000

8. DEPARTMENT OF HUMAN SERVICES

a. For renovation and repair at department facilities:

FY 2022-2023:

..... \$ 3,161,000

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 2022-2023:

..... \$ 750,000

c. For a grant to a nonprofit organization specializing in brain injury rehabilitation by providing post-acute inpatient and outpatient rehabilitation, as well as long-term skilled, supported, and independent living services for people who have sustained a traumatic brain injury due to a stroke, tumor, aneurysm, or other brain injury, in a city with a population between 67,500 and 68,500 as determined by the 2020 federal decennial census, for costs associated with the construction of an outpatient therapy center:

FY 2022-2023:

..... \$ 1,000,000

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 2022-2023:  
 ..... \$ 9,600,000

b. For state park infrastructure improvements:

FY 2022-2023:  
 ..... \$ 5,000,000

c. For water trails and low head dam safety grants:

FY 2022-2023:  
 ..... \$ 1,500,000

d. For costs associated with renovation and improvements at the Fort Atkinson state preserve:

FY 2022-2023:  
 ..... \$ 350,000

e. For deposit in the on-stream impoundment restoration fund created in section 456A.33C, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023:  
 ..... \$ 500,000

f. 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 2022-2023:  
 ..... \$ 250,000

10. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

FY 2022-2023:  
 ..... \$ 2,100,000

b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:

FY 2022-2023:  
 ..... \$ 2,100,000

c. For construction improvement projects at the Camp Dodge facility:

FY 2022-2023:  
 ..... \$ 550,000

d. The department of public defense shall report to the general assembly by December 15, 2022, 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 2022-2023:  
 ..... \$ 4,330,150

b. For deposit in the public safety equipment fund created in section 80.48, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2022-2023:  
 ..... \$ 2,500,000

c. For construction of a new facility for fire fighter training:

FY 2022-2023:  
 ..... \$ 2,100,000

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 2022-2023:		
.....	\$	27,900,000
13. STATE FAIR AUTHORITY		
For the renovation and repair of the state fair barns:		
FY 2022-2023:		
.....	\$	6,000,000
FY 2023-2024:		
.....	\$	6,000,000
14. DEPARTMENT OF TRANSPORTATION		
a. For acquiring, constructing, and improving recreational trails within the state:		
FY 2022-2023:		
.....	\$	2,500,000
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 2022-2023:		
.....	\$	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 2022-2023:		
.....	\$	2,000,000
d. For vertical infrastructure improvements at the commercial service airports within the state:		
FY 2022-2023:		
.....	\$	1,900,000
e. For vertical infrastructure improvements at general aviation airports within the state:		
FY 2022-2023:		
.....	\$	1,000,000
15. 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 2022-2023:		
.....	\$	1,060,000
16. JUDICIAL BRANCH		
a. For construction projects at the Woodbury county law enforcement center:		
FY 2022-2023:		
.....	\$	165,000
b. For renovations and furniture at justice centers:		
FY 2022-2023:		
.....	\$	624,518

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, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

##### 1. DEPARTMENT OF CORRECTIONS

a. For software upgrades to emergency response radios:	\$	350,000
b. For security cameras, staff phone systems, and automation systems at correctional facilities:	\$	2,415,954
2. 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:	\$	1,000,000
3. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT		
For the continuing implementation of a statewide mass notification and emergency messaging system:	\$	400,000
4. 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
5. DEPARTMENT OF HUMAN SERVICES		
For technology costs associated with the state poison control center:	\$	34,000
6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION		
For firewall and distributed denial-of-service attack protection for the Iowa communications network:	\$	1,510,724
7. DEPARTMENT OF INSPECTIONS AND APPEALS		
a. For costs associated with the enhancement of the health facilities database:	\$	250,000
b. For costs associated with the implementation of the food safety data system enhancement and integration with the govconnectiowa portal:	\$	410,000
c. For costs associated with the creation of electronic forms within the e-filing system:	\$	100,000
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:	\$	382,131
9. DEPARTMENT OF PUBLIC DEFENSE		
For technology projects:		



.....	\$	500,000
10. DEPARTMENT OF PUBLIC SAFETY		
For costs associated with the implementation of body-worn cameras and licensing:		
.....	\$	385,000
11. DEPARTMENT OF REVENUE		
For tax system modernization:		
.....	\$	4,070,460
12. JUDICIAL BRANCH		
a. For costs associated with the connection of district phone systems to the judicial branch building system:		
.....	\$	40,464
b. For costs associated with installation and repurpose of courtroom sound systems:		
.....	\$	610,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends two years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

### DIVISION III CHANGES TO PRIOR APPROPRIATIONS

Sec. 5. 2018 Iowa Acts, chapter 1162, section 1, subsection 10, paragraph b, as amended by 2020 Iowa Acts, chapter 1120, section 8, is amended to read as follows:

b. For construction of a new veterinary diagnostic laboratory at Iowa state university of science and technology, to include reimbursement of infrastructure costs incurred by the university for construction of the laboratory in prior fiscal years:

FY 2018-2019:	\$	1,000,000
FY 2019-2020:		
.....	\$	12,500,000
FY 2020-2021:		
.....	\$	8,900,000
FY 2021-2022:		
.....	\$	12,500,000
FY 2022-2023:		
.....	\$	12,500,000
		<u>28,600,000</u>
<del>FY 2023-2024:</del>		
.....	<del>\$</del>	<del>16,100,000</del>

Sec. 6. 2018 Iowa Acts, chapter 1162, section 4, is amended to read as follows:

#### SEC. 4. 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 from an appropriation made in section 3, subsection 4, of this division of this 2018 Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends four years after the end of the fiscal

year for which the appropriation is made, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 7. 2019 Iowa Acts, chapter 137, section 2, is amended to read as follows:  
SEC. 2. REVERSION.

1. ~~For~~ Except as provided in subsection 2, 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.

2. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in section 1, subsection 14, of this division of this 2019 Act shall not revert but shall remain available for expenditure for the purpose designated until the close of the fiscal year that begins July 1, 2022.

Sec. 8. 2019 Iowa Acts, chapter 137, section 4, is amended to read as follows:  
SEC. 4. REVERSION.

1. ~~For~~ Except as otherwise provided in subsections 2 and 3, 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.

2. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in section 3, subsection 6, of this division of this 2019 Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2023, or until the project for which the appropriation was made is completed, whichever is earlier.

3. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in section 3, subsection 11, paragraph c, of this division of this 2019 Act 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, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 9. 2020 Iowa Acts, chapter 1120, section 1, subsection 10, paragraph b, is amended to read as follows:

b. For the renovation and construction of an industrial technology center at the university of northern Iowa to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year:

FY 2021-2022:	\$	13,000,000
.....		
FY 2022-2023:	\$	18,000,000
.....		<u>26,500,000</u>
FY 2023-2024:	\$	<del>8,500,000</del>
.....		

Sec. 10. 2021 Iowa Acts, chapter 167, section 1, subsection 7, is amended to read as follows:

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

Sec. 11. 2021 Iowa Acts, chapter 167, section 1, subsection 10, paragraph d, is amended to read as follows:

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

3,700,000

~~FY 2023-2024:~~

..... \$ 1,850,000

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

DIVISION IV  
MISCELLANEOUS PROVISIONS

Sec. 13. Section 8.57C, subsection 3, paragraph a, subparagraph (3), Code 2022, is amended to read as follows:

(3) For the fiscal year beginning July 1, 2022 2023, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars.

Sec. 14. Section 8.57C, subsection 3, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the sum of twenty million five hundred thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph “c”.

Sec. 15. Section 15.261, Code 2022, is amended to read as follows:

**15.261 Vacant state buildings demolition fund.**

1. A vacant state buildings demolition fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund.

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 or by a county that has purchased real property from the federal government which are no longer used for a state or federal 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. The authority shall give preference to applicants that have not previously been awarded money from this fund.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the vacant state buildings demolition fund shall be credited to the vacant state buildings demolition fund. Notwithstanding section 8.33, moneys credited to the vacant state buildings demolition fund shall not revert at the close of a fiscal year.

Sec. 16. Section 15.262, Code 2022, is amended to read as follows:

**15.262 Vacant state buildings rehabilitation fund.**

1. A vacant state buildings rehabilitation fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund.

2. Moneys in the vacant state buildings rehabilitation fund are appropriated to the authority for purposes of funding a loan program for the rehabilitation or redevelopment of vacant buildings owned by the state or by a county that has purchased real property from the federal government which are no longer used for a state or federal purpose. The authority shall give preference to applicants that have not previously been awarded money from this fund.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the vacant state buildings rehabilitation fund shall be credited to the vacant state buildings

rehabilitation fund. Notwithstanding section 8.33, moneys credited to the vacant state buildings rehabilitation fund shall not revert at the close of a fiscal year.

Sec. 17. Section 159A.16, subsection 3, Code 2022, is amended to read as follows:

3. Moneys in the renewable fuel infrastructure fund are appropriated to the department exclusively to support and market the renewable fuel infrastructure programs as provided in sections 159A.14 and 159A.15, and as allocated in financial incentives by the renewable fuel infrastructure board created in section 159A.13. ~~Up to fifty~~

a. For each fiscal year, not more than one million two hundred fifty thousand dollars shall be allocated to support the renewable fuel infrastructure program for retail motor fuel sites as provided in section 159A.14 to finance the installation, replacement, or conversion of biodiesel infrastructure as provided in that section.

b. For each fiscal year, not more than one hundred thousand dollars shall be allocated each fiscal year to the department to support the administration of the programs. The

c. For each fiscal year, the department may use up to three quarters of one and one-half percent of the program funds to market the programs. Otherwise the moneys shall not be transferred, used, obligated, appropriated, or otherwise encumbered except to allocate as financial incentives under the programs.

Sec. 18. Section 602.11101, subsection 1, paragraph e, subparagraph (2), Code 2022, is amended to read as follows:

(2) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986, the state shall assume the responsibility for the compensation of and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, subsection 1, including paint, wall covering, and fixtures in the facilities. In addition, however, effective July 1, 2023, if a county expends moneys for the renovation or construction of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, that requires the purchase of furnishings, supplies, and equipment for the use of judicial officers, referees, and their staff as a result of that renovation or construction, the state shall be responsible for only seventy-five percent of the cost of the purchase.

Sec. 19. DES MOINES AREA REGIONAL TRANSIT AUTHORITY ALTERNATIVE FUNDING ADVISORY COMMITTEE — REPORT.

1. The department of transportation shall establish a Des Moines area regional transit authority alternative funding advisory committee to study the most effective and efficient methods to increase funding for the Des Moines area regional transit authority that are alternative to an increase in property taxes.

2. The committee shall consist of five voting members and four ex officio, nonvoting members.

a. The voting members of the committee shall be composed of all of the following:

(1) The director of the department of transportation or a designee.

(2) The director of the department of revenue or a designee.

(3) A Polk county supervisor appointed by the governor.

(4) A member of a city council or mayor of a city in Polk county in which the Des Moines area regional transit authority operates, appointed by the governor.

(5) A representative of the Des Moines area regional transit authority appointed by the Des Moines area regional transit authority.

b. The ex officio, nonvoting members of the committee shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader

of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

3. Staffing services shall be provided by the department of transportation in coordination with the department of revenue.

4. The committee shall submit a report containing its findings and recommendations to the general assembly on or before December 15, 2022.

5. This section is repealed January 1, 2023.

Sec. 20. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

The sections of this division of this Act amending sections 15.261 and 15.262.

Sec. 21. RETROACTIVE APPLICABILITY. The following apply retroactively to June 1, 2020:

The sections of this division of this Act amending sections 15.261 and 15.262.

#### DIVISION V SPORTS TOURISM PROGRAM

Sec. 22. Section 15F.401, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. The authority shall establish, and, at the direction of the board, shall administer a sports tourism marketing and infrastructure program to provide financial assistance for projects that promote sporting events or for infrastructure projects supporting sporting events for organizations of accredited colleges and universities, professional sporting events, and other sporting events in the state.

Sec. 23. Section 15F.401, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. (1) 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 from the sports tourism marketing program fund created in section 15F.403 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.

(2) A city or county in the state or a public entity that is a convention and visitors bureau or a district may apply to the authority for financial assistance from the sports tourism infrastructure program fund created in section 15F.404 for an infrastructure project that actively and directly supports 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. However, financial assistance shall not be provided to an applicant from the sports tourism infrastructure program fund created in section 15F.404 for infrastructure projects located in a reinvestment district as defined and approved by the authority pursuant to section 15J.4 or to applicants that have received a rebate of sales tax imposed and collected by retailers pursuant to section 423.4, subsection 5.

Sec. 24. Section 15F.401, subsections 4, 5, and 6, Code 2022, are amended to read as follows:

4. a. 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 subject to the requirements of this subsection.

b. An applicant under the program shall not receive financial assistance from the sports tourism marketing program fund created in section 15F.403 or the sports tourism infrastructure program fund created in section 15F.404 in an amount exceeding fifty percent of the total cost of the project.

c. An applicant under the program shall not receive financial assistance from the sports tourism infrastructure program fund created in section 15F.404 until all financing for the sports tourism infrastructure project is secured and documented and the applicant can demonstrate the availability of matching moneys for financing the sports tourism

infrastructure project in the form of a private and public partnership with financing from city, county, and private sources.

5. The board shall make final funding decisions on each application and may approve, deny, defer, or modify applications for financial assistance under the sports tourism marketing and infrastructure 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 from the sports tourism marketing program fund created in section 15F.403 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 from the sports tourism marketing fund created in section 15F.403 for marketing and promotions. 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 from the sports tourism marketing fund created in section 15F.403 shall be made at least ninety days prior to an event's scheduled date.

c. A city, county, or public entity shall not use financial assistance received under the program from the sports tourism marketing fund created in section 15F.403 or the sports tourism infrastructure fund created in section 15F.404 as reimbursement for completed projects.

Sec. 25. Section 15F.402, subsections 1 and 2, Code 2022, are amended to read as follows:

1. Applications for assistance under the sports tourism marketing and infrastructure program established in section 15F.401 shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall forward the applications to the board and provide a staff review analysis and evaluation to the sports tourism program review committee referred to in subsection 2 and to the board.

2. A review committee composed of five members of the board shall review sports tourism marketing and infrastructure program applications forwarded to the board and make recommendations regarding the applications to the authority. The review committee shall consist of members of the board, with one member from each congressional district under section 15F.102, subsection 2, paragraph "a", and one member from the state at large under section 15F.102, subsection 2, paragraph "b".

Sec. 26. Section 15F.403, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph "o", for purposes of financing sports tourism marketing projects as described in this subchapter. The fund established for purposes of this section may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section.

Sec. 27. Section 15F.403, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Moneys in the fund are appropriated to the authority for purposes of providing financial assistance to cities, counties, and public entities under the sports tourism marketing program established and administered pursuant to this subchapter.

Sec. 28. **NEW SECTION. 15F.404 Sports tourism infrastructure program fund.**

1. a. The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph "o", for purposes of financing sports tourism infrastructure projects as described in this subchapter. The fund established for purposes of this section may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section.

b. Notwithstanding section 8.33, moneys in a fund established for purposes of this section at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. a. Moneys in the fund are appropriated to the authority for purposes of providing financial assistance to cities, counties, and eligible public entities under the sports tourism marketing and infrastructure program established and administered pursuant to this subchapter.

b. The board in its discretion shall allocate the available moneys in the fund among the programs described in paragraph “a” in the amounts determined by the board.

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, technical assistance, and other program support.

Sec. 29. SPORTS TOURISM MARKETING 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, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the sports tourism marketing program fund created in section 15F.403 for financing sports tourism marketing projects:

..... \$ 1,500,000

Approved June 17, 2022

**CHAPTER 1151**

**ARTISANAL BUTCHERY — IMPLEMENTATION OF TASK FORCE RECOMMENDATIONS**

*H.F. 2470*

**AN ACT** adopting and implementing the recommendations of the artisanal butchery task force.

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

Section 1. ARTISANAL BUTCHERY TASK FORCE — IMPLEMENTATION OF FINAL REPORT RECOMMENDATIONS. The artisanal butchery task force, established pursuant to 2021 Iowa Acts, chapter 175, section 2, issued its final report to the general assembly on December 30, 2021. Adopting the recommendations of the final report, all of the following shall occur:

1. a. No later than December 31, 2022, the department of education, in collaboration with the state board of education, shall establish a framework for a one-year community college certificate program for artisanal butchery that is based on the recommendations in the artisanal butchery task force final report, and the department shall provide the framework to all community colleges established under chapter 260C.

b. A community college established under chapter 260C that elects to establish a one-year certificate program for artisanal butchery shall use the framework provided by the department of education under paragraph “a” as the minimum requirements, and may modify the curriculum based on the unique circumstances of the specific community college. Pursuant to sections 258.3A, 258.4, and 260C.14, and applicable Iowa administrative rules, the community college shall obtain approval of the community college’s certificate program prior to implementation of the program.

2. a. The department of workforce development, in collaboration with the economic development authority, shall develop and maintain a library of resources that serves as a single resource point at which any Iowa-based business involved in meat processing may obtain education and financial assistance information. The library shall include, at a minimum, information on all of the following:

(1) Short courses offered at the meats laboratory at Iowa state university of science and technology.

(2) Registered apprenticeships.

(3) Summer youth internships.

(4) Jobs training under chapter 260F.

(5) Establishing an in-house apprenticeship program.

(6) How to access training programs.

(7) Employee development opportunities.

(8) Future ready Iowa programs.

(9) The butchery innovation and revitalization grant program.

(10) The choose Iowa marketing and promotion grant program.

b. The library of resources shall be posted on the department's internet site, in a manner that is easily accessible to the public, no later than December 31, 2022.

3. No later than July 31, 2022, and notwithstanding the minimum criteria listed in section 84A.1B, subsection 14, paragraphs "a" through "c", the workforce development board shall add butchery, artisanal butchery, and meat processing to the list of high-demand jobs for the purposes listed in section 84A.1B, subsection 14.

4. a. The department of agriculture and land stewardship shall collaborate with Iowa state university extension and outreach to develop and maintain a direct-to-consumer tool kit that contains, at a minimum, the information detailed in the artisanal butchery task force's final report. The direct-to-consumer tool kit shall be posted on the department's internet site, in a manner that is easily accessible to the public, no later than December 31, 2022.

b. The department of agriculture and land stewardship shall develop and maintain a directory of meat lockers in Iowa that provides the location of, and the contact information for, each meat locker in the directory. The directory shall be posted on the department's internet site, in a manner that is easily accessible to the public, no later than December 31, 2022.

Approved June 21, 2022

## CHAPTER 1152

### REGULATION OF AGRICULTURE, AGRICULTURAL PROGRAMS, AND MOTOR FUELS

*H.F. 2581*

**AN ACT** providing for programs and regulations administered and enforced by the department of agriculture and land stewardship, providing fees, providing penalties, and making penalties applicable.

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

#### DIVISION I

#### CHOOSE IOWA PROMOTIONAL PROGRAM

Section 1. Section 159.20, Code 2022, is amended by adding the following new subsection:

**NEW SUBSECTION.** 1A. The department shall establish and administer a choose Iowa promotional program as provided in part 2 of this subchapter, in order to provide consumers



a choice in purchasing food items that originate as an agricultural commodity produced on Iowa farms.

**Sec. 2. NEW SECTION. 159.26 Definitions.**

As used in this part:

1. “Food item” means any of the following:
  - a. A perishable item derived from an agricultural commodity, or processed from an agricultural commodity, that is fit for human consumption.
  - b. Honey produced from bees in a managed beehive.
2. “Iowa farm” means land in this state used to produce an agricultural commodity.
3. “Process” means to prepare a food item in a manner that allows it to be fit for human consumption.
4. “Program” means the choose Iowa promotional program established in section 159.29.

**Sec. 3. NEW SECTION. 159.28 Administration.**

The department shall administer the provisions of this part, including by adopting rules pursuant to chapter 17A as it determines are necessary or desirable.

**Sec. 4. NEW SECTION. 159.29 Choose Iowa promotional program.**

1. The department shall establish and administer a choose Iowa promotional program to advertise for sale on a retail basis a food item that originates as an agricultural commodity produced on an Iowa farm, and that may include any of the following:

a. An agricultural commodity, except that it may be prepared for sale by washing or packaging in this state.

b. A product, if it is processed in this state and any of its ingredients originate as an agricultural commodity produced on an Iowa farm.

2. a. The department may adopt rules further defining an Iowa farm and describing how an agricultural commodity originates on an Iowa farm.

b. The department may adopt rules providing for the acceptable use of ingredients originating from agricultural commodities not produced on Iowa farms. In adopting the rules, the department may consider whether the ingredient is an incidental additive or other component that the department determines is insignificant.

**Sec. 5. NEW SECTION. 159.30 Choose Iowa logo.**

1. As part of the program, the department may establish a choose Iowa logo to identify a food item originating as an agricultural commodity produced on an Iowa farm.

2. The department may register the choose Iowa logo as a mark with the secretary of state under chapter 548. If allowed under federal law, the department may also register the logo as a trademark with the United States patent and trademark office or as a copyright with the United States copyright office.

3. This section does not require the department to incorporate the name “choose Iowa” as part of a mark, trademark, or copyright, if such name is already protected by state or federal law.

4. If the department registers a mark with the secretary of state, registers a trademark with the United States patent and trademark office, or registers a copyright with the United States copyright office under this section, the state of Iowa shall be named as the owner of the mark, trademark, or copyright.

5. The use of a choose Iowa logo does not do any of the following:

a. Provide an express or implied guarantee or warranty concerning the safety, fitness, merchantability, or use of a food item.

b. Supersede, revise, or replace a state or federal labeling requirement, including but not limited to a provision in the federal Fair Packaging and Labeling Act, 15 U.S.C. §1451 et seq.

c. Indicate the grade, specification, standard, or value of any food item.

**Sec. 6. NEW SECTION. 159.31 Choose Iowa licensing agreement — fees.**

1. A person may apply to the department to participate in the choose Iowa promotional program according to procedures established by rules adopted by the department. The department shall evaluate and approve or disapprove applications based on criteria

established by rules adopted by the department. The department may disapprove an application if the department determines the applicant's use of the choose Iowa logo would be associated with the consumption of an adulterated or illegal food item.

2. The department may enter into a licensing agreement with a person participating in the program. The participating person may use the choose Iowa logo to advertise a food item originating as an agricultural commodity produced on an Iowa farm, subject to terms and conditions required by rules adopted by the department. A licensing agreement shall not be for more than one year.

3. The department shall establish application and license fees by rules adopted by the department.

**Sec. 7. NEW SECTION. 159.31A Choose Iowa fund.**

1. A choose Iowa fund is established in the state treasury under the management and control of the department.

2. The fund shall include moneys collected as fees by the department as provided in section 159.31, moneys appropriated by the general assembly, and other moneys available to and obtained or accepted by the department, including moneys from public or private sources.

3. Moneys in the fund are appropriated to the department and shall be used exclusively to carry out the provisions of this part as determined and directed by the department, and 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 in the fund that remain unencumbered or unobligated at the end of a fiscal year shall not revert.

**Sec. 8. DIRECTIONS TO CODE EDITOR — TRANSFER.**

1. The Code editor is directed to make the following transfer:

Section 159.27 to section 159.25.

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. 9. DIRECTIONS TO CODE EDITOR — PARTS.** The Code editor is directed to divide the provisions in chapter 159, subchapter II, as amended, enacted, or transferred in this division of this Act, into parts as follows:

1. Part 1, including sections 159.20 through 159.25.

2. Part 2, including sections 159.26 through 159.31A.

**DIVISION II  
REGULATION OF PESTICIDES**

**Sec. 10.** Section 206.12, subsection 3, Code 2022, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and the secretary shall set the registration fee annually at ~~one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand hundred dollars for each and every brand and grade to be offered for sale in this state except as otherwise provided. The annual registration fee for products with gross annual sales in this state of less than one million five hundred thousand dollars shall be the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales as established by affidavit of the registrant.~~ The secretary shall adopt by rule exemptions to the ~~minimum~~ fee. Fifty dollars of each fee collected shall be deposited in the general fund of the state, shall be subject to the requirements of section 8.60, and shall be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

Sec. 11. Section 206.19, subsection 5, paragraph b, Code 2022, is amended to read as follows:

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.

### DIVISION III REGULATION OF MOTOR FUELS

Sec. 12. Section 214A.1, subsections 2, 5, and 13, Code 2022, are amended to read as follows:

2. ~~A.S.T.M. ASTM international~~ means the American society for testing and materials international.

5. *Biodiesel* means a renewable fuel comprised of mono-alkyl esters of long-chain fatty acids derived from vegetable oils or animal fats, which is manufactured by the use of a transesterification reaction, and which meets the standards provided in section 214A.2.

13. *E-85 gasoline* or *E-85* means ethanol blended gasoline formulated with a percentage of between ~~seventy sixty-eight and eighty-five eighty-three~~ percent by volume of ethanol, if the formulation excludes a denaturant, and which meets the standards provided in section 214A.2.

#### Sec. 13. **NEW SECTION. 214A.1A Administration and enforcement.**

This chapter shall be administered and enforced by the department which may adopt rules under chapter 17A to carry out the provisions of this chapter. <sup>1</sup>

Sec. 14. Section 214A.2, Code 2022, is amended to read as follows:

#### **214A.2 Tests and standards Standards and classifications.**

1. a. The department shall adopt rules pursuant to chapter 17A for carrying out this chapter. ~~The rules may include but are not limited to specifications establishing departmental standards relating to motor fuel, including but not limited to renewable fuel such as ethanol blended gasoline, biobutanol blended gasoline, biodiesel, biodiesel blended fuel, fuels and motor fuel components such as an oxygenate.~~

b. In the interest of uniformity, the department shall adopt by reference ~~other in part or in whole, as some of its departmental standards described in paragraph "a", applicable specifications relating to tests and standards for motor fuel, including renewable fuel and motor fuel components,~~ adopted by ASTM international and applicable requirements established by the United States environmental protection agency and ~~A.S.T.M. international.~~

2. Octane number shall conform to the average of values obtained from the ~~A.S.T.M. ASTM~~ international D2699 research method and the ~~A.S.T.M. ASTM~~ international D2700 motor method.

a. Octane number for regular grade unleaded gasoline shall follow the specifications of ~~A.S.T.M. ASTM~~ international but shall not be less than eighty-seven.

b. Octane number for premium grade unleaded gasoline shall follow the specifications of ~~A.S.T.M. ASTM~~ international but shall not be less than ~~ninety ninety-one~~.

3. a. For motor fuel advertised for sale or sold as gasoline by a dealer, the motor fuel must meet requirements for that type of motor fuel and its additives established by the United States environmental protection agency including as provided under 42 U.S.C. §7545.

b. If the motor fuel is advertised for sale or sold as ethanol blended gasoline, the motor fuel must ~~comply with meet~~ departmental standards ~~which shall meet all of the following requirements including as follows:~~

(1) Ethanol must be an agriculturally derived ethyl alcohol that meets ~~A.S.T.M. departmental standards based in part or in whole on ASTM international specification D4806 for denatured fuel ethanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor A.S.T.M. ASTM international specification, as established by rules adopted by the department rule.~~

<sup>1</sup> See chapter 1153, §18 herein

(2) Gasoline blended with ethanol must meet ~~requirements established by rules adopted~~ departmental standards based in part or in whole based on A.S.T.M. ASTM international specification D4814, or a successor ASTM international specification, established by rule.

(3) (a) For ethanol blended gasoline, at least nine percent by volume must be fuel grade ethanol. ~~In addition, the following applies:~~

(a) (b) For the period beginning on September 16 and ending on May 31 of each year, the state grants a waiver of one pound per square inch from the ~~A.S.T.M. ASTM~~ international D4814 specification for Reid vapor pressure requirement, or a successor ASTM international specification, established by rule.

(b) ~~For the period beginning on June 1 and ending on September 15 of each year the United States environmental protection agency must grant a one pound per square inch waiver for ethanol blended conventional gasoline with at least nine but not more than ten percent by volume of ethanol pursuant to 40 C.F.R. §80.27.~~

(4) For standard ethanol blended gasoline, it must be ethanol blended gasoline classified as any of the following:

(a) From E-9 ~~up to but not higher than~~ E-15, if the ethanol blended gasoline meets the departmental standards for that classification as otherwise provided in this paragraph "b".

(b) Higher than E-15 but not E-85 gasoline, if the classification is authorized by the department pursuant to approval for the use of that classification of ethanol blended gasoline in this state by the United States environmental protection agency, by granting a waiver or the adoption of regulations.

(5) E-85 gasoline must be an agriculturally derived ethyl alcohol that meets ~~A.S.T.M. departmental standards based in part or in whole on~~ ASTM international specification D5798, described as a fuel blend for use in ground vehicles with automotive spark-ignition engines, or a successor A.S.T.M. ASTM international specification, as established by rules adopted by the department rule.

c. If the motor fuel is advertised for sale or sold as biobutanol blended gasoline, the motor fuel must ~~comply with meet~~ departmental standards which shall meet all of the following requirements as follows:

(1) Biobutanol must be an agriculturally derived isobutyl or n-butyl alcohol that meets ~~A.S.T.M. ASTM~~ international specification D7862 for butanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor A.S.T.M. ASTM international specification, as established by rules adopted by the department rule.

(2) Gasoline blended with biobutanol must meet ~~requirements established by rules adopted~~ departmental standards based in part or in whole based on A.S.T.M. ASTM international specification D4814, or a successor ASTM international specification, established by rule.

4. a. For motor fuel advertised for sale or sold as diesel fuel by a dealer, the motor fuel must meet requirements for that type of motor fuel and its additives established by the United States environmental protection agency including as provided under 42 U.S.C. §7545.

b. If the motor fuel is advertised for sale or sold as biodiesel or biodiesel blended fuel, the motor fuel must ~~comply with meet~~ departmental standards which shall comply with based in part or in whole on specifications adopted by ~~A.S.T.M. ASTM~~ international for biodiesel or biodiesel blended fuel, to every extent applicable, as determined by rules adopted by the department. the department, subject to the following:

(1) Biodiesel must ~~conform to A.S.T.M. meet~~ departmental standards based in whole or in part on ASTM international specification D6751, or a successor A.S.T.M. ASTM international specification, as established by rules adopted by the department rule. The specification shall apply to biodiesel before it leaves its place of manufacture.

(2) At least ~~one~~ five percent of biodiesel blended fuel by volume must be biodiesel.

(3) The biodiesel may be blended with diesel fuel whose sulfur, aromatic, lubricity, and cetane levels do not comply with ~~A.S.T.M. ASTM~~ international specification D975 grades 1-D or 2-D, low sulfur 1-D or 2-D, or ultra-low sulfur grades 1-D or 2-D, provided that the finished biodiesel blended fuel meets A.S.T.M. international specification D975 or a successor A.S.T.M. international specification as established by rules adopted by the department departmental standards as required in subparagraph (1).

(4) Biodiesel blended fuel classified as B-6 or higher but not higher than B-20 must ~~conform to A.S.T.M. meet~~ departmental standards based in whole or in part on ASTM international

specification D7467, or a successor ~~A.S.T.M. ASTM~~ international specification, as established by rules adopted by the department rule.

5. Motor fuel shall be classified as follows:

a. (1) Ethanol shall be classified as E-100.

(2) Ethanol blended gasoline formulated with a percentage of between sixty-eight and eighty-three percent by volume of ethanol shall be classified as E-85.

(3) Ethanol blended gasoline, other than ethanol blended gasoline classified as E-85, shall be designated classified as E-xx where “xx” is the volume percent of ethanol in the ethanol blended gasoline.

b. (1) Biobutanol shall be classified as Bu-100.

(2) Biobutanol blended gasoline shall be designated classified as Bu-xx where “xx” is the volume percent of biobutanol in the biobutanol blended gasoline.

c. (1) Biodiesel shall be classified as B-100.

(2) Biodiesel blended fuel shall be designated classified as B-xx where “xx” is the volume percent of biodiesel.

6. Motor fuel shall not contain more than trace amounts of MTBE, as provided in section 214A.18.

Sec. 15. Section 214A.2A, subsection 1, Code 2022, 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” or the designation “K1 kerosene”, and shall indicate that the kerosene is in compliance with the standard specification adopted by ~~A.S.T.M. ASTM~~ international specification D3699 (1982), or a successor ~~ASTM~~ international specification, established by rules adopted by the department.

Sec. 16. Section 214A.2B, Code 2022, is amended to read as follows:

**214A.2B Laboratory for motor fuel and biofuels.**

A laboratory for motor fuel and biofuels is established at a community college which is engaged in biofuels testing on July 1, 2007, and which testing includes but is not limited to B-20 biodiesel fuel testing for motor trucks and the ability of biofuels to meet ~~A.S.T.M. ASTM~~ international standards. The laboratory shall conduct testing of motor fuel sold in this state and biofuel which is blended in motor fuel in this state to ensure that the motor fuel or biofuels meet the requirements in section 214A.2.

Sec. 17. Section 214A.3, Code 2022, is amended to read as follows:

**214A.3 Advertising.**

1. For all motor fuel, a person shall not knowingly do any of the following:

a. 1. Advertise the for sale of any motor fuel which that does not meet the standards provided in section 214A.2.

b. 2. Falsely advertise for sale the quality, type, or kind of any motor fuel or a component of motor fuel.

c. 3. Add a coloring matter to the motor fuel which misleads a person who is purchasing the motor fuel about the quality of the motor fuel.

4. Falsely advertise for sale the classification of a motor fuel as provided in section 214A.2.

2. For a renewable fuel, all of the following apply:

a. A person shall not knowingly falsely advertise that a motor fuel is a renewable fuel or is not a renewable fuel.

b. (1) Ethanol blended gasoline sold by a dealer shall be designated according to its classification as provided in section 214A.2. However, a person advertising E-9 or E-10 gasoline may only designate it as ethanol blended gasoline. A person advertising ethanol blended gasoline formulated with a percentage of between seventy and eighty-five percent by volume of ethanol shall designate it as E-85. A person shall not knowingly falsely advertise ethanol blended gasoline by using an inaccurate designation in violation of this subparagraph.

(2) A person shall not knowingly falsely advertise biobutanol blended gasoline by using an inaccurate designation as provided in section 214A.2.

~~(3) A person shall not knowingly falsely advertise biodiesel fuel by using an inaccurate designation as provided in section 214A.2.~~

Sec. 18. Section 214A.5, subsection 2, Code 2022, is amended to read as follows:

2. A wholesale dealer selling ethanol blended gasoline, biobutanol blended gasoline, or biodiesel blended fuel to a purchaser shall provide the purchaser with a statement indicating its designation classification as provided in section 214A.2. The statement may be on the sales slip provided in this section or a similar document, including but not limited to a bill of lading or invoice.

Sec. 19. Section 214A.16, Code 2022, is amended to read as follows:

**214A.16 Notice of renewable fuel — decal.**

~~1. a. If ethanol blended gasoline is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the ethanol blended gasoline.~~

~~b. If the motor fuel pump dispenses ethanol blended gasoline classified as E-11 to E-15 for use in gasoline-powered vehicles not required to be flexible fuel vehicles, the motor fuel pump shall have affixed a decal as prescribed by the United States environmental protection agency.~~

~~e. 1. a. If the motor fuel pump dispenses ethanol blended gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2 is advertised for sale or sold at a retail motor fuel site, the motor fuel dispenser dispensing the ethanol blended gasoline shall be affixed with a decal shall contain language stating that the classification of the ethanol blended gasoline is for use in flexible fuel vehicles.~~

~~d. b. If biobutanol blended gasoline is advertised for sale or sold from at a retail motor fuel site, the motor fuel pump, the motor fuel pump dispenser dispensing the biobutanol blended gasoline shall have be affixed with a decal identifying the classification of biobutanol blended gasoline.~~

~~e. If biodiesel fuel is sold from a motor fuel pump, the motor fuel pump shall have affixed a decal identifying the biodiesel fuel as provided in 16 C.F.R. pt. 306.~~

2. The design and location of the decal shall be prescribed by rules adopted by the department. A decal identifying a renewable fuel shall be consistent with standards adopted pursuant to section 159A.6. The department may approve an application to place a decal in a special location on a pump dispenser or container or use a decal with special lettering or colors, if the decal appears clear and conspicuous to the consumer. The application shall be made in writing pursuant to procedures adopted by the department.

Sec. 20. Section 452A.12, subsection 2, Code 2022, is amended to read as follows:

2. A person while transporting motor fuel or undyed special fuel from a refinery or marine or pipeline terminal in this state or from a point outside this state over the highways of this state in service other than that under subsection 1 shall carry in the vehicle a loading invoice showing the name and address of the seller or consignor, the date and place of loading, and the kind and quantity of motor fuel or special fuel loaded, together with invoices showing the kind and quantity of each delivery and the name and address of each purchaser or consignee. An invoice carried pursuant to this subsection for ethanol blended gasoline or biodiesel blended fuel shall state its designation classification as provided in section 214A.2.

Sec. 21. Section 455G.31, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. Ethanol blended gasoline shall be designated classified in the same manner as provided in section 214A.2.

DIVISION IV  
IOWA SHEEP AND WOOL PROMOTION BOARD

Sec. 22. Section 182.5, Code 2022, is amended to read as follows:

**182.5 Composition of board.**

The Iowa sheep and wool promotion board established under this chapter pursuant to section 182.4 shall be composed of nine producers, ~~one from each district~~. The dean of the

college of agriculture and life sciences of Iowa state university of science and technology or the dean's representative and the secretary or the secretary's designee shall serve as ex officio nonvoting members of the board. The board shall annually elect a chairperson from its membership.

Sec. 23. Section 182.7, Code 2022, is amended to read as follows:

**182.7 Notice of election for ~~directors~~ membership positions.**

1. Notice of the initial election for ~~directors~~ membership positions on the board shall be given by the secretary by publication in a newspaper of general circulation in the state at least five days prior to the date of the election and in any other reasonable manner as determined by the secretary. The notice shall set forth the period of time for voting, voting places, and other information as the secretary deems necessary.

2. Notice of a subsequent ~~elections~~ election for the a membership position for a district on the board shall be given by the board by publication in a newspaper of general circulation in the ~~district~~ state and in any other reasonable manner ~~as determined~~ established by the board ~~and~~. The notice shall set forth the period of time for voting, voting places, and other information as the board deems necessary.

Sec. 24. Section 182.8, Code 2022, is amended to read as follows:

**182.8 Terms.**

The term of office for members of the board shall be three years ~~and no member shall serve more than two complete consecutive terms~~. The ~~producers~~ members on the initial board shall determine their terms by lot, so that three ~~producers~~ members shall serve a one-year term, three ~~producers~~ members shall serve a two-year term, and three ~~producers~~ members shall serve a three-year term. A member elected to the initial board shall not serve more than two complete consecutive terms. A member subsequently elected to the board shall not serve more than a certain number of consecutive terms if, and as may be, established by the board.

Sec. 25. Section 182.9, Code 2022, is amended to read as follows:

**182.9 Subsequent membership — nominations — election.**

After the appointment of the initial board, the board shall administer subsequent elections for members of the board with the assistance of the secretary. Before the expiration of a member's term of office, the board shall ~~appoint a nominating committee for the district represented by the member. The nominating committee shall consist of five producers who are residents of the district from which a member must be elected. The nominating committee shall nominate two resident~~ any number of producers as candidates for the membership position for which an election is to be held. The board shall nominate candidates based on criteria established by the board. Additional candidates may be nominated by a written petition of signed by twenty-five resident producers. The board shall provide by rule and shall publish procedures governing the time and place of filing the nominations. The petition shall be in a form and delivered to the board as required by the board.

Sec. 26. Section 182.10, Code 2022, is amended to read as follows:

**182.10 Vacancies.**

The board shall by appointment fill an unexpired term if a vacancy occurs on the board. The board shall select an appointee shall be a resident producer in the district having a vacancy based on the criteria established by the board.

DIVISION V  
LOCAL FOOD AND FARM PROGRAM

Sec. 27. Section 267A.2, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. "Secretary" means the secretary of agriculture.

Sec. 28. Section 267A.3, subsections 2 and 3, Code 2022, are amended by striking the subsections and inserting in lieu thereof the following:

2. The council shall be composed of the following voting members:
  - a. The secretary or the secretary's designee.

b. The following persons appointed by the secretary:

(1) Four farmers each of whom shall produce an agricultural commodity in this state used to prepare or process a local food. A farmer must be actively engaged in the production of an agricultural commodity that is prepared or processed into the local food. The secretary must appoint farmers actively engaged in producing each of the following:

- (a) Livestock used to produce meat products.
- (b) Poultry used to produce poultry products.
- (c) Dairy animals used to produce milk and dairy products.

(d) Fruit or vegetables to be washed or to be produced, cut, canned, or otherwise processed into products.

(2) Two managers of firms each of whom shall represent different types of processors of agricultural commodities doing business in this state. A manager shall be actively engaged in the purchase of agricultural commodities from farmers, the preparation or processing of those commodities into local food, and the resale of the local food to distributors on a wholesale basis in this state. The secretary must appoint managers actively engaged in the sale of the following:

- (a) Meat products, poultry products, or milk or dairy products.
- (b) Fruits or vegetables, fruit products, or vegetable products.

(3) One manager of a wholesale distributor of local food doing business in this state. The manager must be actively engaged in the purchase of local food prepared or processed from agricultural commodities by processors, and in the marketing of local food on a wholesale basis to food establishments in this state.

(4) Three managers of food establishments doing business in this state. Each manager must be actively engaged in the purchase of local food prepared or processed from agricultural commodities produced in this state, the purchase of the local food from wholesale distributors, and the marketing or distribution of the local food to consumers in this state. The secretary must appoint managers actively engaged in the operation of the following:

- (a) A grocery store.
- (b) A food service provider distributing food to any of the following:
  - (i) Students attending a public or private school from kindergarten through grade twelve.
  - (ii) Children attending a center for early education.
- (c) A food service provider distributing local food to an institution not attended by children.
- (5) Two heads of local or regional community food organizations doing business in this state. Each head must be actively engaged in promoting the well-being of Iowans through the distribution of local food prepared or processed from agricultural commodities produced in this state.

(6) An attorney practicing in areas of food and agricultural law.

(7) An employee of a government entity who specializes in nutrition programs.

3. The secretary may invite interested organizations to submit nominations of candidates eligible to be appointed to the council. A designee of the secretary or a member appointed by the secretary serves at the pleasure of the secretary.

Sec. 29. Section 267A.6, Code 2022, is amended to read as follows:

**267A.6 Local food and farm program.**

1. The local food and farm program coordinator, with advice from the local food and farm program council, shall develop and administer a local food and farm program necessary to carry out the purpose and goals of this chapter as provided in section 267A.1, ~~including but not limited to by improving any of the following:~~

1. 2. In administering the program, the coordinator may sponsor and fund projects that do any of the following:

a. Communication Improve communication and cooperation between and among farmers, food entrepreneurs, and consumers.

2. b. Coordination Improve communication between and among government agencies, public universities and community colleges, organizations, and private-sector firms working on local food and farm-related issues.



c. Demonstrate the value of processing, distributing, and marketing local foods. A demonstration project must be capable of being replicated on a statewide basis.

Approved June 21, 2022

**CHAPTER 1153**

**STATE AND LOCAL GOVERNMENT AND REGULATORY MATTERS — APPROPRIATIONS AND MISCELLANEOUS CHANGES**

*H.F. 2589*

**AN ACT** relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, providing penalties, making penalties applicable, and including effective date, applicability, 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 2022-2023. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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 2022-2023. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2022, and ending June 30, 2023, for paying instructional support state aid under section 257.20 for the fiscal year is zero.

Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS — UNAPPROPRIATED MONEYS — FY 2022-2023. For the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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.

Sec. 4. Section 257.35, Code 2022, is amended by adding the following new subsection:  
**NEW SUBSECTION. 16A. a.** Notwithstanding subsection 1, and in addition to the reductions applicable pursuant to subsection 2 and paragraph “b” of this subsection, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies related to expenditures other than expenditures for professional development for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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.

b. Notwithstanding subsection 1, and in addition to the reductions applicable pursuant to subsection 2 and paragraph “a” of this subsection, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies related to professional development expenditures for the fiscal year beginning July 1, 2022, and ending June 30, 2023, shall be reduced by the department of management by an amount equal to the sum of the area education agency professional development supplement district cost for all area education agencies determined under section 257.37A, subsection 2, for the budget year beginning July 1, 2022. The reduction for each area education agency shall be equal to the area education agency’s professional development district cost determined under section 257.37A, subsection 2, for the budget year beginning July 1, 2022. The amounts reduced under this paragraph shall be considered funds paid to school districts and area education agencies under chapter 284 for purposes of requirements for providing professional development opportunities.

## DIVISION II CORRECTIVE PROVISIONS

Sec. 5. Section 45.1, subsection 7, paragraph a, Code 2022, as amended by 2022 Iowa Acts, House File 2466,<sup>1</sup> section 3, is amended to read as follows:

a. For a supervisor district with a population of greater than fifteen thousand but ~~fewer~~ no more than fifty thousand according to the most recent federal decennial census, nomination petitions shall include at least fifty signatures.

Sec. 6. Section 80E.2, subsection 2, Code 2022, as amended by 2022 Iowa Acts, House File 2367,<sup>2</sup> section 2, is amended to read as follows:

2. The prosecuting attorney, certified alcohol and drug counselor, certified substance abuse prevention specialist, substance use disorder treatment program director, member representing the Iowa peace officers association, member representing the Iowa state police association, the member representing the Iowa state sheriffs’ and deputies’ association, and the member ~~representing the Iowa police chiefs association~~ who is a police chief shall be appointed by the governor, subject to senate confirmation, for four-year terms beginning and ending as provided in section 69.19. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment was made.

Sec. 7. Section 124.204, subsection 2, paragraph cl, as enacted by 2022 Iowa Acts, House File 2201,<sup>3</sup> section 1, is amended to read as follows:

cl. N-(1-phenethylpiperidin-4-yl)  
~~-N-phenylcyclopentanecarboxamide.~~ Other name: ~~cyclopentanyl~~ cyclopentyl fentanyl.

Sec. 8. Section 147.77, subsection 1, paragraph l, as enacted by 2022 Iowa Acts, House File 803,<sup>4</sup> section 51, is amended to read as follows:

l. The department of public safety, with respect to rules relating to permits to carry weapons, that a person who is an unlawful user of or addicted to any controlled substance includes any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician.

Sec. 9. Section 147.77, subsection 1, paragraph p, subparagraph (3), as enacted by 2022 Iowa Acts, House File 803,<sup>5</sup> section 51, is amended to read as follows:

(3) For applications for a license to practice asbestos removal, that except as noted in rule, only worker and contractor/supervisor license applicants must submit a the respiratory protection and physician’s certification forms.

<sup>1</sup> Chapter 1004 herein

<sup>2</sup> Chapter 1029 herein

<sup>3</sup> Chapter 1049 herein

<sup>4</sup> Chapter 1066 herein

<sup>5</sup> Chapter 1066 herein

Sec. 10. Section 249A.42A, subsection 2, as enacted by 2022 Iowa Acts, House File 736,<sup>6</sup> section 1, is amended to read as follows:

2. The provider documented the eligibility verification performed and any necessary prior authorization obtained pursuant to ~~paragraph “a”~~ subsection 1 in a manner and format established by the department by rule, and retained the required documentation in the recipient’s file.

Sec. 11. Section 261.116, subsection 7, Code 2022, as amended by 2022 Iowa Acts, Senate File 2383,<sup>7</sup> section 16, if enacted, is amended to read as follows:

6. *Health care award fund.* A health care award fund is created for deposit of moneys appropriated to or received by the commission for use under the program. Notwithstanding section 8.33, moneys deposited in the health care award fund shall not revert to any fund of the state at the end of any fiscal year but shall remain in the award fund and be continuously available for use under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the health care award fund shall be credited to the fund.

Sec. 12. Section 441.1, subsection 3, paragraph d, as enacted by 2022 Iowa Acts, Senate File 384,<sup>8</sup> section 1, is amended to read as follows:

d. The provisions of chapter 28E are applicable to this ~~section~~ subsection.

Sec. 13. Section 600.5, subsection 9A, as enacted by 2022 Iowa Acts, House File 2252,<sup>9</sup> section 6, is amended to read as follows:

9A. If the parents of the person to be adopted had their parental rights terminated pursuant to chapter 232, the petition shall ~~included~~ include the names of any known siblings placed separately from the person to be adopted and either the plan for ongoing contact between the siblings if a court found that continued contact is in the best interest of each sibling or a statement that the court found continued contact between the siblings is not in the best interest of each sibling.

Sec. 14. Section 692A.102, subsection 1, paragraph c, subparagraph (012), if enacted by 2022 Iowa Acts, Senate File 529,<sup>10</sup> section 6, is amended to read as follows:

NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth degree in violation of section 709.4A, subsection 3, if the perpetrator is a health care professional as defined in section 714I.2, who used or provided the health care professional’s own human reproductive material for assisted reproduction in violation of section 714I.3, subsection 2.

Sec. 15. 2022 Iowa Acts, House File 2200,<sup>11</sup> section 3, is amended to read as follows:

SEC. 3. APPLICABILITY. This Act applies to direct health care agreements that are fully executed on or after the effective date of ~~enactment~~ this Act.

Sec. 16. 2022 Iowa Acts, House File 2201,<sup>12</sup> section 7, is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. Section 124.206, subsection 2, paragraph a, unnumbered paragraph 1, Code 2022, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

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, naltrexone, and samidorphan, and their respective salts, but including the following:

<sup>6</sup> Chapter 1065 herein

<sup>7</sup> Chapter 1134 herein

<sup>8</sup> Chapter 1010 herein

<sup>9</sup> Chapter 1096 herein

<sup>10</sup> Chapter 1123 herein

<sup>11</sup> Chapter 1064 herein

<sup>12</sup> Chapter 1049 herein

Sec. 17. 2022 Iowa Acts, Senate File 2295,<sup>13</sup> section 184, is amended by striking the section and inserting in lieu thereof the following:

SEC. 184. 2020 Iowa Acts, chapter 1064, sections 17 and 18, are amended by striking the sections and inserting in lieu thereof the following:

SEC. 17. Section 422.12D, subsection 2, Code 2022, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.

SEC. 18. Section 422.12L, subsection 2, Code 2022, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the foundation fund on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.

Sec. 18. CONTINGENT REPEAL. 2022 Iowa Acts, House File 2581,<sup>14</sup> section 13, if enacted, is repealed.

Sec. 19. CODE EDITOR DIRECTIVES.

1. If Senate File 496<sup>15</sup> is enacted during the 2022 session of the Eighty-ninth General Assembly, the Code editor is directed to transfer the Code sections as enacted by that Act as follows:

a. Section 94.1 to section 94B.1.

b. Section 94.2 to section 94B.2.

2. The Code editor is directed to renumber section 331.301, subsection 18, as enacted by 2022 Iowa Acts, House File 728,<sup>16</sup> to become section 331.301, subsection 21.

3. 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. 20. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 124.204, subsection 2, paragraph "cl".

2. The section of this division of this Act amending 2022 Iowa Acts, House File 2200,<sup>17</sup> section 3.

3. The section of this division of this Act amending 2022 Iowa Acts, House File 2201,<sup>18</sup> section 7.

Sec. 21. RETROACTIVE APPLICABILITY. The following apply retroactively to May 2, 2022:

1. The section of this division of this Act amending section 124.204, subsection 2, paragraph "cl".

2. The section of this division of this Act amending 2022 Iowa Acts, House File 2201,<sup>19</sup> section 7.

<sup>13</sup> Chapter 1021 herein

<sup>14</sup> Chapter 1152 herein

<sup>15</sup> Not enacted

<sup>16</sup> Chapter 1024 herein

<sup>17</sup> Chapter 1064 herein

<sup>18</sup> Chapter 1049 herein

<sup>19</sup> Chapter 1049 herein

Sec. 22. RETROACTIVE APPLICABILITY. The section of this division of this Act amending 2022 Iowa Acts, House File 2200, <sup>20</sup> section 3, applies retroactively to May 12, 2022.

DIVISION III  
OFFICE OF THE CHIEF INFORMATION OFFICER

Sec. 23. Section 8B.2, Code 2022, is amended to read as follows:

**8B.2 Office ~~created~~ established — chief information officer appointed selected.**

1. ~~The office of the chief information officer is created as an independent agency and is attached to the department of administrative services for accounting and fiscal services. The department of administrative services shall provide such additional assistance and administrative support services to the office as the department of administrative services and the office determines maximizes the efficiency and effectiveness of both the department and office established within the department of management.~~

2. ~~The chief information officer, who shall be the head of the office, shall be appointed by the governor to serve at the pleasure of the governor and is subject to confirmation by the senate. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment selected by the director of the department of management. The director of the department of management shall set the salary of the chief information officer.~~

3. ~~The person appointed selected as the chief information officer for the state shall be professionally qualified by education and have no less than five years' experience in the field of information technology, and a working knowledge of financial management. The chief information officer shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The chief information officer is subject to the restrictions on political activity provided in section 8A.416.~~

Sec. 24. Section 8D.3, subsection 2, paragraph b, Code 2022, is amended to read as follows:

b. ~~The auditor of state or the auditor's designee and the chief information officer appointed selected pursuant to section 8B.2 or the chief information officer's designee shall serve as nonvoting, ex officio members of the commission.~~

Sec. 25. Section 11.5B, subsection 15, Code 2022, is amended to read as follows:

15. ~~Office of the chief information officer of the department of management.~~

Sec. 26. 2008 Iowa Acts, chapter 1191, section 14, subsection 7, as amended by 2010 Iowa Acts, chapter 1193, section 26, is amended to read as follows:

7. ~~The following are range 7 positions: administrator of the public broadcasting division of the department of education, director of the department of corrections, director of the department of education, director of human services, director of the department of economic development, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, director of transportation, director of the department of workforce development, director of revenue, director of public health, state court administrator, director of the department of management, chief information officer, state debt coordinator, and director of the department of administrative services.~~

Sec. 27. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 28. APPLICABILITY. This division of this Act, as it relates to the salary of the chief information officer, applies with the pay period beginning after the effective date of this division of this Act, and subsequent pay periods.

<sup>20</sup> Chapter 1064 herein

DIVISION IV  
CONDUCT OF ELECTIONS — FUNDING

Sec. 29. **NEW SECTION. 49.17 Conduct of elections — funding.**

1. The state commissioner or a county commissioner or political subdivision of the state shall only accept funding from the following sources for the purposes of conducting an election:

- a. Lawful appropriations of public moneys from the government of the United States.
- b. Lawful appropriations of public moneys from the state of Iowa.
- c. Lawful appropriations of public moneys from a political subdivision of the state for the conduct of an election in the political subdivision.

2. The state commissioner, a county commissioner, or a political subdivision of the state shall not accept or expend a grant, gift, or other source of funding from a source other than those listed in subsection 1, including from a private person, corporation, partnership, political party, nonparty political organization, committee as defined in section 68A.102, or other organization for the purpose of conducting an election.

3. This section does not prohibit the state commissioner or a county commissioner or political subdivision from issuing and collecting fees as otherwise provided by law.

4. This section does not apply to the contribution of a building for use as a polling place pursuant to section 49.21.

Sec. 30. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V  
DIRECT MASS MAILING

Sec. 31. Section 68A.405A, Code 2022, is amended by adding the following new subsections:

**NEW SUBSECTION. 3.** For the purposes of this section, “*direct mass mailing*” means a mailing, regardless of whether the mailing was sent in response to a request or due to the recipient’s enrollment in a program, that provides information to the recipient about a person, policy, product, service, program, initiative, law, legislation, event, or activity promoted by the statewide elected official that is all of the following:

- a. Printed material delivered by the United States mail or other delivery service.
- b. Sent to more than two hundred physical addresses.
- c. Substantially similar or identical as regards each mailing.
- d. Sent at the same time or within a thirty-day period.

**NEW SUBSECTION. 4.** Notwithstanding subsection 3, a mailing that is sent to any participant in a program or the participant’s address within sixty days of an election in which an office listed in section 39.9 is to appear on the ballot shall be considered a direct mass mailing for the purposes of subsection 1 if the purpose of the mailing is to provide a participant with information relevant to the participant’s existing account with a program sponsored and administered by the statewide elected official who sent the mailing.

DIVISION VI  
OPEN ENROLLMENT

Sec. 32. Section 256F.9, Code 2022, is amended to read as follows:

**256F.9 Procedures after revocation — student enrollment.**

If a charter school or innovation zone school contract is revoked in accordance with this chapter, a nonresident student who attended the school, and any siblings of the student, shall be determined to have shown “good cause” as provided in section 282.18, subsection 4, paragraph “b”, and may submit an application to another school district according to section 282.18 at any time. Applications and notices required by section 282.18 shall be processed and provided in a prompt manner. The application and notice deadlines in section 282.18 do not apply to a nonresident student application under these circumstances.

Sec. 33. Section 282.18, subsection 2, paragraphs a and b, Code 2022, are 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~~ A 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.~~

b. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district has insufficient classroom space for the pupil. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, ~~but not later than June 1 of the preceding school year.~~ The parent or guardian may withdraw the request at any time prior to the start of the school year board's action on the application. A denial of a request by the board of a receiving district is not subject to appeal.

Sec. 34. Section 282.18, subsection 3, paragraph a, Code 2022, is amended to read as follows:

a. The superintendent of a district subject to court-ordered desegregation 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, 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 desegregation order by the district. If a transfer request would facilitate implementation of a desegregation order, the district shall give priority to granting the request over other requests.

Sec. 35. Section 282.18, subsections 4, 5, and 15, Code 2022, are amended by striking the subsections.

Sec. 36. Section 282.18, subsection 6, Code 2022, is amended to read as follows:

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 the district unless there is insufficient classroom space in the district or the district is subject to court-ordered desegregation and enrollment of the pupil would adversely affect implementation of the desegregation order. A denial of a request to change district enrollment ~~within the approved period~~ is not subject to appeal. ~~However, a~~ 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. 37. Section 282.18, subsection 7, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. If a pupil participating in open enrollment attends school in the receiving district for less than a full school year, payment from the district of residence to the receiving district shall be prorated on a per diem basis.

Sec. 38. Section 282.18, subsection 11, paragraph a, subparagraph (8), Code 2022, is amended to read as follows:

(8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause ~~under subsection 4, paragraph “b”~~. For purposes of this subparagraph, “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 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 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.

Sec. 39. Section 290.1, Code 2022, is amended to read as follows:

**290.1 Appeal to state board.**

An affected pupil, or the parent or guardian of an affected pupil who is a minor, who is aggrieved by a decision or order of the board of directors of a school corporation in a matter of law or fact, ~~or a decision or order of a board of directors under section 282.18, subsection 5,~~ may, within thirty days after the rendition of the decision or the making of the order, appeal the decision or order to the state board of education; the basis of the proceedings shall be an affidavit filed with the state board by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner.

Sec. 40. EMERGENCY RULES. The department of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 41. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII  
SHARED OPERATIONAL FUNCTIONS

Sec. 42. Section 257.11, subsection 5, paragraph a, Code 2022, 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, mental health professional who holds a statement of recognition issued by the board of educational examiners, college and career transition counselor or coordinator, 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; a special education director; a mental health professional who holds a statement of recognition issued by the board of educational examiners; a college and career transition counselor or coordinator; 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 paragraph “a”:

(a) “College and career transition counselor or coordinator” means a licensed school counselor or an appropriately trained individual responsible for providing direct services to students, parents, families, schools, and postsecondary institutions to support college preparation and postsecondary success, such as college preparation, financial aid processing, and transition to postsecondary institution enrollment.

~~(a)~~ (b) “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)~~ (c) “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.

#### DIVISION VIII

#### DELINQUENT ACT — POSSESSION OF DANGEROUS WEAPONS OR FIREARMS BY MINORS

Sec. 43. Section 232.2, subsection 12, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The violation of section 724.4E which is committed by a child.

Sec. 44. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION IX

#### ASSAULT — NATIONAL GUARD MEMBERS

Sec. 45. Section 708.3A, subsections 1, 2, 3, and 4, Code 2022, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, 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, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, is a serious misdemeanor.

Sec. 46. Section 708.3A, subsection 5, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *f.* “*National guard*” means the same as defined in section 29A.1.

NEW PARAGRAPH. *g.* “*National guard duty*” means the same as defined in section 29A.1.

NEW PARAGRAPH. *h.* “*State active duty*” means the same as defined in section 29A.1.

#### DIVISION X DEPENDENT ADULT ABUSE RESULTING IN DEATH

Sec. 47. Section 726.26, if enacted by 2022 Iowa Acts, Senate File 522,<sup>21</sup> section 6, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A caretaker who intentionally or recklessly commits dependent adult abuse is guilty of murder in the second degree in violation of section 707.3 if the intentional or reckless dependent adult abuse results in the death of the dependent adult.

<sup>21</sup> Chapter 1132 herein

DIVISION XI  
HEALTH CARE PROVIDER REFERRAL TO AMBULATORY SURGICAL CENTER

Sec. 48. **NEW SECTION. 147.163 Provision of information — referral to ambulatory surgical center — licensee discipline.**

1. A health care provider who determines that a patient is a candidate for outpatient surgery based on the patient's medical status and surgical service needs, and refers the patient to an ambulatory surgical center as an option for the surgery, shall provide the patient with a written document listing the factors the patient should consider to make a fully informed decision about the patient's recommended course of care. The considerations shall include all of the following:

a. The differences in ownership; licensure, certification, or accreditation; and payment alternatives between the ambulatory surgical center and a hospital.

b. The types of medical personnel generally involved in the patient's surgical service and the capacity of the ambulatory surgical center and a hospital to comply with the personnel requirements.

c. The capacity of the ambulatory surgical center and a hospital to respond to medical complications and emergencies that may arise from the surgical service.

d. The proximity of the ambulatory surgical center to a hospital and the protocols in place for transfer of a patient from the ambulatory surgical center to the hospital for emergency care.

e. The type of anesthesia generally used for the patient's surgical service and the capacity of the ambulatory surgical center and a hospital to comply with requirements relative to the use of anesthesia.

2. For the purposes of this section:

a. "*Ambulatory surgical center*" means a distinct facility that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services does not exceed twenty-four hours following an admission. "*Ambulatory surgical center*" includes a facility that otherwise meets the definition of ambulatory surgical center whether or not licensed, certified, or accredited as an ambulatory surgical center and which may or may not operate on a partially cash-only or completely cash-only basis. "*Ambulatory surgical center*" does not include individual or group practice offices of private physicians or podiatrists that do not contain a distinct area used for outpatient surgical treatment on a regular basis, or that only provide surgery routinely provided in a physician's or podiatrist's office using local anesthesia or conscious sedation; individual or group practice offices of private dentists; or a portion of a licensed hospital designated for outpatient surgical treatment.

b. "*Health care provider*" means a person who is licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business or in the practice of a profession.

c. "*Hospital*" means the same as defined in section 135B.1.

3. A health care provider who violates this section is subject to licensee discipline by the appropriate licensing or disciplinary authority.

DIVISION XII  
HEALTH CARE EMPLOYMENT AGENCIES

Sec. 49. **RETROACTIVE APPLICABILITY.** 2022 Iowa Acts, House File 2521,<sup>22</sup> applies retroactively to any contract between a health care employment agency and an agency worker or health care entity referred to under section 135Q.2, subsection 3, as enacted by 2022 Iowa Acts, House File 2521,<sup>23</sup> that was entered into or executed on or after January 1, 2019.

<sup>22</sup> Chapter 1069 herein

<sup>23</sup> Chapter 1069 herein

DIVISION XIII  
PHYSICAL EXAMINATIONS BY LICENSED PHYSICIANS

Sec. 50. Section 237A.12, Code 2022, is amended by adding the following new subsection:  
NEW SUBSECTION. 6. Rules adopted relating to physical examination requirements for licensed or registered facility personnel and the children being provided child care by the licensed or registered facility shall allow for any licensed physician as defined in section 135.1 to perform the physical examination.

DIVISION XIV  
BEVERAGE CONTAINERS CONTROL

Sec. 51. Section 455C.2, subsection 2, paragraph b, if enacted by 2022 Iowa Acts, Senate File 2378,<sup>24</sup> section 4, is amended to read as follows:

b. A distributor who pays a handling fee for ~~beverage containers~~ a beverage container that was sold for consumption off the premises and that used to contain beer, including high-alcoholic content beer, may claim a refund of the barrel tax established in section 123.136 paid by the distributor in the amount of one cent for each such beverage container accepted by the distributor. The department of revenue shall prescribe forms for a distributor to use to claim a refund under this paragraph. Identifying information collected by the department of revenue pursuant to this paragraph that can be used to identify a specific distributor shall be considered confidential information pursuant to section 22.7, subsection 75.

Sec. 52. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

DIVISION XV  
FUNERAL SERVICES — CORRECTION

Sec. 53. Section 523A.505, subsection 1, as enacted by 2022 Iowa Acts, House File 2155,<sup>25</sup> section 4, is amended to read as follows:

1. A sales agent, and any person who owns at least five percent of a preneed seller business, shall have an ongoing duty to disclose to the commissioner all felony crimes and those misdemeanor-level crimes involving dishonesty or false statement for which the sales agent or person has been found guilty, or for which the sales agent or person has pled guilty or no contest. Such disclosure shall be made to the commissioner within thirty calendar days of the date that the sales agent or person has been found guilty by a court of competent jurisdiction, or of the date the sales agent or person pleads ~~not~~ guilty or no contest.

DIVISION XVI  
COUNTY JURISDICTION — CEMETERIES

Sec. 54. Section 331.325, subsection 3, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. A cemetery that does not otherwise qualify to be under the jurisdiction and control of a county board of supervisors or county cemetery commission may designate a portion of the cemetery as a pioneer section if at least fifty percent of the burials in that portion occurred at least one hundred years prior to the designation. Upon approval by the cemetery, the county board of supervisors, and the county cemetery commission, the county cemetery commission may use its resources to restore and maintain the pioneer section of the cemetery as though that section was a pioneer cemetery. However, a cemetery with a designated pioneer section and the pioneer section itself shall not be considered a pioneer cemetery.

Sec. 55. NEW SECTION. **523I.403 Pioneer section — management by county cemetery commission.**

<sup>24</sup> Chapter 1139 herein

<sup>25</sup> Chapter 1047 herein

A cemetery may designate a portion of the cemetery as a pioneer section to be restored and maintained by the county cemetery commission as provided in section 331.325, subsection 3, paragraph “d”.

DIVISION XVII  
HOME-BASED BUSINESSES

Sec. 56. Section 137D.1, subsection 4, unnumbered paragraph 1, Code 2022, as amended by 2022 Iowa Acts, House File 2431,<sup>26</sup> section 2, if enacted, is amended to read as follows:

“*Homemade food item*” means a food that is produced and, if packaged, packaged at a home food processing establishment. “*Homemade food item*” includes food that is not time/temperature control for safety food, but does not include such food if produced and sold under section 137F.20. “*Homemade food item*” does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under chapter 192 or 194, and meat, meat food products, poultry, or poultry products regulated under chapter 189A, except for any of the following products when sold directly to the end consumer:

Sec. 57. Section 137F.1, subsection 2A, paragraph a, if enacted by 2022 Iowa Acts, House File 2431,<sup>27</sup> section 8, is amended to read as follows:

- a. Milk or milk products regulated under chapter 192 or 194.

Approved June 21, 2022

**CHAPTER 1154**

PROPOSED CONSTITUTIONAL AMENDMENT — QUALIFICATIONS OF ELECTORS

S.J.R. 9

**A JOINT RESOLUTION** proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

*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:

Section 1 of Article II of the Constitution of the State of Iowa, as amended by the amendment of 1970, is repealed and the following adopted in lieu thereof:

Section 1. **Electors.** Only a citizen of the United States of the age of eighteen years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which the citizen claims the citizen’s vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are authorized by law. However, for purposes of a primary election, a United States citizen must be at least eighteen years of age as of the next general election following the primary election. The required periods of residence shall not exceed six months in this state and sixty days in the county.

<sup>26</sup> Chapter 1129 herein

<sup>27</sup> Chapter 1129 herein

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed 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 months previous to the date of that election.

Approved March 31, 2022

## CHAPTER 1155

### PROPOSED CONSTITUTIONAL AMENDMENT — GUBERNATORIAL LINE OF SUCCESSION

*H.J.R. 2005*

**A JOINT RESOLUTION** proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession.

*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: Section 17 of Article IV of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Sec. 17. **Lieutenant governor or lieutenant governor-elect to become or act as governor or governor-elect.** If there is a temporary disability of the governor, the lieutenant governor shall act as governor until the disability is removed, or the governor dies, resigns, or is removed from office. In case of the death, resignation, or removal from office of the governor, the lieutenant governor shall become governor for the remainder of the term, which shall create a vacancy in the office of lieutenant governor. This section shall also apply, as appropriate, to the governor-elect and the lieutenant governor-elect.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed 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.

Approved April 6, 2022

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**ANALYSIS OF TABLES**

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly

2022 Code Chapters and Sections Amended or Repealed and New Code Sections Added, 2022 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-ninth General Assembly, 2022 Regular Session

Iowa Codes Referred to in Acts of the Eighty-ninth General Assembly, 2022 Regular Session

Iowa Administrative Code Referred to in Acts of the Eighty-ninth General Assembly, 2022 Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Iowa Court Rules Referred To

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Constitution of the State of Iowa Referred To

Constitution of the United States Referred To

Vetoed Bill

Item Vetoes

**CONVERSION TABLES OF SENATE AND HOUSE FILES  
AND JOINT RESOLUTIONS TO  
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

**2022 REGULAR SESSION**

**SENATE FILES**

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
183	1122	2197	1014	2324	1040
333	1087	2232	1015	2325	1007
384	1010	2233	1037	2334	1093
463	1088	2245	1016	2337	1124
513	1071	2260	1072	2345	1023
522	1132	2266	1006	2363	1063
529	1123	2267	1017	2366	1075
551	1089	2279	1018	2367	1138
577	1090	2285	1019	2370	1125
581	1137	2287	1092	2373	1101
586	1062	2288	1020	2374	1099
2080	1036	2295	1021	2376	1076
2119	1005	2296	1022	2378	1139
2128	1011	2298	1073	2380	1133
2130	1012	2310	1038	2383	1134
2176	1013	2322	1039	2385	1140
2190	1091	2323	1074		

**SENATE JOINT RESOLUTION**

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9	1154

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604	1094	2126	1045	2172	1048
728	1024	2127	1104	2198	1135
736	1065	2128	1067	2200	1064
771	1126	2130	1105	2201	1049
803	1066	2147	1106	2202	1109
825	1042	2154	1046	2209	1141
2079	1043	2155	1047	2217	1050
2080	1102	2165	1107	2220	1008
2081	1103	2167	1026	2222	1110
2097	1044	2168	1078	2239	1095
2123	1077	2169	1108	2246	1111



File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
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2258	1051	2411	1128	2516	1060
2259	1080	2412	1097	2517	1119
2295	1081	2416	1003	2518	1086
2298	1127	2420	1115	2521	1069
2300	1052	2431	1129	2540	1035
2316	1001	2436	1031	2546	1130
2317	1002	2443	1116	2549	1120
2330	1053	2445	1117	2552	1061
2340	1100	2462	1057	2557	1144
2341	1027	2463	1032	2558	1145
2343	1028	2466	1004	2559	1146
2345	1082	2468	1118	2560	1147
2355	1136	2469	1058	2562	1070
2358	1112	2470	1151	2564	1148
2367	1029	2475	1068	2573	1121
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2378	1054	2489	1085	2579	1150
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File No.	Acts Chapter
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**2022 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED  
AND NEW CODE SECTIONS ADDED,  
2022 REGULAR SESSION**

“NEW” denotes new Code section numbers that are subject to change when codified.

“C2021” denotes 2021 Code chapters and sections amended or repealed.

“C2020” denotes 2020 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
1C.17 <sup>NEW</sup>	1133, §1	12J.2(1)	1009, §1
2.45(5)	1002, §60	13.2(1)(p)	1132, §9
2.48(1, 2)	1002, §61	15.108(9)(g)	1007, §1, 12
2.48(3)(u1)	1002, §62	15.119(2)(a)(2)	1148, §21
2.48(3)(f)(5)	1061, §28, 38	15.119(2)(a)(3)	1002, §45, 54, 55
2.48(4)	1002, §63	15.120(1)(h)	1007, §2, 12
4.1(9A)	1131, §58	15.120(5)	1007, §3, 12
7A.3(1)(h)	1032, §1	15.261	1150, §15, 20, 21
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8.54(5)	1002, §64	15.275 <sup>NEW</sup>	1148, §18
8.57C(3)(a)(3)	1150, §13	15.293A(1)(c)(2)	1002, §46, 54, 55
8.57C(3)(j)	1150, §14	15.293A(2)(d)	1002, §47, 54, 55
8.57E(2)	1002, §65	15.293B(5A) <sup>C2021</sup>	1021, §183, 187
8A.111(5)	1045, §2	15.331A(2)	1138, §54, 58, 59
8A.360 <sup>NEW</sup>	1067, §33	15.331A(4)	1138, §55, 58, 59
8A.360A <sup>NEW</sup>	1067, §34	15.331C(1)	1002, §49, 54, 55
8A.362(3)(b)	1067, §35	15.331C(1, 2)	1021, §5, 187; 1138, §56, 58, 59
8A.368 <sup>NEW</sup>	1067, §36	15.335(4)(a)	1002, §30, 43, 44
8A.369 <sup>NEW</sup>	1067, §37	15.335(5)	1002, §31, 43, 44
8A.502(8)	1045, §3	15.335(8)	1002, §32, 43, 44
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9A.114 <sup>C2021</sup>	1041, §1	15.354(3)(c)(2)	1007, §10, 12
9C.3(3)	1138, §1	15.354(3)(e)(2)(b, c)	1007, §11, 12, 13
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11.31A <sup>NEW</sup>	1085, §1, 7, 8	15F.402(1, 2)	1150, §25
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12.30(5)	1021, §3	15F.403(2)(a)	1150, §27
12.43(5)(e)	1099, §90, 102	15F.403(2)(c)	1032, §6
12.51 <sup>NEW</sup>	1121, §1	15F.404 <sup>NEW</sup>	1150, §28
12.61(1)(a) <sup>C2021</sup>	1062, §1	15J.5(1)(b)(2)	1032, §7
12B.10(6)(n)	1034, §1	16.2D(1)	1051, §1
12B.10C(4)(k)	1034, §2	16.2D(2)(a)	1051, §2
12I.3(u1)	1021, §4		

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
16.2D(2)(b)	1051, §3	70A.39(2)(c)	1021, §24
16.2D(3)	1051, §4	73A.21(1)(b)	1032, §16
16.2D(4)(a)	1051, §5	80.6A(1)(a)	1021, §25
16.2D(6)(a, b)	1051, §6	80.48(1)	1146, §22
16.2D(8)(d, e)	1051, §7	80B.11(1)(l)	1112, §1
16.2D(9)	1051, §8	80B.15(1)	1112, §2
16.79A(1)(b)	1032, §8	80D.2	1032, §17
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17A.8(2, 8)	1021, §8	80E.2(1, 2)	1029, §2
17A.9A(4, 5)	1021, §9	80E.2(2)	1153, §6
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22.7(75)	1139, §1, 20	80F.1(23)(c)	1142, §3
22A.1(u1)	1021, §10	80F.1(24)	1142, §4
23A.2(10)(k)(8, 10)	1021, §11	85.1(3)(b)(2)	1021, §26
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2022 REGULAR SESSION AMENDED, REPEALED, OR REFERRED TO**

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