

CHAPTER 64

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 567

AN ACT relating to nonsubstantive Code corrections, and including effective date and retroactive applicability provisions.

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

DIVISION I MISCELLANEOUS CHANGES

Section 1. [Section 2.47](#), Code 2023, is amended to read as follows:

2.47 Procedure.

The chairpersons of the committees on budget appropriations shall serve as co-chairpersons of the legislative fiscal committee. The legislative fiscal committee shall determine its own method of procedure and shall meet as often as deemed necessary, subject to the approval of the legislative council. It shall keep a record of its proceedings which shall be open to public inspection, and it shall inform the legislative council in advance concerning the dates of meetings of the committee.

Sec. 2. [Section 2.51](#), Code 2023, is amended to read as follows:

2.51 Visitations.

The legislative fiscal committee, with the approval of the legislative council, may direct a subcommittee, which shall be composed of the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on budget appropriations of the senate and the house of representatives and the chairpersons of the appropriate standing committees of the general assembly, to visit the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs. When the legislative fiscal committee visits the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs, there shall be included the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on budget appropriations of the senate and the house of representatives. The legislative council may appoint a member of the subcommittee or standing committee to serve in place of that subcommittee's or standing committee's chairperson or minority party ranking member on the legislative fiscal visitation committee or subcommittee if that person will be absent. The subcommittee and the legislative fiscal committee shall be provided with information by the legislative services agency concerning budgets, programs, and legislation authorizing programs prior to any visitation. Members of a committee shall be compensated pursuant to [section 2.10, subsection 5](#). The subcommittee shall make reports and recommendations as required by the legislative fiscal committee.

Sec. 3. [Section 8.39, subsection 4](#), Code 2023, is amended to read as follows:

4. Prior to any transfer of funds pursuant to [subsection 1 or 2 of this section](#) or a transfer of an allocation from a subunit of a department which statutorily has independent budgeting authority, the director shall notify the chairpersons of the standing committees on budget appropriations of the senate and the house of representatives and the chairpersons of subcommittees of such committees of the proposed transfer. The notice from the director shall include information concerning the amount of the proposed transfer, the departments, institutions or agencies affected by the proposed transfer and the reasons for the proposed transfer. Chairpersons notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

Sec. 4. [Section 8C.7A, subsection 3](#), paragraph c, subparagraph (3), subparagraph division (a), subparagraph subdivision (iii), Code 2023, is amended to read as follows:

(iii) The application would result in the authority being noncompliant with the federal Americans With Disabilities Act of 1990.

Sec. 5. [Section 13C.1, subsection 4](#), Code 2023, is amended to read as follows:

4. “*Professional commercial fund-raiser*” means any person who for compensation solicits contributions in Iowa for a charitable organization other than the person. A person whose sole responsibility is to mail ~~fund-raising~~ fundraising literature is not a professional commercial fund-raiser. A lawyer, investment counselor, or banker who advises a person to make a charitable contribution is not, as a result of such advice, a professional commercial fund-raiser. A bona fide salaried officer, employee, or volunteer of a charitable organization is not a professional commercial fund-raiser.

Sec. 6. [Section 15E.64, subsection 7](#), Code 2023, is amended to read as follows:

7. After incorporation, the Iowa capital investment corporation shall conduct a national solicitation for investment plan proposals from qualified venture capital investment fund allocation managers for the raising and investing of capital by the Iowa fund of funds in accordance with the requirements of [this subchapter](#). Any proposed investment plan shall address the applicant’s level of experience, quality of management, investment philosophy and process, probability of success in ~~fund-raising~~ fundraising, prior investment fund results, and plan for achieving the purposes of [this subchapter](#). The selected venture capital investment fund allocation manager shall be a person with substantial, successful experience in the design, implementation, and management of seed and venture capital investment programs and in capital formation. The corporation shall only select a venture capital investment fund allocation manager with demonstrated expertise in the management and fund allocation of investments in venture capital funds. The corporation shall select the venture capital investment fund allocation manager deemed best qualified to generate the amount of capital required by [this subchapter](#) and to invest the capital of the Iowa fund of funds.

Sec. 7. [Section 22.7, subsection 52](#), paragraph c, Code 2023, is amended to read as follows:

c. Except as provided in paragraphs “a” and “b”, portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written ~~fund-raising~~ fundraising policies and documents evidencing ~~fund-raising~~ fundraising practices, shall be subject to [this chapter](#).

Sec. 8. [Section 23A.2, subsections 6, 7, and 8](#), Code 2023, are amended to read as follows:

6. a. The director of the department of corrections, with the advice of the state prison industries advisory board, may, by rule, provide for exemptions from [this chapter](#).

b. [This chapter](#) shall not be construed to impair cooperative agreements between Iowa state industries and private enterprise.

c. The director of the department of corrections, with the advice of the board of corrections, may, by rule, provide for exemption from [this chapter](#) for vocational-educational programs and farm operations of the department.

7. However, [this chapter](#) shall not be construed to impair cooperative agreements between Iowa state industries and private enterprise.

8. The director of the department of corrections, with the advice of the board of corrections, may by rule, provide for exemption from [this chapter](#) for vocational-educational programs and farm operations of the department.

Sec. 9. [Section 29C.9, subsection 3](#), Code 2023, is amended to read as follows:

3. The name used by the commission shall be “(county name) county emergency management commission”. The name used by the office of the commission shall be “(county name) county emergency management agency”.

Sec. 10. [Section 35A.13, subsection 4](#), paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) Costs for performance and compliance monitoring, and accounting for fund investments.

Sec. 11. [Section 53.47, subsection 1](#), Code 2023, is amended to read as follows:

1. In order to establish uniformity in size, weight, and other characteristics of the ballot and facilitate its distribution and return, the department of administrative services shall upon direction of the state commissioner purchase any material needed for any special ballots, envelopes, and other printed matter, and sell any such materials to the several counties of the state at cost plus handling and transportation costs.

Sec. 12. [Section 68A.304, subsection 1](#), paragraph a, Code 2023, is amended to read as follows:

a. Equipment, supplies, or other materials purchased with campaign funds or received ~~in-kind~~ in kind are campaign property.

Sec. 13. [Section 68A.701](#), Code 2023, is amended to read as follows:

68A.701 Penalty.

Any person who willfully violates any provisions of [this chapter](#) shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 14. [Section 76.10, subsection 1](#), Code 2023, is amended to read as follows:

1. All public bonds or obligations issued before or after July 1, 1983, may be in registered form. An issuer of public bonds or obligations may designate for a term as agreed upon, one or more persons, corporations, partnerships, or other associations located within or without the state to serve as trustee, transfer agent, registrar, depository, or paying or other agent in connection with the public bonds or obligations and to carry out services and functions which are customary in such capacities or convenient or necessary to comply with the intent and provisions of [this chapter](#).

Sec. 15. [Section 80D.7](#), Code 2023, is amended to read as follows:

80D.7 Carrying weapons.

A member of a reserve force shall not carry a weapon in the line of duty until the member has been approved by the governing body and certified by the ~~Iowa law enforcement academy~~ council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, commissioner of public safety or the commissioner's designee, or director of the judicial district department of correctional services or the director's designee, as the case may be.

Sec. 16. [Section 99F.6, subsection 4](#), paragraph a, subparagraph (4), Code 2023, is amended to read as follows:

(4) A qualified sponsoring organization shall not make a contribution to a candidate, political committee, candidate's committee, state statutory political committee, county statutory political committee, national political party, or ~~fund-raising~~ fundraising event as these terms are defined in [section 68A.102](#). The membership of the board of directors of a qualified sponsoring organization shall represent a broad interest of the communities.

Sec. 17. [Section 100.14](#), Code 2023, is amended to read as follows:

100.14 Legal proceedings — penalties — injunctive relief.

At the request of the state fire marshal, the county attorney shall institute any legal proceedings on behalf of the state necessary to obtain compliance or enforce the penalty provisions of [this chapter](#) or rules or orders adopted or issued pursuant to [this chapter](#), including, but not limited to, a legal action for injunctive relief. The county attorney or any other attorney acting on behalf of the chief of a fire department or a fire prevention officer may institute legal proceedings, including, but not limited to, a legal action for injunctive relief, to obtain compliance or enforce the penalty provisions or orders issued pursuant to [section 100.13](#).

Sec. 18. [Section 103.18](#), Code 2023, is amended to read as follows:

103.18 License renewal — continuing education.

In order to renew a class A master electrician license, class B master electrician license, class A journeyman electrician license, or class B journeyman electrician license issued pursuant to [this chapter](#), the licensee shall be required to complete eighteen contact hours of continuing education courses approved by the board during the three-year period for which a license is granted. The contact hours shall include a minimum of six contact hours studying the national electrical code described in [section 103.6](#), and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the national electrical code shall be acceptable. For purposes of [this section](#), “*contact hour*” means fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.

Sec. 19. [Section 147.77, subsection 1](#), paragraph h, subparagraph (3), Code 2023, is amended to read as follows:

(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~~) [section 202 of the federal Controlled Substances Act, 21 U.S.C. §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.

Sec. 20. [Section 147F.1, subsection 2](#), paragraph a, Code 2023, 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 the reserves on active duty orders pursuant to 10 U.S.C. ~~§1209~~ [ch. 1209](#) and 10 U.S.C. ~~§1211~~ [ch. 1211](#).

Sec. 21. [Section 147F.1, subsection 6](#), Code 2023, is amended to read as follows:

6. *Active duty military personnel or their spouses*. Active duty military personnel, or their ~~spouse~~ 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.

Sec. 22. [Section 147F.1, subsection 8](#), paragraph c, subparagraph (11), Code 2023, is amended to read as follows:

(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.

Sec. 23. [Section 151.10](#), Code 2023, is amended to read as follows:

151.10 Education requirements.

A person who is an applicant for a license to practice chiropractic shall only be required to be tested for the adjunctive procedures specified in [section 151.1, subsection 3](#), which the person chooses to utilize. A person licensed to practice chiropractic shall only be required to complete continuing education requirements for the adjunctive procedures specified in [section 151.1, subsection 3](#), which the person chooses to utilize. A person who is an applicant for a license to practice chiropractic or a person licensed to practice chiropractic shall not be required to utilize any of the adjunctive procedures specified in [section 151.1, subsection 3](#), to obtain a license or continue to practice chiropractic, respectively.

Sec. 24. [Section 162.2, subsection 4](#), Code 2023, is amended to read as follows:

4. “*Animal warden*” means any person employed, contracted, or appointed by the state, municipal corporation, or any political subdivision of the state, for the purpose of aiding in

the enforcement of the provisions of [this chapter](#) or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes any peace officer, animal control officer, or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

Sec. 25. [Section 165A.1, subsection 4](#), Code 2023, is amended to read as follows:

4. “*Johne’s disease*” means a disease caused by the bacterium *mycobacterium Mycobacterium* paratuberculosis, and which is also referred to as paratuberculosis disease.

Sec. 26. [Section 189A.5, subsection 2](#), paragraph e, Code 2023, is amended to read as follows:

e. Investigate the sanitary conditions of each establishment within paragraph “a” of [this subsection](#) and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat at the establishment.

Sec. 27. [Section 190.2, subsection 1](#), Code 2023, is amended to read as follows:

1. The department may establish and publish standards for foods when such standards are not fixed by law. The standards shall conform with standards for foods adopted by federal agencies including, but not limited to, the United States department of agriculture.

Sec. 28. [Section 202A.4, subsection 2](#), Code 2023, is amended to read as follows:

2. A provision which is part of a contract for the purchase of livestock executed on and after April 29, 1999, ~~for the purchase of livestock~~ is void, if the provision states that information contained in the contract is confidential. The provision is void regardless of whether the confidentiality provision is express or implied; oral or written; required or conditional; or contained in the contract, another contract, or in a related document, policy, or agreement. [This section](#) does not affect other provisions of a contract or a related document, policy, or agreement which can be given effect without the voided provision. [This section](#) does not require either party to the contract to divulge the information in the contract to another person.

Sec. 29. [Section 206.8, subsection 3](#), Code 2023, is amended to read as follows:

3. Up to twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund created in [section 455E.11](#).

Sec. 30. [Section 206.12, subsection 3](#), Code 2023, 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~~. ~~The~~ secretary shall set the registration fee annually at three hundred dollars for each and every brand and grade to be offered for sale in this state. The secretary shall adopt by rule exemptions to the 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~~. ~~The~~ remainder of each fee collected shall be placed deposited in the agriculture management account of the groundwater protection fund created in [section 455E.11](#).

Sec. 31. [Section 210.23](#), Code 2023, is amended to read as follows:

210.23 Exception.

Any person engaged in operating a home food processing establishment as defined in [section 137D.1](#) is exempt from the provisions of [sections 210.19 through 210.22](#).

Sec. 32. [Section 232.46, subsection 3](#), Code 2023, is amended to read as follows:

3. A consent decree shall not be entered unless the child and the child’s parent, guardian, or custodian is are informed of the consequences of the decree by the court and the court determines that the child has voluntarily and intelligently agreed to the terms and conditions

of the decree. If the county attorney objects to the entry of a consent decree, the court shall proceed to determine the appropriateness of entering a consent decree after consideration of any objections or reasons for entering such a decree.

Sec. 33. [Section 237.18, subsection 2](#), paragraph d, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Establish mandatory training programs for members of the state board. Training shall focus on, but not be limited to, the following:

Sec. 34. [Section 252B.6A, subsection 2](#), paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall adopt rules which include, but are not limited to, exemption from application of [this section](#) to proceedings based upon, but not limited to, any of the following:

Sec. 35. [Section 252B.6A, subsection 4](#), Code 2023, is amended to read as follows:

4. For the purposes of [this section](#), a “*judicial proceeding*” means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. “*Judicial proceedings*” include but are not limited to those pursuant to [chapters chapter 598, 626, 633, 642, 654, or 684](#) and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. “*Judicial proceedings*” do not include enforcement actions which the unit is required to implement under federal law including, but not limited to, income withholding.

Sec. 36. [Section 252D.16, subsection 2](#), Code 2023, is amended to read as follows:

2. “*Payor of income*” or “*payor*” means and includes, but is not limited to, an obligor’s employer, trustee, the state of Iowa and all governmental subdivisions and agencies and any other person from whom an obligor receives income.

Sec. 37. [Section 256.82, subsection 1](#), paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) One member shall be appointed from the membership of a ~~fund-raising~~ fundraising nonprofit organization financially assisting the Iowa public broadcasting division.

Sec. 38. [Section 256B.2, subsection 2](#), paragraph c, Code 2023, is amended to read as follows:

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under [chapters chapter 263, 269, and or 270](#), upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the state board of regents to provide the services required by [this chapter](#).

Sec. 39. [Section 260C.44, subsection 2](#), paragraph c, Code 2023, is amended to read as follows:

c. “*Apprenticeship program*” means a plan, registered with the United States department of labor, office of apprenticeship which contains the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

Sec. 40. [Section 261.85, subsection 2](#), Code 2023, is amended to read as follows:

2. From moneys appropriated in [this section](#), one million five hundred thousand dollars shall be allocated to institutions of higher education under the state board of regents and community colleges and the remaining ~~dollars~~ moneys appropriated in [this section](#) shall be allocated by the commission on the basis of need as determined by the portion of the federal formula for distribution of work-study funds that relates to the current need of institutions.

Sec. 41. [Section 261.114, subsection 9](#), Code 2023, is amended to read as follows:

9. *Trust fund established.* A rural Iowa advanced registered nurse practitioner and physician assistant 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 advanced registered nurse practitioner and physician assistant 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 may receive for an eligible loan in accordance with [this section](#) and upon fulfilling the requirements of [subsection 3](#) shall be considered encumbered for the duration of the agreement entered into pursuant to [subsection 3](#). 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. Notwithstanding [section 8.33](#), any balance in the fund on June 30, 2023, shall not revert to the general fund of the state but shall be transferred to the health care ~~loan repayment~~ award fund established pursuant to [section 261.116](#) to be used for purposes of the health care ~~loan repayment~~ award program.

Sec. 42. [Section 261.117, subsection 1](#), paragraph e, subparagraph (4), Code 2023, is amended to read as follows:

(4) The individual is not eligible for the rural Iowa advanced ~~registered~~ nurse practitioner and physician assistant loan repayment program established pursuant to [section 261.114](#).

Sec. 43. [Section 262.71, subsections 2 and 3](#), Code 2023, are amended to read as follows:

2. The Iowa state university of science and technology.
3. The state university of Iowa.

Sec. 44. [Section 262.78, subsections 1 and 3](#), Code 2023, are amended to read as follows:

1. The board of regents shall establish a center for agricultural safety and health at the state university of Iowa. The center shall be a joint venture by the state 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 state 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.

3. The president of the state university of Iowa, in consultation with the president of Iowa state university of science and technology, shall employ a full-time director of the center. The center may employ staff to carry out the center's purpose. The director shall coordinate the agricultural health and safety programs of the center. The director shall regularly meet and consult with the center for rural health and primary care. The director shall provide the board of regents with relevant information regarding the center.

Sec. 45. [Section 279.41, subsection 1](#), Code 2023, is amended to read as follows:

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

Sec. 46. [Section 298A.8, subsections 1 and 3](#), Code 2023, are amended to read as follows:

1. The student activity fund is a special revenue fund. A student activity fund must be established in any school corporation receiving money from student-related activities such as admissions, activity fees, student dues, student ~~fund-raising~~ fundraising events, or other student-related cocurricular or extracurricular activities. Moneys in this fund shall be used to support only the cocurricular or extracurricular program defined in department of education administrative rules.

3. For the school budget year beginning July 1, 2020, the school budget year beginning July 1, 2021, and the school budget year beginning July 1, 2022, the board of directors may,

by board resolution and notwithstanding any provision of law to the contrary, transfer from the school corporation's general fund to the student activity fund an amount necessary, as recommended by the superintendent, to fund cocurricular or extracurricular activities for which moneys from student-related activities such as admissions, activity fees, student dues, student ~~fund-raising~~ fundraising events, or other student-related cocurricular or extracurricular activities fail to meet the financial needs of the activity as the result of restrictions placed on the activity related to the COVID-19 pandemic. [This subsection](#) is repealed July 1, 2023.

Sec. 47. [Section 314.11](#), Code 2023, is amended to read as follows:

314.11 Use of bridges by utility companies.

Telephone, telegraph, electric transmission, and ~~pipe lines~~ pipelines may be permitted to use any highway bridge on or across a state line on such terms and conditions as the agency or officials jointly constructing, maintaining, or operating such bridge may jointly determine. No discrimination shall be made in the use of such bridge as between such utilities. Joint use of telephone, telegraph, electric transmission, or ~~pipe lines~~ pipelines may not be required. No grant to any public utility to use such bridge shall in any way interfere with the use of such bridge by the public for highway purposes.

Sec. 48. [Section 314.22, subsection 3](#), paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The director of the department shall appoint members to an integrated roadside vegetation management technical advisory committee which is created to provide advice on the development and implementation of a statewide integrated roadside vegetation management plan and program and related projects. The department shall report annually in January to the general assembly regarding its activities and those of the committee. Activities of the committee may include, but are not limited to, providing advice and assistance in the following areas:

Sec. 49. [Section 314.22, subsection 4](#), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The integrated roadside vegetation management coordinator shall administer the department's integrated roadside vegetation management plan and program. The department may create the position of integrated roadside vegetation management coordinator within the department or may contract for the services of the coordinator. The duties of the coordinator include, but are not limited to, the following:

Sec. 50. [Section 314.22, subsection 8](#), paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall coordinate and compile integrated roadside vegetation inventories, classification systems, plans, and implementation strategies for roadsides. Areas of increased program and project emphasis may include, but are not limited to, all of the following:

Sec. 51. [Section 320.7](#), Code 2023, is amended to read as follows:

320.7 Failure to maintain.

Failure of the grantee to comply with the terms of the grant shall be ~~ground~~ grounds for forfeiture of the grant.

Sec. 52. [Section 327D.5](#), Code 2023, is amended to read as follows:

327D.5 Burden of proof.

In any action in court, or before the department, brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of [this section](#) and [sections 327D.3](#) and [327D.4](#) the burden of proving that the provisions thereof have been complied with by such railroad corporation, shall be upon such railroad corporation.

Sec. 53. [Section 328.26, subsection 2](#), Code 2023, is amended to read as follows:

2. When an aircraft is registered to a person for the first time, the fee submitted to the department shall include the tax imposed by [section 423.2](#) or [section 423.5](#) or evidence of the exemption of the aircraft from the tax imposed under [section 423.2](#) or [423.5](#).

Sec. 54. [Section 331.653, subsection 12](#), Code 2023, is amended to read as follows:

12. Observe and inspect any licensed ~~premise~~ premises for gambling devices and report findings to the license-issuing authority as provided in [section 99A.4](#).

Sec. 55. [Section 346.27, subsections 2 and 4](#), Code 2023, are amended to read as follows:

2. Any county may join with its county seat to incorporate an ~~“Authority”~~ “authority” for the purpose of acquiring, constructing, demolishing, improving, enlarging, equipping, furnishing, repairing, maintaining, and operating a public building, and to acquire and prepare the necessary site, including demolition of any structures, for the joint use of the county and city or any school district which is within or is a part of the county or city.

4. The articles of incorporation shall set forth the name of the authority, the name of the incorporating units, the purpose for which the authority is created, the number, terms, and manner of selection of its officers including its governing body which shall be known as the ~~“commission”~~ “commission”, the powers and duties of the authority and of its officers, the date upon which the authority becomes effective, the name of the newspaper in which the articles of incorporation shall be published, and any other matters.

Sec. 56. [Section 350.1](#), Code 2023, is amended to read as follows:

350.1 Purposes.

The purposes of [this chapter](#) are to create a county conservation board; ~~and~~ to authorize counties to acquire, develop, maintain, and make available to the inhabitants of the county, public museums, parks, preserves, parkways, playgrounds, recreational centers, county forests, ~~and~~ wildlife and other conservation areas; ~~and~~ to promote and preserve the health and general welfare of the people; ~~to~~ encourage the orderly development and conservation of natural resources; ~~and~~ to cultivate good citizenship by providing adequate programs of public recreation.

Sec. 57. [Section 350.4](#), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The county conservation board shall have the custody, control, ~~and~~ management of all real and personal property heretofore or hereafter acquired by the county for public museums, parks, preserves, parkways, playgrounds, recreation centers, county forests, county wildlife areas, and other county conservation and recreation purposes and is authorized and empowered:

Sec. 58. [Section 350.4, subsections 4, 5, and 7](#), Code 2023, are amended to read as follows:

4. To plan, develop, preserve, administer and maintain all such areas, places, ~~and~~ facilities, and construct, reconstruct, alter, ~~and~~ renew buildings and other structures, and equip and maintain the same.

5. To accept in the name of the county gifts, bequests, contributions, ~~and~~ appropriations of money and other personal property for conservation purposes.

7. To charge and collect reasonable fees for the use of the parks, facilities, privileges, ~~and~~ conveniences as may be provided and for admission to amateur athletic contests, demonstrations and exhibits, and other noncommercial events. The board shall not allow the exclusive use of a park by one or more organizations.

Sec. 59. [Section 350.5, subsection 1](#), Code 2023, is amended to read as follows:

1. The county conservation board may make, alter, amend, ~~or~~ repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state.

Sec. 60. [Section 357.18](#), Code 2023, is amended to read as follows:

357.18 Acceptance of work.

When in the opinion of the engineer in charge, the construction in any benefited water district has been completed in accordance with the plans, specifications, and contract, the engineer shall certify this fact to the board of supervisors, and recommend the acceptance of the work by the said board. The board of supervisors shall proceed in accordance with [sections 468.101](#) and [468.102](#).

Sec. 61. [Section 376.3](#), Code 2023, is amended to read as follows:

376.3 Nominations.

Candidates for elective city offices must be nominated as provided in [sections 376.4 through 376.9](#), unless by ordinance a city chooses the provisions of [chapter 44](#) or [45](#). However, a city acting under a special charter in 1973 and having a population of over fifty thousand shall continue to hold partisan elections as provided in [sections 43.112 through 43.118](#) and [sections 420.126 through 420.137](#), unless the city by election as provided in [section 43.112](#) chooses to conduct city elections under [this chapter](#) or [chapter 44](#) or [45](#). The choice of one of these options by such a special charter city does not otherwise affect the validity of the city's charter. However, special charter cities which choose to exercise the option to conduct nonpartisan city elections may choose, in the same manner the original decision was made, to resume holding city elections on a partisan basis.

Sec. 62. [Section 384.84A, subsection 5](#), Code 2023, is amended to read as follows:

5. If a city is required by the federal environmental protection agency to file application for storm water sewer discharge or storm water drainage system under the federal Clean Water Act of 1987, [this section](#) does not apply to that city with respect to improvements and facilities required for compliance with [EPA federal environmental protection agency](#) regulations, or any city that enters into a [chapter 28E](#) agreement to implement a joint storm water discharge or drainage system with a city that is required by the federal environmental protection agency to file application for storm water discharge or storm water drainage system.

Sec. 63. [Section 411.21, subsections 5 and 6](#), Code 2023, are amended to read as follows:

5. A member of the retirement system prior to July 1, 1979, with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, is entitled to receipt of the member's accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement.

6. Any member in service prior to July 1, 1979, may at the time of the member's retirement withdraw the member's accumulated contributions made before July 1, 1979, or receive an annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's retirement.

Sec. 64. [Section 411.21, subsection 7](#), paragraph a, Code 2023, is amended to read as follows:

a. Notwithstanding [subsections 1, 3, 4, 5, and 6 of this section](#), beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, the member's accumulated contributions from the annuity savings fund and remain eligible to receive benefits under [section 411.6](#). However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under [section 411.6](#) if the member withdrew the member's accumulated contributions from the annuity savings fund after July 1, 1972, but prior to July 1, 1979, except as provided in [section 411.4](#). Accumulated contributions shall be paid according to the following schedule:

(1) During the period beginning January 1, 1981, and ending December 31, 1982, any member who has completed twenty or more years of service.

(2) During the period beginning January 1, 1983, and ending December 31, 1984, any member who has completed fifteen or more years of service.

(3) During the period beginning January 1, 1985, and ending December 31, 1986, any member who has completed ten or more years of service.

(4) During the period beginning January 1, 1987, and ending December 31, 1988, any member who has completed five or more years of service.

Sec. 65. [Section 419.2, subsections 6 and 8](#), Code 2023, are amended to read as follows:

6. To grant easements for roads, streets, water mains and pipes, sewers, power lines, telephone lines, all ~~pipe lines~~ pipelines, and to all utilities.

8. To issue revenue bonds for the purpose of retiring any existing indebtedness of a health care facility, clinic, or voluntary nonprofit hospital, to secure payment of the bonds as provided in [this chapter](#), and to enter into agreements with others with respect to these bonds for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of [this chapter](#). The retiring of any existing indebtedness of a health care facility, clinic, or voluntary nonprofit hospital shall be deemed a “project” for the purposes of [this chapter](#).

Sec. 66. [Section 421.24, subsection 4](#), paragraph a, Code 2023, is amended to read as follows:

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.

Sec. 67. [Section 422.11L, subsection 6](#), Code 2023, is amended to read as follows:

6. For purposes of [this section](#), “Internal Revenue Code” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended and in effect on January 1, 2016. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after ~~the date specified in the preceding sentence~~ January 1, 2016, including any amendment with retroactive applicability or effectiveness.

Sec. 68. [Section 428A.9](#), Code 2023, 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 remitted to the 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.

Sec. 69. [Section 455B.224](#), Code 2023, is amended to read as follows:

455B.224 Simple misdemeanor.

Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, violating any provisions of [this part 2 of subchapter III](#) or the rules adopted under [this part](#) after written notice of the violation by the executive director is guilty of a simple misdemeanor. Each day of operation in such violation of [this part](#) or any rules adopted under [this part](#) shall constitute a separate offense. It shall be the duty of the appropriate county attorney to secure injunctions of continuing violations of any provisions of [this part](#) or the rules adopted under [this part](#).

Sec. 70. [Section 455B.301, subsection 27](#), Code 2023, is amended to read as follows:

27. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director. “Sanitary disposal project” does not include a pyrolysis or gasification facility.

Sec. 71. [Section 455B.395](#), Code 2023, is amended to read as follows:

455B.395 Public information.

Information obtained under [this part 4](#), or a rule, order, or condition adopted or issued under [this part 4](#), or an investigation authorized thereby, shall be available to the public unless the information constitutes trade secrets or information which is entitled to confidential treatment in order to protect a plan, process, tool, mechanism, or compound which is known only to the person claiming confidential treatment and confidential treatment is necessary to protect the person's trade, business or manufacturing process.

Sec. 72. [Section 455B.473, subsection 6](#), Code 2023, is amended to read as follows:

6. [Subsections 1 through 3](#) do not apply to an underground storage tank for which notice was given pursuant to section 103, subsection c, of the Comprehensive Environmental Response, Compensation, and Liabilities Liability Act of 1980.

Sec. 73. [Section 455B.479](#), Code 2023, is amended to read as follows:

455B.479 Storage tank management fee.

An owner or operator of an underground storage tank shall pay an annual storage tank management fee of sixty-five dollars per tank of over one thousand one hundred gallons capacity. The fees collected shall be deposited in the storage tank management account of the groundwater protection fund created in [section 455E.11](#).

Sec. 74. [Section 455F.7, subsection 1](#), Code 2023, is amended to read as follows:

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity. All permits provided for in [this section](#) shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of twenty-five dollars to the department of revenue for a permit upon a form prescribed by the director of revenue. Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of [this section](#) shall be subject to permit revocation upon notice and hearing. The department shall remit the fees collected to the household hazardous waste account of the groundwater protection fund created in [section 455E.11](#). A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by [this section](#).

Sec. 75. [Section 455G.4, subsection 6](#), Code 2023, is amended to read as follows:

6. *Reporting.* Beginning July 2003, the board shall submit a written report quarterly to the legislative council, the chairperson and ranking member of the committee on natural resources and environment and energy independence in the senate, and the chairperson and ranking member of the committee on environmental protection in the house of representatives regarding changes in the status of the program including but not limited to the number of open claims by claim type; the number of new claims submitted and the eligibility status of each claim; a summary of the risk classification of open claims; the status of all claims at high-risk sites including the number of corrective action design reports submitted, approved, and implemented during the reporting period; total moneys reserved on open claims and total moneys paid on open claims; and a summary of budgets approved and invoices paid for high-risk site activities including a breakdown by corrective action design report, construction and equipment, implementation, operation and maintenance, monitoring, over excavation, free product recovery, site reclassification, reporting and other expenses, or a similar breakdown. In each report submitted by the board, the board shall include an estimated timeline to complete corrective action at all currently eligible high-risk sites where a corrective action design report has been submitted by a claimant and approved during the reporting period. The timeline shall include the projected year when a no further action designation will be obtained based upon the corrective action activities approved or anticipated at each claimant site. The timeline shall be broken down in annual increments with the number or percentage of sites projected to be completed for each time period. The report shall identify and report steps taken to expedite corrective action and eliminate the state's liability for open claims.

Sec. 76. [Section 456B.11](#), Code 2023, is amended to read as follows:

456B.11 Agricultural drainage wells — wetlands — conservation easements.

The department shall develop and implement a program for the acquisition of wetlands and conservation easements on and around wetlands that result from the closure or change in use of agricultural drainage wells upon implementation of the programs specified in [section 460.302](#) to eliminate groundwater contamination caused by the use of agricultural drainage wells. The program shall be coordinated with the department of agriculture and land stewardship. The department may use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund created in [section 455E.11](#) in addition to other moneys available for wetland acquisition, protection, development, and management.

Sec. 77. [Section 458A.25](#), Code 2023, is amended to read as follows:

458A.25 Liens for labor or materials and of contractor and subcontractor — manner of perfecting liens — enforcement of liens.

Provisions of [chapter 572](#) as to mechanic's liens or labor and materials furnished for improvements on real estate and of contractors and subcontractors shall apply to labor and materials furnished for gas or oil wells, or ~~pipe lines~~ pipelines. The liens shall not attach on the real estate, but shall attach to the whole of the lease held, and upon the gas or oil wells, buildings and appurtenances, and ~~pipe lines~~ pipelines for which ~~said~~ the labor or materials were furnished, and shall be perfected and enforced as provided by [chapter 572](#).

Sec. 78. [Section 460.302, subsection 2](#), paragraph a, Code 2023, is amended to read as follows:

a. Financial incentive moneys may be allocated from the financial incentive portion of the agriculture management account of the groundwater protection fund created in [section 455E.11](#) to implement alternatives to agricultural drainage wells.

Sec. 79. [Section 490.143, subsection 1](#), paragraph e, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(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. 80. [Section 514A.3, subsection 1](#), paragraph m, Code 2023, is amended to read as follows:

m. (1) A provision as follows:

Right to return policy: The insured has the right, within ten days after receipt of this policy, to return it to the company at its home office or branch office or to the agent through whom it was purchased, and if so returned the premium paid will be refunded and the policy will be void from the beginning and the parties shall be in the same position as if a policy had not been issued.

(2) The foregoing provision shall be prominently printed on the first page of the policy or attached to the policy.

(3) The provisions of this paragraph "m" shall apply to any insurance policy which is delivered or issued for delivery or renewed in this state on or after July 1, 1978.

Sec. 81. [Section 514A.3, subsection 2](#), paragraph c, Code 2023, is amended to read as follows:

c. (1) A provision as follows:

Other insurance in this insurer: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for (insert type of coverage or coverages) in excess of \$..... (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to the insured's estate.

(2) Or, in lieu thereof:

Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, or the insured's beneficiary or estate, as the case may be, and the insurer will return all premiums paid for all other such policies.

Sec. 82. [Section 514E.2, subsection 2](#), paragraph b, Code 2023, is amended to read as follows:

b. The composition of the board of directors shall be in compliance with [sections 69.16 and 69.16A](#). The governor's appointees shall be chosen from a broad ~~cross-section~~ cross section of the residents of this state.

Sec. 83. [Section 518B.1, subsection 3](#), Code 2023, is amended to read as follows:

3. "*The Act*" means ~~Section section~~ section 1223 of the federal Housing and Urban Development Act of 1968, Pub. L. No. 90-448, 90th Congress approved August 1, 1968.

Sec. 84. [Section 521A.1, subsection 3](#), Code 2023, is amended to read as follows:

3. "*Control*", including "*controlling*", "*controlled by*", and "*under common control with*", shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is solely the result of an official position with or a corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided in [section 521A.3, subsections 1 through 5, inclusive](#), or [section 521A.4, subsection 11](#), whichever is applicable, that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

Sec. 85. [Section 524.103, subsection 22](#), Code 2023, is amended to read as follows:

22. "*Evidence of indebtedness*" means a note, draft, or similar negotiable or nonnegotiable instrument.

Sec. 86. [Section 524.207, subsection 2](#), Code 2023, is amended to read as follows:

2. All fees and assessments generated as the result of a national bank or federal savings association converting to a 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 national bank or federal savings association converted to a 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 bank converts to a national bank or federal savings 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 bank during the fiscal year in which the state bank converted to a national bank or federal savings association.

Sec. 87. [Section 524.302, subsection 1](#), paragraph e, Code 2023, is amended to read as follows:

e. The number of directors constituting the initial board of directors and the names and addresses of the individuals who are to serve as directors until the first annual meeting of shareholders or until their successors ~~be~~ are elected and qualify.

Sec. 88. [Section 524.544, subsection 3](#), Code 2023, is amended to read as follows:

3. The reports required by ~~subsections subsection 1 and 2~~ of [this section](#) shall contain information, to the extent known by the person making the report, relative to the number of shares involved, the names of the sellers and purchasers or transferors and transferees, the purchase price, the name of the borrower, the amount, source, and terms of the loan, or other transaction, the name of the bank issuing the shares used as security, and the number of shares used as security.

Sec. 89. [Section 524.1405, subsection 2](#), paragraph d, Code 2023, is amended to read as follows:

d. The name of the survivor may be, 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.

Sec. 90. [Section 524.1508, subsection 1](#), paragraphs b and c, Code 2023, are amended to read as follows:

b. Written or printed notice setting forth the proposed restated articles or a summary of the provisions of the proposed restated articles shall be given to each shareholder of record entitled to vote on the proposed restated articles within the time and in the manner provided in [section 524.533](#). If the meeting ~~be~~ is an annual meeting, the proposed restated articles may be included in the notice of such annual meeting. If the restated articles include an amendment or amendments to the articles of incorporation, the notice shall separately set forth such amendment or amendments or a summary of the changes to be effected by the amendment or amendments.

c. At the meeting, a vote of the shareholders entitled to vote on the proposed restated articles shall be taken on the proposed restated articles. The proposed restated articles shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote, unless such restated articles include an amendment to the articles of incorporation which, if contained in a proposed amendment to articles of incorporation to be made without restatement of the articles of incorporation, would entitle a class of shares to vote as a class on the proposed restated articles, in which event the proposed restated articles shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote on the proposed restated articles as a class, and of the total shares entitled to vote on the proposed restated articles.

Sec. 91. [Section 554.2403, subsection 3](#), Code 2023, is amended to read as follows:

3. ~~“Entrusting”~~ “Entrusting” includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor’s disposition of the goods have been such as to be larcenous under the criminal law.

Sec. 92. [Section 554.2707, subsection 1](#), Code 2023, is amended to read as follows:

1. A ~~“person in the position of a seller”~~ “person in the position of a seller” includes as against a principal an agent who has paid or become responsible for the price of goods on behalf of the agent’s principal or anyone who otherwise holds a security interest or other right in goods similar to that of a seller.

Sec. 93. [Section 554.9208, subsection 2](#), paragraph f, subparagraph (3), Code 2023, is amended to read as follows:

(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. 94. [Section 556E.2](#), Code 2023, is amended to read as follows:

556E.2 Tests.

In any test for the ascertainment of the fineness of the gold or alloy in any such article, according to the foregoing standards, the part of the gold or alloy taken for the test shall be such portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article; and in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold and its alloys contained in any article mentioned in [this section](#) and [section 556E.1](#), except watchcases and flatware, including all solder or alloy of inferior metal used for brazing or uniting the parts of the article, all such gold, alloys, and solder being assayed as one piece, shall not be less than the fineness indicated 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. 95. [Section 562B.10, subsection 1](#), Code 2023, is amended to read as follows:

1. The landlord and tenant may include in a rental agreement terms and conditions not prohibited by [this chapter](#) or other rule of law, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties.

Sec. 96. [Section 592.1](#), Code 2023, is amended to read as follows:

592.1 Bonds for garbage disposal plants.

All proceedings of such cities and towns as herein included, heretofore had, subsequent to the adoption of section 696-b [SS 15] by the ~~thirty-sixth general assembly~~ [Thirty-sixth General Assembly](#), and prior to the passage of this Act, providing for the issuance of bonds within the limitations of this Act, for the purchase or erection of garbage disposal plants, the vote of the people authorizing such issue and the bonds issued under such proceedings and vote, are hereby legalized and declared legal and valid, the same as though all of the provisions of this Act had been included in said [section 696-b of the supplemental supplement Supplemental Supplement to the Code, 1915](#), and such cities may issue and sell such bonds without again submitting such question to vote.

Sec. 97. [Section 628.28](#), Code 2023, is amended to read as follows:

628.28 Redemption of property not used for agricultural or certain residential purposes.

1. If real property is not used for agricultural purposes, as defined in [section 535.13](#), and is not the residence of the debtor, or if it is the residence of the debtor but not a single-family or two-family dwelling, then the period of redemption after foreclosure is one hundred eighty days. For the first ninety days after the sale the right of redemption is exclusive to the debtor and the time periods provided in [sections 628.5, 628.15, and 628.16](#) are reduced to one hundred thirty-five days. If a deficiency judgment has been waived the period of redemption is reduced to ninety days. For the first thirty days after the sale the redemption is exclusively the right of the debtor and the time periods provided in [sections 628.5, 628.15, and 628.16](#) are reduced to sixty days.

2. If real property is not used for agricultural purposes, as defined in [section 535.13](#), and is a single-family or two-family dwelling which is the residence of the debtor at the time of foreclosure but the court finds that after foreclosure the dwelling has ceased to be the residence of the debtor and if there are no junior creditors, the court shall order the period of redemption reduced to thirty days from the date of the court order. If there is a junior creditor, the court shall order the redemption period reduced to sixty days. For the first thirty days redemption is the exclusive right of the debtor and the time periods provided in [sections 628.5, 628.15, and 628.16](#) are reduced to forty-five days.

Sec. 98. [Section 636.25](#), Code 2023, is amended to read as follows:

636.25 Existing investments.

Any fiduciary not governed by the probate code may by and with the consent of the court having jurisdiction over such fiduciary or under permission of the instrument creating the trust, continue to hold any investment originally received by the fiduciary under the trust or any increase thereof. Such fiduciary may also make investments which the fiduciary

may deem necessary to protect and safeguard investments already made according to the provisions of [this section](#) and [sections 636.23](#) and [636.24](#).

Sec. 99. [Section 692A.128, subsection 2](#), paragraph a, Code 2023, is amended to read as follows:

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 tier III offender.

Sec. 100. [Section 804.31, subsection 1](#), Code 2023, is amended to read as follows:

1. When a person is detained for questioning or arrested for an alleged violation of a law or ordinance and there is reason to believe that the person is deaf or ~~hard-of-hearing~~ hard of hearing, the peace officer making the arrest or taking the person into custody or any other officer detaining the person shall determine if the person is a deaf or hard-of-hearing person as defined in [section 622B.1](#). If the officer so determines, the officer, at the earliest possible time and prior to commencing any custodial interrogation of the person, shall procure a qualified interpreter in accordance with [section 622B.2](#) and the rules adopted by the supreme court under [section 622B.1](#) unless the deaf or hard-of-hearing person knowingly, voluntarily, and intelligently waives the right to an interpreter in writing by executing a form prescribed by the department of human rights and the Iowa county attorneys association. The interpreter shall interpret the officer's warnings of constitutional rights and protections and all other warnings, statements, and questions spoken or written by any officer, attorney, or other person present and all statements and questions communicated in sign language by the deaf or hard-of-hearing person.

Sec. 101. [Section 811.7, subsection 3](#), Code 2023, is amended to read as follows:

3. If the order ~~recite~~ recites, as the ground on which it is made, the failure of the defendant to appear for judgment upon conviction, the defendant must be committed according to the requirements of the order; if made for any other cause and the offense is bailable, the court must cause a direction to be inserted in the order that the defendant be admitted to bail, in a sum to be stated in the order.

Sec. 102. [Section 904.603](#), Code 2023, is amended to read as follows:

904.603 Action for damages.

A person receiving or who has received services, or that person's family, victim, or employer may institute a civil action for damages under [chapter 669](#) or other action to restrain the release of confidential records set out in [section 904.602, subsection 2](#), which is in violation of that section, ~~and a~~. A person, agency, or governmental body proven to have released confidential records in violation of [section 904.602, subsection 2](#), is liable for actual damages for each violation and is liable for court costs and reasonable attorney's fees incurred by the party bringing the action.

Sec. 103. [Section 422.7, subsection 29](#), paragraph b, subparagraph (1), as enacted by [2018 Iowa Acts, chapter 1161, section 114](#), is amended to read as follows:

(1) Add back any amount of pensions or other retirement income received from any source which is not taxable under [this division subchapter](#), including but not limited to amounts deductible under [subsections 13, 31, 31A, and 31B](#).

Sec. 104. [2022 Iowa Acts, chapter 1045, section 7](#), is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. [Section 421.65, subsection 1](#), paragraph b, as enacted by [2020 Iowa Acts, chapter 1064, section 16](#), 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. 105. [2022 Iowa Acts, chapter 1061, sections 53 and 54](#), are amended to read as follows:

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 422.25A, 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 422.25A, subsection 5](#), paragraph “c”, subparagraph (6), subparagraph division (a).

Sec. 106. [2022 Iowa Acts, chapter 1099, section 47](#), is amended by striking the section and inserting in lieu thereof the following:

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~~ license for consumption 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.

Sec. 107. [Section 331.389, subsection 4](#), paragraph a, subparagraph (3), as amended by [2022 Iowa Acts, chapter 1131, section 69](#), is amended to read as follows:

(b) The department shall provide written notice to ~~the~~ a region’s regional administrator that the region is in compliance with the requirements in [subsection 3](#).

Sec. 108. [2022 Iowa Acts, chapter 1148, section 25](#), is amended to read as follows:

SEC. 25. [Section 422.60](#), Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 15. The taxes imposed under [this division subchapter](#) shall be reduced by an employer child care tax credit allowed pursuant to [section 237A.31](#).

Sec. 109. [2022 Iowa Acts, chapter 1153, section 38](#), is amended by striking the section and inserting in lieu thereof the following:

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 a different parent or guardian, a change in the state in which the family residence is located, a change in a child’s parents’ marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, initial placement of a prekindergarten student in a special education program requiring specially designed instruction, or participation in a substance abuse or mental health treatment program, a change in the status of a child’s resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in [section 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.

DIVISION II
CODE EDITOR DIRECTIVE

Sec. 110. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:
[Section 89A.25](#) to section 89A.1A.
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.

DIVISION III
EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 111. 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 [2022 Iowa Acts, chapter 1045, section 7](#).

Sec. 112. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this Act amending [2022 Iowa Acts, chapter 1061, sections 53 and 54](#).

Sec. 113. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2023:

The section of this Act amending [2018 Iowa Acts, chapter 1161, section 114](#).

Sec. 114. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2022:

The section of this Act amending [2022 Iowa Acts, chapter 1061, sections 53 and 54](#).

Approved May 3, 2023