

**EIGHTY-NINTH GENERAL ASSEMBLY  
2021 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

**April 1, 2021**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#">SF 363</a> .....	<a href="#">H-1335</a> .....		COMMITTEE ON STATE GOVERNMENT, et al
<a href="#">SF 469</a> .....	<a href="#">H-1331</a> .....		LOHSE of Polk
<a href="#">SF 476</a> .....	<a href="#">H-1336</a> .....		KONFRST of Polk
<a href="#">SF 524</a> .....	<a href="#">H-1334</a> .....		COMMITTEE ON HUMAN RESOURCES, et al
<a href="#">SF 529</a> .....	<a href="#">H-1333</a> .....		COMMITTEE ON HUMAN RESOURCES, et al
<a href="#">SF 540</a> .....	<a href="#">H-1332</a> .....		COMMITTEE ON STATE GOVERNMENT, et al

SENATE FILE 363

H-1335

1 Amend Senate File 363, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. Page 8, line 26, by striking <forty> and inserting  
4 <twenty>

By COMMITTEE ON STATE GOVERNMENT  
KAUFMANN of Cedar, Chairperson

H-1335 FILED APRIL 1, 2021

SENATE FILE 469

H-1331

1 Amend Senate File 469, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I  
4 CONTINUING NONCONFORMING USES OF CERTAIN DWELLINGS>

5 2. Page 3, after line 22 by inserting:

6 <DIVISION \_\_\_\_  
7 RENTAL AGREEMENTS

8 Sec. \_\_\_\_ . Section 562B.10, subsection 5, Code 2021, is  
9 amended to read as follows:

10 5. Rental agreements shall be for a term of one year unless  
11 otherwise specified in the rental agreement. Rental agreements  
12 shall be canceled by at least ~~sixty~~ ninety days' written notice  
13 given by either party. A landlord shall not cancel a rental  
14 agreement solely for the purpose of making the tenant's mobile  
15 home space available for another mobile home.

16 DIVISION \_\_\_\_  
17 RETALIATION

18 Sec. \_\_\_\_ . Section 562B.32, subsection 1, paragraph d, Code  
19 2021, is amended to read as follows:

20 *d.* For exercising any of the rights and remedies pursuant  
21 to this chapter or chapter 216.

22 Sec. \_\_\_\_ . Section 562B.32, subsection 2, Code 2021, is  
23 amended to read as follows:

24 2. If the landlord acts in violation of subsection 1  
25 of this section, the tenant is entitled to the remedies  
26 provided in section 562B.24 and has a defense in an action for  
27 possession. In an action by or against the tenant, evidence  
28 of a complaint within ~~six months~~ one year prior to the alleged  
29 act of retaliation creates a presumption that the landlord's  
30 conduct was in retaliation. The presumption does not arise  
31 if the tenant made the complaint after notice of termination  
32 of the rental agreement. For the purpose of this subsection,  
33 "*presumption*" means that the trier of fact must find the  
34 existence of the fact presumed unless and until evidence is  
35 introduced which would support a finding of its nonexistence.

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

3                                   DIVISION \_\_\_\_  
4                                   CONSUMER FRAUD

5     Sec. \_\_\_\_ . Section 562B.4, Code 2021, is amended by adding  
6 the following new subsection:

7     NEW SUBSECTION. 3. A violation of this chapter by a  
8 landlord, or an agent of the landlord, is an unlawful practice  
9 under section 714.16.

10                                   DIVISION \_\_\_\_  
11                                   RENT INCREASES

12     Sec. \_\_\_\_ . Section 562B.14, subsection 7, Code 2021, is  
13 amended by striking the subsection and inserting in lieu  
14 thereof the following:

15     7. *a.* A landlord shall not increase the amount of rent  
16 due by any tenant in a manufactured home community or mobile  
17 home park unless the tenant is notified, in writing, of the  
18 rent increase at least ninety days before the effective date  
19 of the rent increase. The effective date of any increase in  
20 the amount of rent shall not be less than one year after either  
21 the effective date of the most recent rent increase or the  
22 beginning of the tenancy, whichever is later.

23     *b.* A landlord that ceases to provide a utility that was  
24 provided for under the rental agreement without a corresponding  
25 and proportionate reduction in rent shall be considered to have  
26 increased rent for the purposes of this chapter and the notice  
27 requirements provided in paragraph "a" shall apply.

28                                   DIVISION \_\_\_\_  
29                                   TENANT COUNTERCLAIM FOR LANDLORD NONCOMPLIANCE

30     Sec. \_\_\_\_ . Section 562B.25, Code 2021, is amended by adding  
31 the following new subsection:

32     NEW SUBSECTION. 5. *a.* In an action for possession based  
33 upon nonpayment of the rent or in an action for rent in which  
34 the tenant is in possession, the tenant may counterclaim for an  
35 amount that the tenant may recover under the rental agreement

1 or this chapter. In that event, the court from time to time  
2 may order the tenant to pay into court all or part of the rent  
3 accrued and thereafter accruing, and shall determine the amount  
4 due to each party. The party to whom a net amount is owed  
5 shall be paid first from the money paid into court, and the  
6 balance by the other party. If rent does not remain due after  
7 application of this section, judgment shall be entered for  
8 the tenant in the action for possession. If the defense or  
9 counterclaim by the tenant is without merit and is not raised  
10 in good faith, the landlord may recover reasonable attorney  
11 fees.

12 *b.* In an action for rent in which the tenant is not  
13 in possession, the tenant may counterclaim as provided in  
14 paragraph "a", but the tenant is not required to pay any rent  
15 into court.

16 DIVISION \_\_\_\_

17 DISCLOSURE OF UTILITY CHARGES

18 Sec. \_\_\_\_ . Section 562B.14, subsection 6, Code 2021, is  
19 amended to read as follows:

20 6. *a.* The landlord or any person authorized to enter into  
21 a rental agreement on the landlord's behalf shall provide a  
22 written explanation of utility rates, charges, and services to  
23 the prospective tenant before the rental agreement is signed  
24 unless the utility charges are paid by the tenant directly to  
25 the utility company.

26 *b.* If a landlord obtains a utility service from a utility  
27 provider and furnishes the utility to the tenant and the  
28 landlord's charge to the tenant is based upon the utility  
29 provider's charge or rate for the use of such utility to  
30 consumers and the utility provider increases the charge or  
31 rate, the landlord shall notify tenants of such increase,  
32 including the effective date of such increase, within five days  
33 of the landlord receiving the utility provider's notice of the  
34 increase. An increase in the landlord's charge to a tenant  
35 for the utility that corresponds to the same increase in the

1 utility provider's charge or rate to the landlord shall be  
2 effective thirty days after the landlord provides the written  
3 notice of such increase to the tenant, unless the landlord does  
4 not receive at least sixty days' prior notice of such increase  
5 from the utility provider in which case no prior notice of the  
6 increase from the landlord to the tenant is required for the  
7 increase to be effective.

8 DIVISION \_\_\_\_  
9 UTILITY CHARGES

10 Sec. \_\_\_\_ . Section 562B.16, Code 2021, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 3. A landlord that is responsible for  
13 payment of utilities being provided to the tenant shall not  
14 charge to the tenant an amount in excess of the actual cost of  
15 the utility and as specified in writing under section 562B.14,  
16 subsection 6. However, in addition to the actual cost of the  
17 utility, a landlord that is responsible for the payment of one  
18 or more utilities being provided to the tenant may impose a  
19 monthly utility administration fee to each tenant not to exceed  
20 five dollars per month.

21 Sec. \_\_\_\_ . Section 562B.25, Code 2021, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 2A. The failure of a tenant to pay utility  
24 charges that exceed the actual cost of the utility provided  
25 as required by section 562B.16, subsection 3, shall not be  
26 considered noncompliance with the rental agreement.

27 DIVISION \_\_\_\_  
28 UNLAWFUL OUSTER

29 Sec. \_\_\_\_ . Section 562B.24, Code 2021, is amended to read as  
30 follows:

31 **562B.24 Tenant's remedies for landlord's unlawful ouster,**  
32 **exclusion, or diminution of services.**

33 If the landlord unlawfully removes or excludes the tenant  
34 from the manufactured home community or mobile home park or  
35 willfully diminishes services to the tenant by interrupting

1 or causing the interruption of electric, gas, water, or  
2 other essential service to the tenant, the tenant may recover  
3 possession, require the restoration of essential services or  
4 terminate the rental agreement and, in either case, recover an  
5 amount not to exceed two months' periodic rent, and twice the  
6 actual damages sustained by the tenant, and reasonable attorney  
7 fees. If the rental agreement is terminated, the landlord  
8 shall return all prepaid rent and security.

9

DIVISION \_\_\_\_

10

WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES

11

Sec. \_\_\_\_ . NEW SECTION. 562B.23A Wrongful failure to supply

12

running water or essential services.

13

1. If contrary to the rental agreement or section 562B.16

14

the landlord deliberately or negligently fails to supply

15

running water or other essential services, the tenant may give

16

written notice to the landlord specifying the breach and may

17

do one of the following:

18

a. Procure reasonable amounts of water or other essential

19

services during the period of the landlord's noncompliance and

20

deduct the actual and reasonable cost from the rent.

21

b. Recover damages based upon the diminution in the fair

22

market value of the mobile home space.

23

c. Recover any rent already paid for the period of the

24

landlord's noncompliance, which shall be reimbursed on a pro

25

rata basis.

26

2. If the tenant proceeds under this section, the tenant may

27

not proceed under section 562B.22 as to that breach.

28

3. The rights under this section do not arise until the

29

tenant has given notice to the landlord or if the condition was

30

caused by the deliberate or negligent act or omission of the

31

tenant, a member of the tenant's family, or other person on the

32

premises with the consent of the tenant.

33

DIVISION \_\_\_\_

34

PROHIBITED RENTAL AGREEMENT PROVISION — HOME EQUIPMENT

35

Sec. \_\_\_\_ . Section 562B.11, subsection 1, Code 2021, is

1 amended by adding the following new paragraph:

2 NEW PARAGRAPH. e. Agrees to modify the mobile home,  
3 manufactured home, or modular home in a way that would  
4 substantially impair the ability of the tenant to move the  
5 home from the mobile home space, unless such modification is  
6 required by federal law, including but not limited to the  
7 model manufactured home installation standards, 24 C.F.R. pt.  
8 3285, the manufactured home construction and safety standards,  
9 24 C.F.R. pt. 3280, or the manufactured home procedural and  
10 enforcement regulations, 24 C.F.R. pt. 3282, or by state or  
11 local law, the manufacturer's installation instructions, any  
12 requirement arising from the landlord's financing of the home  
13 or of the mobile home park or manufactured home community in  
14 which the home is located, or unless such modification is  
15 otherwise necessary for the safe and proper installation of the  
16 home.

17 DIVISION \_\_\_\_  
18 LANDLORD SALES

19 Sec. \_\_\_\_ . NEW SECTION. 562B.17A Sale of mobile home by  
20 landlord.

21 1. Any sale of a mobile home located in a manufactured  
22 home community or mobile home park by a landlord or landlord's  
23 agent shall be by written agreement and the landlord shall  
24 produce and assign the current certificate of title obtained  
25 from the department of transportation. The agreement shall  
26 state the basic terms of sale, including the total cost of  
27 the mobile home, finance charges, annual percentage rate, and  
28 the frequency and amount of each installment payment. Such  
29 agreement shall comply with the finance charge rate limitation  
30 in section 103A.58, subsection 1.

31 2. Any such sale that does not comply with this section  
32 may be voided by the buyer and the buyer may recover damages  
33 incurred, amounts paid as a rental deposit in excess of two  
34 months' rent for the mobile home, and reasonable attorney fees.

35 3. A claim under subsection 2 may be combined with an action

H-1331 (Continued)

1 under chapter 648.

2 Sec. \_\_\_\_\_. Section 648.19, subsection 1, Code 2021, is  
3 amended to read as follows:

4 1. An action under this chapter shall not be filed in  
5 connection with any other action, with the exception of a claim  
6 for rent or recovery as provided in section 555B.3, 562A.24,  
7 562A.32, 562B.17A, 562B.22, 562B.25, or 562B.27, nor shall it  
8 be made the subject of counterclaim.

9

DIVISION \_\_\_\_

10

MANUFACTURED HOUSING PROGRAM FUND

11 Sec. \_\_\_\_\_. Section 16.45, subsection 1, Code 2021, is amended  
12 to read as follows:

13 1. A manufactured housing program fund is created within  
14 the authority to further the goal of providing affordable  
15 housing to Iowans. The moneys in the fund are to be used for  
16 the purpose of providing funding to financial institutions or  
17 other lenders to finance the purchase by an individual of a  
18 manufactured home that is in compliance with all laws, rules,  
19 and standards that are applicable to manufactured homes and  
20 manufactured housing. ~~The manufactured housing program fund  
21 is designed exclusively for manufactured homes sited on leased  
22 land.>~~

23 3. Title page, by striking lines 1 through 3 and inserting  
24 <An Act relating to manufactured, modular, and mobile homes and  
25 site-built dwelling units, including zoning regulations, rental  
26 agreements, actions associated with such properties, and the  
27 manufactured housing program fund, and including effective date  
28 provisions.>

29 4. By renumbering as necessary.

By LOHSE of Polk

H-1331 FILED APRIL 1, 2021

H-1336

1 Amend Senate File 476, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <DIVISION I

6 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

7 Section 1. Section 9E.1, Code 2021, is amended to read as  
8 follows:

9 **9E.1 Purpose.**

10 The general assembly finds that individuals attempting to  
11 escape from actual or threatened domestic abuse, domestic  
12 abuse assault, sexual abuse, assault, stalking, or human  
13 trafficking frequently establish new addresses in order to  
14 prevent their assailants or probable assailants from finding  
15 them. The purpose of this chapter is to enable state and local  
16 agencies to respond to requests for data without disclosing  
17 the location of a victim of domestic abuse, domestic abuse  
18 assault, sexual abuse, assault, stalking, or human trafficking;  
19 to enable interagency cooperation with the secretary of state  
20 in providing address confidentiality for victims of domestic  
21 abuse, domestic abuse assault, sexual abuse, assault, stalking,  
22 or human trafficking; and to enable program participants to use  
23 an address designated by the secretary of state as a substitute  
24 mailing address for the purposes specified in this chapter.  
25 In addition, the purpose of this chapter is to prevent such  
26 victims from being physically located through a public records  
27 search.

28 Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021,  
29 is amended to read as follows:

30 a. *"Eligible person"* means a person who is ~~all~~ a resident of  
31 this state, an adult, a minor, or an incapacitated person as  
32 defined in section 633.701, and is one of the following:

33 (1) ~~A resident of this state.~~

34 (2) ~~An adult, a minor, or an incapacitated person as defined~~  
35 ~~in section 633.701.~~

1     ~~(3)~~ A victim of domestic abuse, domestic abuse assault,  
2 sexual abuse, assault, stalking, or human trafficking as  
3 evidenced by the filing of a petition pursuant to section 236.3  
4 or a criminal complaint or information pursuant to section  
5 708.1, 708.2A, 708.11, or 710A.2, or any violation contained  
6 in chapter 709.

7     (2) A currently active or retired judicial officer or  
8 a spouse or child of such a person. For purposes of this  
9 subparagraph, "judicial officer" means the same as defined in  
10 section 602.1101 and includes a federal judge.

11     (3) A currently active or retired state or local prosecuting  
12 attorney, as defined in section 801.4, or a spouse or child of  
13 such a person.

14     (4) A currently active or retired peace officer, as defined  
15 in section 801.4, or a spouse or child of such a person.

16     Sec. 3. Section 9E.3, subsection 1, paragraph b,  
17 subparagraph (1), subparagraph division (a), Code 2021, is  
18 amended to read as follows:

19     (a) The eligible person listed on the application is a  
20 victim of domestic abuse, domestic abuse assault, sexual abuse,  
21 assault, stalking, or human trafficking.

22     Sec. 4. Section 9E.3, subsection 1, paragraph e, Code 2021,  
23 is amended to read as follows:

24     e. The residential address of the eligible person,  
25 disclosure of which could lead to an increased risk of domestic  
26 abuse, domestic abuse assault, sexual abuse, assault, stalking,  
27 or human trafficking.

28     Sec. 5. Section 9E.7, Code 2021, is amended by adding the  
29 following new subsection:

30     NEW SUBSECTION. 4A. Upon request by a program participant,  
31 the assessor or the assessor's staff shall redact the  
32 requestor's name contained in electronic documents that  
33 are displayed for public access through an internet site.  
34 The assessor shall implement and maintain a process to  
35 facilitate these requests. A fee shall not be charged for the

1 administration of this subsection.

2 Sec. 6. Section 22.10, subsection 3, paragraph b,  
3 subparagraph (2), Code 2021, is amended to read as follows:

4 (2) Had good reason to believe and in good faith believed  
5 facts which, if true, would have indicated compliance with  
6 the requirements of this chapter. For purposes of this  
7 subparagraph, "good reason to believe and in good faith believed"  
8 means the person engaged in a balancing test in weighing the  
9 individual privacy interest against the public's need to access  
10 the record based upon a reasonable reliance on the facts.

11 Sec. 7. Section 331.604, subsection 3, Code 2021, is amended  
12 by adding the following new paragraph:

13 NEW PARAGRAPH. f. Upon request by a law enforcement  
14 officer, as defined in section 80B.3, or state or federal  
15 judicial officer or state or federal prosecutor, the assessor  
16 or the assessor's staff shall redact the requestor's name  
17 contained in electronic documents that are displayed for public  
18 access through an internet site. This paragraph does not apply  
19 to a requestor holding or seeking public office. The assessor  
20 shall implement and maintain a process to facilitate these  
21 requests. A fee shall not be charged for the administration  
22 of this paragraph.

23 Sec. 8. Section 622.10, subsection 9, paragraphs a and b,  
24 Code 2021, are amended to read as follows:

25 a. A peer support group counselor or individual present  
26 for a group crisis intervention who obtains information from  
27 an officer or a civilian employee of a law enforcement agency  
28 or fire department by reason of the counselor's capacity as a  
29 peer support group counselor or an individual's presence for  
30 a group crisis intervention shall not be allowed, in giving  
31 testimony, to disclose any confidential communication properly  
32 entrusted to the counselor or individual present for a group  
33 crisis intervention by the officer or civilian employee while  
34 receiving counseling or group crisis intervention.

35 b. The prohibition in this subsection does not apply

1 where the officer or civilian employee has consented to the  
2 disclosure of the information specified in paragraph "a" or  
3 where the peer support group counselor or individual present  
4 for a group crisis intervention was an initial responding  
5 officer, a witness, or a party to the incident which prompted  
6 the delivery of peer support group counseling services or the  
7 group crisis intervention to the officer or civilian employee.

8 DIVISION II

9 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

10 Sec. 9. Section 554.9510, subsection 1, Code 2021, is  
11 amended to read as follows:

12 1. *Filed record effective if authorized.* A filed record  
13 is effective only to the extent that it was filed by a person  
14 that may file it under section 554.9509 or by the filing office  
15 under section 554.9513A.

16 Sec. 10. NEW SECTION. **554.9513A Termination of wrongfully**  
17 **filed financing statement — reinstatement.**

18 1. *Trusted filer.* "Trusted filer" means a person that does  
19 any of the following:

20 a. Regularly causes records to be communicated to the  
21 filing office for filing and has provided the filing office  
22 with current contact information and information sufficient to  
23 establish the person's identity.

24 b. Satisfies either of the following conditions:

25 (1) The filing office has issued the person credentials for  
26 access to online filing services.

27 (2) The person has established a prepaid or direct debit  
28 account for payment of filing fees, regardless of whether the  
29 account is used in a particular transaction.

30 2. *Affidavit of wrongful filing.* A person identified as  
31 debtor in a filed financing statement may deliver to the  
32 filing office a notarized, sworn affidavit that identifies the  
33 financing statement by file number, indicates the affiant's  
34 mailing address, and states that the affiant believes that  
35 the filed record identifying the affiant as debtor was not

1 authorized to be filed and was caused to be communicated to the  
2 filing office with the intent to harass or defraud the affiant.  
3 The filing office may reject an affidavit that is incomplete or  
4 that it believes was delivered to it with the intent to harass  
5 or defraud the secured party. The office of the secretary  
6 of state shall adopt a form of affidavit for use under this  
7 section.

8     3. *Termination statement by filing office.* Subject to  
9 subsection 11, if an affidavit is delivered to the filing  
10 office under subsection 2, the filing office shall promptly  
11 file a termination statement with respect to the financing  
12 statement identified in the affidavit. The termination  
13 statement must identify by its file number the initial  
14 financing statement to which it relates and must indicate that  
15 it was filed pursuant to this section. A termination statement  
16 filed under this subsection is not effective until ninety days  
17 after it is filed.

18     4. *No fee charged or refunded.* The filing office shall not  
19 charge a fee for the filing of an affidavit under subsection  
20 2 or a termination statement under subsection 3. The filing  
21 office shall not return any fee paid for filing the financing  
22 statement identified in the affidavit, whether or not the  
23 financing statement is reinstated under subsection 7.

24     5. *Notice of termination statement.* On the same day that a  
25 filing office files a termination statement under subsection  
26 3, the filing office shall send to the secured party of record  
27 for the financing statement to which the termination statement  
28 relates a notice stating that the termination statement  
29 has been filed and will become effective ninety days after  
30 filing. The notice shall be sent by certified mail, return  
31 receipt requested, to the address provided for the secured  
32 party of record in the financing statement with a copy sent by  
33 electronic mail to the electronic mail address provided by the  
34 secured party of record, if any.

35     6. *Administrative review — action for reinstatement.* A

1 secured party that believes in good faith that the filed record  
2 identified in an affidavit delivered to the filing office under  
3 subsection 2 was authorized to be filed and was not caused to  
4 be communicated to the filing office with the intent to harass  
5 or defraud the affiant may:

6     *a.* Before the termination statement takes effect, request  
7 that the filing office conduct an expedited review of the  
8 filed record and any documentation provided by the secured  
9 party. The filing office may as a result of this review  
10 remove from the record the termination statement filed by  
11 it under subsection 3 before it takes effect and conduct an  
12 administrative review under subsection 11.

13     *b.* File an action against the office seeking reinstatement  
14 of the financing statement to which the filed record relates at  
15 any time before the expiration of six months after the date on  
16 which the termination stated filed under subsection 3 becomes  
17 effective. If the affiant is not named as a defendant in the  
18 action, the secured party shall send a copy of the petition to  
19 the affiant at the address indicated in the affidavit. The  
20 exclusive venue for the action shall be in the district court  
21 for the county where the filing office in which the financing  
22 statement was filed is located. The action shall be considered  
23 by the court on an expedited basis.

24     7. *Filing office to file notice of action for*  
25 *reinstatement.* Within ten days after being served with process  
26 in an action under subsection 6, the filing office shall file  
27 a notice indicating that the action has been commenced. The  
28 notice must indicate the file number of the initial financing  
29 statement to which the notice relates.

30     8. *Action for reinstatement successful.* If, in an action  
31 under subsection 6, the court determines that the financing  
32 statement was authorized to be filed and was not caused to be  
33 communicated to the filing office with the intent to harass or  
34 defraud the affiant, the court shall order that the financing  
35 statement be reinstated. If an order of reinstatement is

1 issued by the court, the filing office shall promptly file a  
2 record that identifies by its file number the initial financing  
3 statement to which the record relates and indicates that the  
4 financing statement has been reinstated.

5 9. *Effect of reinstatement.* Upon the filing of a record  
6 reinstating a financing statement under subsection 8, the  
7 effectiveness of the financing statement is reinstated and the  
8 financing statement shall be considered never to have been  
9 terminated under this section except as against a purchaser of  
10 the collateral that gives value in reasonable reliance upon  
11 the termination. A continuation statement filed as provided  
12 in section 554.9515, subsection 4, after the effective date of  
13 a termination statement filed under subsection 3 or 11 becomes  
14 effective if the financing statement is reinstated.

15 10. *Liability for wrongful filing.* If, in an action under  
16 subsection 6, the court determines that the filed record  
17 identified in an affidavit delivered to the filing office under  
18 subsection 2 was caused to be communicated to the filing office  
19 with the intent to harass or defraud the affiant, the filing  
20 office and the affiant may recover from the secured party that  
21 filed the action the costs and expenses, including reasonable  
22 attorney fees and the reasonable allocated costs of internal  
23 counsel, that the filing office and the affiant incurred in the  
24 action. This recovery is in addition to any recovery to which  
25 the affiant is entitled under section 554.9625.

26 11. *Procedure for record filed by trusted filer.* If an  
27 affidavit delivered to a filing office under subsection 2  
28 relates to a filed record communicated to the filing office by  
29 a trusted filer, the filing office shall promptly send to the  
30 secured party of record a notice stating that the affidavit has  
31 been delivered to the filing office and that the filing office  
32 is conducting an administrative review to determine whether the  
33 record was caused to be communicated with the intent to harass  
34 or defraud the affiant. The notice shall be sent by certified  
35 mail, return receipt requested, to the address provided for

1 the secured party in the financing statement with a copy sent  
2 by electronic mail to the electronic mail address provided  
3 by the secured party of record, if any, and a copy shall be  
4 sent in the same manner to the affiant. The administrative  
5 review shall be conducted on an expedited basis and the filing  
6 office may require the affiant and the secured party of record  
7 to provide any additional information that the filing office  
8 deems appropriate. If the filing office concludes that the  
9 record was caused to be communicated with the intent to harass  
10 or defraud the affiant, the filing office shall promptly file a  
11 termination statement under subsection 2 that will be effective  
12 immediately and send to the secured party of record the notice  
13 required by subsection 5. The secured party may thereafter  
14 file an action for reinstatement under subsection 6 and the  
15 provisions of subsections 7 through 10 are applicable.

16 Sec. 11. NEW SECTION. 714.29 **Records filed with intent to**  
17 **harass or defraud.**

18 1. A person shall not cause to be communicated to the filing  
19 office as defined in section 554.9102 for filing a record if  
20 all of the following are true:

21 a. The person is not authorized to file the record under  
22 section 554.9509.

23 b. The record is not related to an existing or anticipated  
24 transaction that is or will be governed by chapter 554, article  
25 9.

26 c. The record is filed with the intent to harass or defraud  
27 the person identified as debtor in the record.

28 2. A person that violates subsection 1 is guilty of a simple  
29 misdemeanor for a first offense and a serious misdemeanor for a  
30 second or subsequent offense.

31 DIVISION III

32 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

33 Sec. 12. NEW SECTION. 70A.23A **Credit for accrued sick leave**  
34 **— public safety employees.**

35 A public safety employee, as defined by section 20.3,

1 subsection 11, who retires and has applied for retirement  
2 benefits under an eligible retirement system, shall receive  
3 credit for all accumulated, unused sick leave which shall be  
4 converted at current value and credited to an account for the  
5 public safety employee for the purpose of paying the public  
6 safety employee's cost of the monthly premiums for continuance  
7 of the public safety employee's health insurance plan. Upon  
8 the death of a retired public safety employee, the spouse  
9 or surviving spouse shall be entitled to the value of the  
10 accumulated unused sick leave for the purpose of paying the  
11 cost of monthly premiums for continuation of a public safety  
12 employee's health insurance policy for the public safety  
13 employee's surviving spouse or dependents. This section shall  
14 not apply to sections 509A.13 and 509A.13A.

15 DIVISION IV

16 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

17 Sec. 13. Section 85.26, subsection 1, Code 2021, is amended  
18 to read as follows:

19 1. An original proceeding for benefits under this chapter  
20 or chapter 85A, 85B, or 86, shall not be maintained in any  
21 contested case unless the proceeding is commenced within two  
22 years from the date of the occurrence of the injury for which  
23 benefits are claimed or one year from the date a denial of  
24 liability is received by the employee, whichever is later,  
25 or, if weekly compensation benefits are paid under section  
26 86.13, within three years from the date of the last payment  
27 of weekly compensation benefits. For the purposes of this  
28 section, "*date of the occurrence of the injury*" means the date  
29 that the employee knew or should have known that the injury was  
30 work-related.

31 Sec. 14. Section 97A.6, subsection 11, Code 2021, is amended  
32 to read as follows:

33 11. *Pensions offset by compensation benefits.*

34 a. Any amounts which may be paid or payable by the state  
35 under the provisions of any workers' compensation or similar

1 law to a member or to the dependents of a member on account of  
2 any disability or death, shall be offset against and payable  
3 in lieu of any benefits payable out of the retirement fund  
4 provided by the state under the provisions of this chapter on  
5 account of the same disability or death. In case the present  
6 value of the total commuted benefits under said workers'  
7 compensation or similar law is less than the present value  
8 of the benefits otherwise payable from the retirement fund  
9 provided by the state under this chapter, then the present  
10 value of the commuted payments shall be deducted from the  
11 pension payable and such benefits as may be provided by the  
12 system so reduced shall be payable under the provisions of this  
13 chapter.

14 b. Notwithstanding paragraph "a", any workers' compensation  
15 benefits received by a member for past medical expenses or  
16 future medical expenses shall not be offset against and not  
17 considered payable in lieu of any retirement allowance payable  
18 pursuant to this section on account of the same disability.

19 c. Notwithstanding paragraph "a", any workers' compensation  
20 benefits received by a member for reimbursement of vacation  
21 time used, sick time used, or for any unpaid time off from work  
22 shall not be offset against and not considered payable in lieu  
23 of any retirement allowance payable pursuant to this section on  
24 account of the same disability.

25 Sec. 15. Section 97B.50A, subsection 5, Code 2021, is  
26 amended to read as follows:

27 5. *Offset to allowance.*

28 a. Notwithstanding any provisions to the contrary in state  
29 law, or any applicable contract or policy, any amounts which  
30 may be paid or payable by the employer under any workers'  
31 compensation, unemployment compensation, employer-paid  
32 disability plan, program, or policy, or other law to a member,  
33 and any disability payments the member receives pursuant to  
34 the federal Social Security Act, 42 U.S.C. §423 et seq.,  
35 shall be offset against and payable in lieu of any retirement

1 allowance payable pursuant to this section on account of the  
2 same disability.

3 b. Notwithstanding paragraph "a", any workers' compensation  
4 benefits received by a member for past medical expenses or  
5 future medical expenses shall not be offset against and not  
6 considered payable in lieu of any retirement allowance payable  
7 pursuant to this section on account of the same disability.

8 c. Notwithstanding paragraph "a", any workers' compensation  
9 benefits received by a member for reimbursement of vacation  
10 time used, sick time used, or for any unpaid time off from work  
11 shall not be offset against and not considered payable in lieu  
12 of any retirement allowance payable pursuant to this section on  
13 account of the same disability.

14 DIVISION V

15 CIVIL SERVICE COMMISSION EXAMINATIONS

16 Sec. 16. Section 400.8, subsection 2, Code 2021, is amended  
17 to read as follows:

18 2. The commission shall establish the guidelines for  
19 conducting the examinations under subsection 1 of this section.  
20 ~~It may prepare and administer the examinations or may~~ The  
21 commission shall hire persons with expertise to do so if the  
22 commission approves the examinations prepare and administer  
23 the examinations approved by the commission. It may also  
24 hire persons with expertise to consult in the preparation of  
25 such examinations if the persons so hired are employed to aid  
26 personnel of the commission in assuring that a fair examination  
27 is conducted. A fair examination shall explore the competence  
28 of the applicant in the particular field of examination.

29 Sec. 17. Section 400.9, subsection 2, Code 2021, is amended  
30 to read as follows:

31 2. The commission shall establish guidelines for conducting  
32 the examinations under subsection 1. ~~It may prepare and~~  
33 ~~administer the examinations or may~~ The commission shall hire  
34 persons with expertise to do so if the commission approves  
35 the examinations and if the examinations apply to prepare and

1 administer the examinations approved by the commission for  
2 the position in the city for which the applicant is taking  
3 the examination. It may also hire persons with expertise to  
4 consult in the preparation of such examinations if the persons  
5 so hired are employed to aid personnel of the commission  
6 in assuring that a fair examination is conducted. A fair  
7 examination shall explore the competence of the applicant in  
8 the particular field of examination. The names of persons  
9 approved to administer any examination under this section shall  
10 be posted in the city hall at least twenty-four hours prior to  
11 the examination.

12 DIVISION VI

13 COLLECTIVE BARGAINING

14 Sec. 18. Section 20.1, subsection 2, paragraph a, Code 2021,  
15 is amended to read as follows:

16 a. Determining appropriate bargaining units, amending  
17 the composition of previously determined bargaining units  
18 represented by a certified employee organization, reconsidering  
19 and altering the composition of previously determined  
20 bargaining units which are not represented by a certified  
21 employee organization, and conducting representation elections.

22 Sec. 19. Section 20.3, subsection 11, Code 2021, is amended  
23 by adding the following new paragraphs:

24 NEW PARAGRAPH. g. A correctional officer or correctional  
25 supervisor employed by the Iowa department of corrections whose  
26 primary purpose is, through ongoing direct inmate contact, to  
27 enforce and maintain discipline, safety, and security within a  
28 correctional facility.

29 NEW PARAGRAPH. h. A jailer or detention officer who  
30 performs duties as a jailer, including but not limited to the  
31 transportation of inmates, who is certified as having completed  
32 jailer training pursuant to chapter 80B, and who is employed  
33 by a county as a jailer.

34 NEW PARAGRAPH. i. A peace officer employed by an  
35 institution under the control of the state board of regents

1 whose position requires law enforcement certification pursuant  
2 to section 262.13.

3 NEW PARAGRAPH. *j.* An emergency dispatcher for a county  
4 sheriff.

5 Sec. 20. Section 20.13, Code 2021, is amended to read as  
6 follows:

7 **20.13 Bargaining unit determination, amendment, and**  
8 **reconsideration.**

9 1. ~~Board~~ The board's determination of an appropriate  
10 bargaining unit shall be upon petition filed by a public  
11 employer, public employee, or employee organization. Except  
12 as provided in subsection 4, the board's amendment of the  
13 composition of a represented bargaining unit shall be upon  
14 petition filed by the employer or certified representative  
15 of the bargaining unit. The board's reconsideration of the  
16 composition of a previously determined bargaining unit which is  
17 not represented by a certified representative shall be upon the  
18 combined petition of an employee organization which also seeks  
19 a representation election pursuant to section 20.14, subsection  
20 2.

21 2. Within thirty days of receipt of a petition, the board  
22 shall conduct a public hearing, receive written or oral  
23 testimony, and promptly thereafter file an order defining  
24 the appropriate bargaining unit, amending or refusing to  
25 amend the composition of a represented bargaining unit or  
26 reconsidering and altering or refusing to alter the composition  
27 of an unrepresented bargaining unit. In defining the unit,  
28 or determining whether a unit should be amended or altered  
29 in response to a petition for amendment or reconsideration,  
30 the board shall take into consideration, along with other  
31 relevant factors, the principles of efficient administration  
32 of government, the existence of a community of interest among  
33 public employees, the history and extent of public employee  
34 organization, geographical location, and the recommendations  
35 of the parties involved.

1 ~~3. Appeals from such order shall be governed by the~~  
2 ~~provisions of chapter 17A.~~

3 ~~4.~~ 3. Professional and nonprofessional employees shall not  
4 be included in the same bargaining unit unless a majority of  
5 both agree.

6 4. Notwithstanding the provisions of subsection 1, a  
7 petition to amend the composition of a represented bargaining  
8 unit by the removal of public safety employees may be filed  
9 by a public safety employee who is a member of the bargaining  
10 unit. If the petition is accompanied by evidence satisfactory  
11 to the board that the public safety employees in the bargaining  
12 unit do not constitute at least thirty percent of the employees  
13 in the unit and that a majority of the public safety employees  
14 in the unit support the petition, the board shall conduct  
15 a hearing within thirty days of its finding such evidence  
16 satisfactory and shall promptly thereafter issue an order  
17 granting or denying the requested amendment. If the board  
18 amends the composition of the bargaining unit by removing  
19 public safety employees, those employees may immediately be the  
20 subject of a separate bargaining unit determination petition  
21 filed in accordance with subsection 1.

22 5. Appeals from such orders shall be governed by the  
23 provisions of chapter 17A.

24 Sec. 21. Section 20.15, Code 2021, is amended by striking  
25 the section and inserting in lieu thereof the following:

26 **20.15 Elections.**

27 1. Upon the filing of a petition for certification of an  
28 employee organization, the board shall submit a question to  
29 the public employees at an election in the bargaining unit  
30 found appropriate by the board. The question on the ballot  
31 shall permit the public employees to vote for no bargaining  
32 representation or for any employee organization which has  
33 petitioned for certification or which has presented proof  
34 satisfactory to the board of support of ten percent or more of  
35 the public employees in the appropriate unit.

1     2. If a majority of the votes cast on the question is  
2 for no bargaining representation, the public employees in  
3 the bargaining unit found appropriate by the board shall not  
4 be represented by an employee organization. If a majority  
5 of the votes cast on the question is for a listed employee  
6 organization, then that employee organization shall represent  
7 the public employees in the bargaining unit found appropriate  
8 by the board.

9     3. If none of the choices on the ballot receives the vote  
10 of a majority of the public employees voting, the board shall  
11 conduct a runoff election among the two choices receiving the  
12 greatest number of votes.

13     4. Upon written objections filed by any party to the  
14 election within ten days after notice of the results of  
15 the election, if the board finds that misconduct or other  
16 circumstances prevented the public employees eligible to  
17 vote from freely expressing their preferences, the board may  
18 invalidate the election and hold a second election for the  
19 public employees.

20     5. Upon completion of a valid election in which the majority  
21 choice of the employees voting is determined, the board shall  
22 certify the results of the election and shall give reasonable  
23 notice of the order to all employee organizations listed on the  
24 ballot, the public employers, and the public employees in the  
25 appropriate bargaining unit.

26     6. *a.* A petition for certification as exclusive bargaining  
27 representative of a bargaining unit shall not be considered  
28 by the board for a period of one year from the date of the  
29 noncertification of an employee organization as the exclusive  
30 bargaining representative of that bargaining unit following a  
31 certification election. A petition for certification as the  
32 exclusive bargaining representative of a bargaining unit shall  
33 also not be considered by the board if the bargaining unit is  
34 at that time represented by a certified exclusive bargaining  
35 representative.

1     *b.* A petition for the decertification of the exclusive  
2 bargaining representative of a bargaining unit shall not be  
3 considered by the board for a period of one year from the date  
4 of its certification, or within one year of its continued  
5 certification following a decertification election, or during  
6 the duration of a collective bargaining agreement which, for  
7 purposes of this section, shall be deemed not to exceed two  
8 years. However, if a petition for decertification is filed  
9 during the duration of a collective bargaining agreement, the  
10 board shall award an election under this section not more than  
11 one hundred eighty days and not less than one hundred fifty  
12 days prior to the expiration of the collective bargaining  
13 agreement. If an employee organization is decertified, the  
14 board may receive petitions under section 20.14, provided that  
15 no such petition and no election conducted pursuant to such  
16 petition within one year from decertification shall include as  
17 a party the decertified employee organization.

18     7. A collective bargaining agreement with the state, its  
19 boards, commissions, departments, and agencies shall be for two  
20 years. The provisions of a collective bargaining agreement or  
21 arbitrator's award affecting state employees shall not provide  
22 for renegotiations which would require the refinancing of  
23 salary and fringe benefits for the second year of the term of  
24 the agreement, except as provided in section 20.17, subsection  
25 6. The effective date of any such agreement shall be July 1 of  
26 odd-numbered years, provided that if an exclusive bargaining  
27 representative is certified on a date which will prevent the  
28 negotiation of a collective bargaining agreement prior to  
29 July 1 of odd-numbered years for a period of two years, the  
30 certified collective bargaining representative may negotiate  
31 a one-year contract with the public employer which shall be  
32 effective from July 1 of the even-numbered year to July 1  
33 of the succeeding odd-numbered year when new contracts shall  
34 become effective.

35     Sec. 22. Section 22.7, subsections 69 and 70, Code 2021, are

1 amended to read as follows:

2 69. The evidence of public employee support for  
3 the certification, ~~retention and recertification,~~ or  
4 decertification of an employee organization as defined in  
5 section 20.3 that is submitted to the public employment  
6 relations board as provided in section 20.14 or 20.15.

7 70. Information indicating whether a public employee  
8 voted in a certification, ~~retention and recertification,~~ or  
9 decertification election held pursuant to section 20.15 or  
10 how the employee voted on any question on a ballot in such an  
11 election.

12 Sec. 23. Section 602.1401, subsection 3, paragraph b, Code  
13 2021, is amended to read as follows:

14 b. For purposes of chapter 20, the certified representative,  
15 which on July 1, 1983, represents employees who become judicial  
16 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall  
17 remain the certified representative when the employees become  
18 judicial branch employees and thereafter, unless the public  
19 employee organization is ~~not retained and recertified or is~~  
20 decertified in an election held under section 20.15 or amended  
21 or absorbed into another certified organization pursuant to  
22 chapter 20. Collective bargaining negotiations shall be  
23 conducted on a statewide basis and the certified employee  
24 organizations which engage in bargaining shall negotiate on a  
25 statewide basis, although bargaining units shall be organized  
26 by judicial district. The public employment relations board  
27 shall adopt rules pursuant to chapter 17A to implement this  
28 subsection.

29 Sec. 24. Section 905.4, subsection 2, Code 2021, is amended  
30 to read as follows:

31 2. Employ a director having the qualifications required by  
32 section 905.6 to head the district department's community-based  
33 correctional program and, within a range established by the  
34 Iowa department of corrections, fix the compensation of and  
35 have control over the director and the district department's

1 staff. For purposes of collective bargaining under chapter  
2 20, employees of the district board who are not exempt from  
3 chapter 20 are employees of the state, and the employees of all  
4 of the district boards shall be included within one collective  
5 bargaining unit. Furthermore, employees of the district board  
6 shall be considered state employees for purposes of section  
7 8A.415, subsection 2.

8 Sec. 25. DIRECTIVES TO PUBLIC EMPLOYMENT RELATIONS BOARD.

9 1. The public employment relations board shall cancel any  
10 elections scheduled or in process pursuant to section 20.15,  
11 subsection 2, Code 2021, as of the effective date of this  
12 division of this Act.

13 2. Notwithstanding section 20.15, subsection 1, paragraph  
14 "c", Code 2021, the public employment relations board  
15 shall consider a petition for certification of an employee  
16 organization as the exclusive representative of a bargaining  
17 unit for which an employee organization was not retained and  
18 recertified as the exclusive representative of that bargaining  
19 unit regardless of the amount of time that has elapsed since  
20 the retention and recertification election at which an employee  
21 organization was not retained or recertified.

22 DIVISION VII

23 LAW ENFORCEMENT DATA COLLECTION AND REPORTING

24 Sec. 26. NEW SECTION. 13.12 Law enforcement data collection  
25 and reporting.

26 1. Every state and local law enforcement agency shall  
27 collect and compile data on each traffic, bicycle, or  
28 pedestrian stop conducted by its officers, and shall report the  
29 data to the attorney general on or before July 1 of each year,  
30 subject to subsection 3. All of the following information  
31 shall be collected and compiled for each stop, including but  
32 not limited to stops that involve questioning or a driver's  
33 license or motor vehicle registration check but that do not  
34 result in the issuance of a written citation or warning:

35 a. The time, date, location, and duration of the stop.

1     *b.* The reason for the stop.

2     *c.* Whether the officer performed a driver's license or motor  
3 vehicle registration check.

4     *d.* Whether the officer issued a citation or an oral or  
5 written warning.

6     *e.* The offense for which the individual was warned, cited,  
7 or arrested, if applicable.

8     *f.* The race, ethnicity, sex, and approximate age of the  
9 individual, and whether English is the individual's primary  
10 language. The identification of these characteristics shall be  
11 based primarily on information obtained from the individual's  
12 driver's license or nonoperator's identification card and  
13 secondarily on the observations and perceptions of the officer  
14 performing the stop. The officer shall not be required to  
15 inquire about the individual's race or ethnicity, or whether  
16 English is the individual's primary language, and shall rely  
17 principally on such information encrypted on the individual's  
18 driver's license or nonoperator's identification card pursuant  
19 to section 321.189 or 321.190. The identifying characteristics  
20 of any passenger in the motor vehicle shall also be reported  
21 if the stop involved the passenger and the officer performed a  
22 search.

23     *g.* Whether the officer asked for consent to search the  
24 individual or vehicle and whether the individual consented to  
25 the search; whether the officer searched the individual, the  
26 vehicle, or any property, and the basis for the search; and  
27 whether the officer seized any property, a description of the  
28 property seized, and the basis for seizing the property.

29     *h.* Whether the officer used physical force against the  
30 individual and whether the individual used physical force  
31 against the officer.

32     *i.* Any other information which the officer or law  
33 enforcement agency considers appropriate.

34     2. The attorney general shall develop a standardized form to  
35 be used by law enforcement agencies in collecting, compiling,

1 and reporting the information pursuant to subsection 1.

2 3. *a.* Every state law enforcement agency, every local law  
3 enforcement agency with jurisdiction over a county, and every  
4 local law enforcement agency with jurisdiction over a city with  
5 a population of four thousand five hundred or more shall submit  
6 its first report to the attorney general on or before July 1,  
7 2021.

8 *b.* Every local law enforcement agency with jurisdiction over  
9 a city with a population of at least two thousand five hundred  
10 but less than four thousand five hundred shall submit its first  
11 report to the attorney general on or before July 1, 2022.

12 *c.* Every local law enforcement agency with jurisdiction over  
13 a city with a population of less than two thousand five hundred  
14 shall submit its first report to the attorney general on or  
15 before July 1, 2023.

16 4. *a.* Except as otherwise provided by law, a law  
17 enforcement agency shall not grant access to any personal  
18 identifying information contained in the data collected by  
19 the agency to any person except a federal, state, local, or  
20 tribal government employee or agent who requires access to such  
21 information in order to collect, compile, and report the data  
22 in accordance with this section.

23 *b.* A law enforcement agency may permit a contractor  
24 or nongovernmental entity to access personal identifying  
25 information contained in the data if the contractor or  
26 nongovernmental entity signs an agreement with the agency  
27 which prohibits further disclosure of the personal identifying  
28 information by the contractor or nongovernmental entity, and  
29 if the contractor or nongovernmental entity is required by the  
30 agreement to maintain adequate security measures to prevent  
31 unauthorized access to the personal identifying information.

32 5. On or before December 15, 2021, and each year thereafter,  
33 the attorney general shall publish a report on the attorney  
34 general's internet site containing the compiled data and  
35 reports received by the attorney general pursuant to this

1 section for the period ending July 1 of the calendar year in  
2 which the report is published. The report shall not contain  
3 any unique personal identifying information of any peace  
4 officer or other person involved in a particular incident,  
5 including but not limited to names and badge numbers.

6 Sec. 27. Section 321.189, subsection 2, paragraph a, Code  
7 2021, is amended to read as follows:

8 a. Appearing on the driver's license shall be a  
9 distinguishing number assigned to the licensee; the licensee's  
10 full name, date of birth, sex, and residence address; a  
11 color photograph; a physical description of the licensee;  
12 the name of the state; the dates of issuance and expiration;  
13 and the usual signature of the licensee. The license shall  
14 identify the class of vehicle the licensee may operate and the  
15 applicable endorsements and restrictions which the department  
16 shall require by rule. The licensee's race and ethnicity, and  
17 whether English is the licensee's primary language, shall be  
18 encrypted on the back of the license.

19 Sec. 28. Section 321.190, subsection 1, paragraph a, Code  
20 2021, is amended to read as follows:

21 a. The department shall, upon application and payment  
22 of the required fee, issue to an applicant a nonoperator's  
23 identification card. To be valid the card shall bear a  
24 distinguishing number other than a social security number  
25 assigned to the cardholder, the full name, date of birth,  
26 sex, residence address, a physical description and a color  
27 photograph of the cardholder, the usual signature of the  
28 cardholder, and such other information as the department may  
29 require by rule. The card shall also contain the cardholder's  
30 race and ethnicity, and whether English is the cardholder's  
31 primary language, encrypted on the back of the card. An  
32 applicant for a nonoperator's identification card shall  
33 apply for the card in the manner provided in section 321.182,  
34 subsections 1 through 3. The card shall be issued to the  
35 applicant at the time of application pursuant to procedures

1 established by rule. An applicant for a nonoperator's  
2 identification card who is required by 50 U.S.C. app. §451  
3 et seq. to register with the United States selective service  
4 system shall be registered by the department with the selective  
5 service system as provided in section 321.183.

6 DIVISION VIII

7 CRITICAL INCIDENTS

8 Sec. 29. NEW SECTION. 80J.1 Peace officer-involved  
9 shootings and peace officer-involved critical incidents —  
10 investigations.

11 1. As used in this section:

12 a. "*Division*" means the division of criminal investigation  
13 of the department of public safety.

14 b. "*Peace officer*" means the same as defined in section  
15 97A.1.

16 c. "*Peace officer-involved critical incident*" means any of  
17 the following in the peace officer's official capacity as a  
18 peace officer:

19 (1) The use of a dangerous weapon by a peace officer against  
20 any person that causes serious bodily injury or fatal injury  
21 to any person.

22 (2) The use of a motor vehicle by a peace officer that  
23 causes a physical injury to any person, including a fatal  
24 injury.

25 (3) The death of a person who is in law enforcement custody,  
26 not including a death that is the result of disease, natural  
27 causes, or conditions that had been medically diagnosed prior  
28 to the person's death.

29 d. "*Peace officer-involved shooting*" means the discharge  
30 of a firearm by a peace officer that results in a physical  
31 injury, serious bodily injury, or death of a person, including  
32 an accidental discharge of a firearm.

33 e. "*Serious bodily injury*" means bodily injury which  
34 involves a substantial risk of death, unconsciousness, extreme  
35 physical pain, protracted and obvious disfigurement, or

1 protracted loss or impairment of the function of a bodily  
2 member, organ, or mental faculty.

3 2. A peace officer involved in a peace officer-involved  
4 shooting or a peace officer-involved critical incident  
5 shall have the right to have legal counsel present, at the  
6 peace officer's expense, during any investigation, including  
7 an interview, interrogation, meetings, or any criminal  
8 administrative proceedings arising out of the incident. The  
9 peace officer shall be allowed a reasonable opportunity  
10 to obtain legal counsel in advance of any interview,  
11 interrogation, or proceeding.

12 3. The peace officer involved in the incident shall be  
13 issued, upon request, at no charge, a certified copy of any  
14 video or audio recordings related to the incident to use in the  
15 peace officer's defense, including body camera video, radio  
16 traffic recordings, and any statements by the peace officer.  
17 The records shall be provided at least forty-eight hours prior  
18 to an interview, interrogation, or grand jury proceeding. The  
19 peace officer or legal counsel for the peace officer shall  
20 not release any confidential video or audio recordings to  
21 the public without the written consent of the lawful records  
22 custodian or a court order authorizing the release.

23 4. The name of the peace officer shall be kept confidential  
24 until the peace officer has been interviewed or interrogated  
25 as part of the criminal investigation, or until the peace  
26 officer declines a voluntary interview. Personal information,  
27 including a peace officer's home address, personal contact  
28 information, and date of birth shall be kept confidential.

29 5. The law enforcement agency employing a peace officer  
30 involved in a peace officer-involved shooting or a peace  
31 officer-involved critical incident shall promptly offer  
32 confidential peer support and confidential counseling to the  
33 peace officer at no charge to the peace officer.

34

DIVISION IX

35

JUSTICE AND COMMUNITY POLICING ADVISORY BOARD

1     Sec. 30. Section 216A.3, subsection 2, paragraph a, Code  
2 2021, is amended to read as follows:

3     a. The voting members shall consist of nine voting members  
4 selected by each of the permanent commissions within the  
5 department, and two voting members, appointed by the governor.  
6 For purposes of this paragraph "a", "*permanent commissions*"  
7 means the commission of Latino affairs, commission on the  
8 status of women, commission of persons with disabilities,  
9 commission on community action agencies, commission of deaf  
10 services, justice and community policing advisory board,  
11 commission on the status of African Americans, commission of  
12 Asian and Pacific Islander affairs, and commission of Native  
13 American affairs. The term of office for voting members is  
14 four years.

15     Sec. 31. Section 216A.131, subsection 2, Code 2021, is  
16 amended to read as follows:

17     2. "*Board*" means the justice and community policing advisory  
18 board.

19     Sec. 32. Section 216A.132, subsection 1, Code 2021, is  
20 amended by striking the subsection and inserting in lieu  
21 thereof the following:

22     1. A justice and community policing advisory board is  
23 established consisting of thirty-two members who shall all  
24 reside in the state.

25     a. The governor shall appoint thirteen voting members  
26 each for a four-year term beginning and ending as provided in  
27 section 69.19 and subject to confirmation by the senate as  
28 follows:

29     (1) A sheriff who is a member of the Iowa state sheriffs'  
30 and deputies' association.

31     (2) A chief of police who is a member of the Iowa police  
32 chiefs association.

33     (3) A peace officer who is a member of the Iowa peace  
34 officers association.

35     (4) A peace officer who is a member of the fraternal order

1 of police.

2 (5) A peace officer who is a member of the Iowa state police  
3 association.

4 (6) A representative from the Iowa-Nebraska national  
5 association for the advancement of colored people.

6 (7) A representative from the American civil liberties  
7 union of Iowa.

8 (8) A representative from the Iowa coalition for collective  
9 change.

10 (9) One person who was formerly under juvenile court or  
11 correctional supervision.

12 (10) A representative from the office of the state public  
13 defender.

14 (11) A representative from the Iowa county attorneys  
15 association.

16 (12) Two persons representing the general public who are  
17 not employed in any law enforcement, judicial, or corrections  
18 capacity, including one person who is older than fifteen years  
19 of age but less than twenty-five years of age.

20 *b.* The following shall serve on the board as ex officio,  
21 nonvoting members:

22 (1) The chairperson of the commission on the status of  
23 African Americans or its designee.

24 (2) The chairperson of the commission of Latino affairs or  
25 its designee.

26 (3) The chairperson of the commission of Asian and Pacific  
27 Islander affairs or its designee.

28 (4) The chairperson of the commission of Native American  
29 affairs or its designee.

30 (5) The director of the department of human services or its  
31 designee.

32 (6) The director of the department of public health or its  
33 designee.

34 (7) The commissioner of the department of public safety or  
35 its designee.

1 (8) The director of the Iowa law enforcement academy or its  
2 designee.

3 (9) The director of the department of corrections or its  
4 designee.

5 (10) The chairperson of the board of parole or its designee.

6 (11) The attorney general or its designee.

7 (12) The director of the governor's office of drug control  
8 policy or its designee.

9 (13) One member representing the judicial district  
10 departments of correctional services designated by a majority  
11 of the directors of the judicial district departments of  
12 correctional services.

13 (14) The chief justice of the supreme court shall designate  
14 the following:

15 (a) One member who is a district judge.

16 (b) One member who is either a district associate judge or  
17 associate juvenile judge.

18 (15) The chairperson and ranking member of the senate  
19 committee on judiciary shall be ex officio, nonvoting members.  
20 In alternating two-year terms, beginning and ending as provided  
21 in section 69.16B, the chairperson and ranking member of the  
22 house committee on judiciary or of the house committee on  
23 public safety shall be ex officio, nonvoting members, with the  
24 chairperson and ranking member of the house committee on public  
25 safety serving during the term beginning in January 2022.

26 Sec. 33. Section 216A.133, subsection 3, paragraph o, Code  
27 2021, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (9) Potential disparity in law  
29 enforcement activities and the delivery of law enforcement  
30 services.

31 Sec. 34. Section 216A.133, subsection 3, Code 2021, is  
32 amended by adding the following new paragraphs:

33 NEW PARAGRAPH. s. Studying and making recommendations for  
34 eliminating disparity in law enforcement activities and the  
35 delivery of law enforcement services.

1     NEW PARAGRAPH. *t.* Recommending to the department the  
2 adoption of rules pursuant to chapter 17A as it deems necessary  
3 for the collection, compilation, and reporting of stop data  
4 pursuant to section 80I.4.

5     Sec. 35. Section 216A.135, subsection 2, Code 2021, is  
6 amended by adding the following new paragraph:

7     NEW PARAGRAPH. *g.* An assessment and analysis of the  
8 collection, compilation, and reporting of stop data compiled by  
9 law enforcement agencies, including an analysis of disparate  
10 treatment based on personal demographics across geographic  
11 areas of the state, the past and current status of racial  
12 profiling across the state, and the impact on law enforcement  
13 stop, search, and seizure tactics.>

14     2. Title page, by striking lines 1 through 6 and inserting  
15 <An Act relating to public records including confidentiality,  
16 access, data collection, the enforcement of public records  
17 violations, and uniform commercial code filings; certain  
18 employment matters including benefits, workers' compensation,  
19 civil actions, and public employment; and law enforcement  
20 including critical incidents and racial profiling.>

By KONFRST of Polk

SENATE FILE 524

H-1334

1 Amend Senate File 524, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I

4 REIMBURSEMENT RATES — MENTAL HEALTH SERVICES — TELEHEALTH

5 Section 1. Section 514C.34, subsection 1, Code 2021, is  
6 amended by adding the following new paragraphs:

7 NEW PARAGRAPH. 0a. "*Covered person*" means the same as  
8 defined in section 514J.102.

9 NEW PARAGRAPH. 00a. "*Facility*" means the same as defined in  
10 section 514J.102.

11 NEW PARAGRAPH. 0c. "*Health carrier*" means the same as  
12 defined in section 514J.102.

13 Sec. \_\_\_\_\_. Section 514C.34, subsection 1, paragraph c, Code  
14 2021, is amended to read as follows:

15 c. "*Telehealth*" means the delivery of health care services  
16 through the use of real-time interactive audio and video, or  
17 other real-time interactive electronic media, regardless of  
18 where the health care professional and the covered person are  
19 each located. "*Telehealth*" does not include the delivery of  
20 health care services delivered solely through an audio-only  
21 telephone, electronic mail message, or facsimile transmission.

22 Sec. \_\_\_\_\_. Section 514C.34, Code 2021, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 3A. a. A health carrier shall reimburse  
25 a health care professional and a facility for health care  
26 services provided by telehealth to a covered person for a  
27 mental health condition, illness, injury, or disease on the  
28 same basis and at the same rate as the health carrier would  
29 apply to the same health care services for a mental health  
30 condition, illness, injury, or disease provided in person to a  
31 covered person by the health care professional or the facility.

32 b. As a condition of reimbursement pursuant to paragraph  
33 "a", a health carrier shall not require that an additional  
34 health care professional be located in the same room as a  
35 covered person while health care services for a mental health

1 condition, illness, injury, or disease are provided via  
2 telehealth by another health care professional to the covered  
3 person.

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

6 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This division  
7 of this Act applies to health care services for a mental  
8 health condition, illness, injury, or disease provided by a  
9 health care professional or a facility to a covered person by  
10 telehealth on or after January 1, 2021.

11 DIVISION \_\_\_\_\_

12 INPATIENT PSYCHIATRIC BED TRACKING SYSTEM — STUDY COMMITTEE>

13 2. Title page, by striking lines 1 and 2 and inserting  
14 <An Act relating to mental health including reimbursement  
15 rates for health care services for mental health conditions,  
16 illnesses, injuries, or diseases provided to covered persons by  
17 telehealth, the establishment of an inpatient psychiatric bed  
18 tracking system study committee, and including effective date  
19 and retroactive applicability provisions.>

20 3. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES  
A. MEYER of Webster, Chairperson

SENATE FILE 529

H-1333

1 Amend Senate File 529, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I  
5 FRAUD IN ASSISTED REPRODUCTION ACT>

6 2. Page 3, after line 29 by inserting:

7 <DIVISION \_\_  
8 CONSENT TO HYSTERECTOMY

9 Sec. \_\_. NEW SECTION. 147.115 Hysterectomy — consent.

10 1. A woman who is eighteen years of age or older or who has  
11 attained majority as provided in section 599.1 shall have legal  
12 capacity to provide informed consent to a hysterectomy.

13 2. A person licensed or certified to practice a profession  
14 shall not condition the provision of medical care or services  
15 to a woman for a hysterectomy on the obtaining of consent to  
16 the hysterectomy from any other person including the woman's  
17 spouse.>

18 3. Title page, line 1, after <to> by inserting <reproductive  
19 health-related services and practices, including consent to a  
20 hysterectomy and>

By COMMITTEE ON HUMAN RESOURCES  
A. MEYER of Webster, Chairperson

H-1333 FILED APRIL 1, 2021

SENATE FILE 540

H-1332

1 Amend Senate File 540, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <Section 1. Section 10A.104, subsection 14, Code 2021, is  
6 amended by striking the subsection.

7 Sec. 2. Section 147.13, subsection 11, Code 2021, is amended  
8 to read as follows:

9 11. For barbering and cosmetology arts and sciences, the  
10 board of barbering and cosmetology arts and sciences.

11 Sec. 3. Section 147.13, subsection 12, Code 2021, is amended  
12 by striking the subsection.

13 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,  
14 Code 2021, are amended by striking the paragraphs.

15 Sec. 5. Section 147.14, subsection 1, Code 2021, is amended  
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *x.* For barbering and cosmetology arts and  
18 sciences, three members who are licensed cosmetologists; one  
19 member who is a licensed barber; one member who is a licensed  
20 electrologist or esthetician; one member who is a licensed  
21 nail technologist; one member who is a licensed instructor of  
22 cosmetology arts and sciences at a public or private school;  
23 and two members who are not licensed barbers or licensed in a  
24 practice of cosmetology arts and sciences and who do not own a  
25 salon, barbershop, or school of barbering or cosmetology arts  
26 and sciences and who shall represent the general public.

27 Sec. 6. Section 157.1, subsection 1, Code 2021, is amended  
28 to read as follows:

29 1. "*Board*" means the board of barbering and cosmetology arts  
30 and sciences.

31 Sec. 7. Section 157.3, subsection 1, Code 2021, is amended  
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *d.* Submits an application fee of one hundred  
34 dollars.

35 Sec. 8. Section 157.3, Code 2021, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3. In addition to any requirements imposed  
3 by the board by rule, a cosmetologist shall submit a biennial  
4 license renewal fee of one hundred dollars.

5 Sec. 9. Section 157.7, subsection 1, Code 2021, is amended  
6 to read as follows:

7 1. ~~The department of inspections and appeals board shall~~  
8 ~~employ personnel pursuant to chapter 8A, subchapter IV, to~~  
9 ~~perform duties related to inspection functions under this~~  
10 ~~chapter. The department of inspections and appeals shall, when~~  
11 ~~possible, integrate inspection efforts under this chapter with~~  
12 ~~inspections conducted under chapter 158.~~

13 Sec. 10. Section 157.10, subsection 1, Code 2021, is amended  
14 to read as follows:

15 1. The course of study required for licensure for the  
16 practice of cosmetology shall be ~~two~~ one thousand ~~one~~ eight  
17 hundred clock hours, ~~or seventy semester credit hours or the~~  
18 ~~equivalent thereof as determined pursuant to administrative~~  
19 ~~rule and regulations promulgated by the United States~~  
20 ~~department of education. The clock hours, and equivalent~~  
21 ~~number of semester credit hours or the equivalent thereof as~~  
22 ~~determined pursuant to administrative rule and regulations~~  
23 ~~promulgated by the United States department of education, of~~  
24 a course of study required for licensure for the practices of  
25 electrology, esthetics, and nail technology, ~~manicuring, and~~  
26 ~~pedicuring~~ shall be established by the board. The board shall  
27 adopt rules to define the course and content of study for each  
28 practice of cosmetology arts and sciences.

29 Sec. 11. NEW SECTION. 157.10A **Licensure as barber school.**

30 A school of cosmetology arts and sciences may also be  
31 licensed as a barber school pursuant to chapter 158.

32 Sec. 12. Section 157.11, subsections 1 and 2, Code 2021, are  
33 amended to read as follows:

34 1. A salon shall not operate unless the owner has obtained a  
35 license issued by the department. The owner shall apply to the

1 department on forms prescribed by the board. The ~~department~~  
2 ~~may board shall~~ perform a sanitary inspection of each salon  
3 ~~biennially at least once every five years and may shall~~ perform  
4 a sanitary inspection of a salon ~~prior to the issuance of a~~  
5 ~~license at the time of the opening of a salon.~~ An inspection  
6 of a salon may also be conducted upon receipt of a complaint by  
7 the ~~department~~ board.

8 2. The application shall be accompanied by the biennial  
9 license fee ~~determined pursuant to section 147.80 of one~~  
10 hundred eighty-four dollars and an initial inspection fee of  
11 two hundred fifty dollars. The license is valid for two years  
12 and may be renewed.

13 Sec. 13. Section 158.1, subsection 5, Code 2021, is amended  
14 to read as follows:

15 5. "Board" means the board of barbering and cosmetology arts  
16 and sciences.

17 Sec. 14. Section 158.3, subsection 1, Code 2021, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. e. Submits an application fee of one hundred  
20 dollars.

21 Sec. 15. Section 158.3, Code 2021, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 4. In addition to any requirements imposed  
24 by the board by rule, a barber shall submit a biennial license  
25 renewal fee of one hundred dollars.

26 Sec. 16. Section 158.6, subsection 1, Code 2021, is amended  
27 to read as follows:

28 1. ~~The department of inspections and appeals board shall~~  
29 ~~employ personnel pursuant to chapter 8A, subchapter IV, to~~  
30 ~~perform duties related to inspection functions under this~~  
31 ~~chapter. The department of inspections and appeals shall, when~~  
32 ~~possible, integrate inspection efforts under this chapter with~~  
33 ~~inspections conducted under chapter 157.~~

34 Sec. 17. Section 158.7, subsection 6, Code 2021, is amended  
35 by striking the subsection.

1     Sec. 18. Section 158.9, subsections 1 and 2, Code 2021, are  
2 amended to read as follows:

3     1. A barbershop shall not operate unless the owner has  
4 obtained a license issued by the department. The owner shall  
5 apply to the department on forms prescribed by the board.  
6 ~~The department may~~ board shall perform a sanitary inspection  
7 of each barbershop ~~biennially at least once every five years~~  
8 and ~~may~~ shall perform a sanitary inspection of a barbershop  
9 ~~prior to the issuance of a license at the time of the opening~~  
10 of a barbershop. An inspection of a barbershop may also be  
11 conducted upon receipt of a complaint by the ~~department~~ board.

12     2. The application shall be accompanied by the biennial  
13 license fee ~~determined pursuant to section 147.80 of one~~  
14 hundred eighty-four dollars and an initial inspection fee of  
15 two hundred fifty dollars. The license is valid for two years  
16 and may be renewed.

17     Sec. 19. Section 272C.1, subsection 6, paragraph g, Code  
18 2021, is amended to read as follows:

19     g. The board of barbering and cosmetology arts and sciences,  
20 created pursuant to chapter 147.

21     Sec. 20. Section 272C.1, subsection 6, paragraph i, Code  
22 2021, is amended by striking the paragraph.

23     Sec. 21. Section 714.25, subsection 2, unnumbered paragraph  
24 1, Code 2021, is amended to read as follows:

25     A proprietary school shall, prior to the time a student is  
26 obligated for payment of any moneys, inform the student, the  
27 college student aid commission, and in the case of a school  
28 licensed under section 157.8 or 158.7, the board of barbering  
29 and cosmetology arts and sciences ~~or in the case of a school~~  
30 ~~licensed under section 158.7, the board of barbering,~~ of all  
31 of the following:

32     Sec. 22. EMERGENCY RULES. The board of cosmetology arts  
33 and sciences, board of barbering, and board of barbering and  
34 cosmetology arts and sciences may adopt emergency rules under  
35 section 17A.4, subsection 3, and section 17A.5, subsection 2,

1 paragraph "b", to implement the provisions of this Act and  
2 the rules shall be effective immediately upon filing unless  
3 a later date is specified in the rules. Any rules adopted  
4 in accordance with this section shall also be published as a  
5 notice of intended action as provided in section 17A.4.

6 Sec. 23. TRANSITION PROVISIONS.

7 1. a. The merger of the boards of barbering and cosmetology  
8 arts and sciences in this Act shall not affect the appointment  
9 or any term of office of a member of either board prior to the  
10 effective date of this Act. A member of the board of barbering  
11 or the board of cosmetology arts and sciences shall continue to  
12 serve until the member's term expires or the member ceases to  
13 hold office, whichever first occurs.

14 b. The initial membership of the board of barbering and  
15 cosmetology arts and sciences shall consist of all members  
16 of the boards of barbering and cosmetology arts and sciences  
17 serving on the effective date of this Act.

18 2. A rule adopted by the board of cosmetology arts and  
19 sciences or board of barbering that is in force and effect  
20 immediately prior to the effective date of this Act shall  
21 continue in full force and effect until the earlier of the  
22 following:

23 a. The rule is amended, rescinded, or supplemented by the  
24 affirmative action of the board of barbering and cosmetology  
25 arts and sciences.

26 b. The rule expires by its own terms.

27 3. Any license or permit issued by the board of cosmetology  
28 arts and sciences or board of barbering in effect on the  
29 effective date of this Act shall continue in full force and  
30 effect until expiration or renewal.

31 4. Any funds in any account or fund of the board of  
32 cosmetology arts and sciences or board of barbering shall  
33 be transferred to the control of the board of barbering and  
34 cosmetology arts and sciences.

35 5. Any cause of action, statute of limitation, or

H-1332 (Continued)

1 administrative action relating to or initiated by the board of  
2 cosmetology arts and sciences or board of barbering shall not  
3 be affected as a result of this Act and shall apply to the board  
4 of barbering and cosmetology arts and sciences.

5 6. All client and organizational files in the possession  
6 of the board of cosmetology arts and sciences or board of  
7 barbering shall become the property of the board of barbering  
8 and cosmetology arts and sciences.

9 7. Any personnel in the state merit system of employment  
10 who are mandatorily transferred due to the effect of this Act  
11 shall be so transferred without any loss in salary, benefits,  
12 or accrued years of service.>

By COMMITTEE ON STATE GOVERNMENT  
KAUFMANN of Cedar, Chairperson

[H-1332](#) FILED APRIL 1, 2021