



TERRY E. BRANSTAD  
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS  
LT. GOVERNOR

April 5, 2013

The Honorable Matt Schultz  
Secretary of State of Iowa  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 417, an Act relating to nonsubstantive code corrections.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad".

Terry E. Branstad  
Governor

cc: Secretary of the Senate  
Clerk of the House



House File 417

AN ACT  
RELATING TO NONSUBSTANTIVE CODE CORRECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I  
MISCELLANEOUS CHANGES

Section 1. Section 8.6, subsection 8, Code 2013, is amended to read as follows:

8. *Rules.* To make such rules, subject to the approval of the governor, as may be necessary for effectively carrying on the work of the department of management. The director may, with the approval of the executive council, require any state official, agency, department, or commission, to require any applicant, registrant, filer, permit holder, or license holder, whether individual, partnership, trust, or corporation, to submit to said official, agency, department, or commission, the social security number or the tax number or both so assigned to said individual, partnership, trust, or corporation.

Sec. 2. Section 8.32, Code 2013, is amended to read as follows:

**8.32 Conditional availability of appropriations.**

1. All appropriations made to any department or establishment of the government as receive or collect moneys available for expenditure by them under present laws, are declared to be in addition to such repayment receipts, and such appropriations are to be available as and to the extent that such receipts are insufficient to meet the costs of administration, operation, and maintenance, or public improvements of such departments:

a. Provided, that such receipts or collections shall be deposited in the state treasury as part of the general fund or

special funds in all cases, except those collections made by the state fair board, the institutions under the state board of regents, and the natural resource commission.

b. Provided further, that no repayment receipts shall be available for expenditures until allotted as provided in section 8.31; and

c. Provided further, that the collection of repayment receipts by the state fair board and the institutions under the state board of regents shall be deposited in a bank or banks duly designated and qualified as state depositories, in the name of the state of Iowa, for the use of such boards and institutions, and such funds shall be available only on the check of such boards or institutions depositing them, which are hereby authorized to withdraw such funds, but only after allotment by the governor as provided in section 8.31; and

d. Provided further, that this chapter shall not apply to endowment or private trust funds or to gifts to institutions owned or controlled by the state or to the income from such endowment or private trust funds, or to private funds belonging to students or inmates of state institutions.

2. The provisions of this chapter shall not be construed to prohibit the state fair board from creating an emergency or sinking fund out of the receipts of the state fair and state appropriation for the purpose of taking care of any emergency that might arise beyond the control of the board of not to exceed three hundred thousand dollars. Neither shall this chapter be construed to prohibit the state fair board from retaining an additional sum of not to exceed three hundred fifty thousand dollars to be used in carrying out the provisions of chapter 173.

Sec. 3. Section 8D.5, subsection 1, Code 2013, is amended to read as follows:

1. a. An education telecommunications council is established. The council consists of eighteen members and shall include the following: ~~two~~

(1) Two persons appointed by the state board of regents; ~~two.~~

(2) Two persons appointed by the Iowa association of community college trustees; ~~two.~~

(3) Two persons appointed by the area education agency boards; ~~two.~~

(4) Two persons appointed by the Iowa association of school boards; ~~two.~~

(5) Two persons appointed by the school administrators of Iowa; ~~two.~~

(6) Two persons appointed by the Iowa association of independent colleges and universities; ~~two.~~

(7) Two persons appointed by the Iowa state education association; ~~three.~~

(8) Three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators; ~~and one.~~

(9) One person appointed by the administrator of the public broadcasting division of the department of education.

b. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission. The council shall also recommend long-range plans for enhancements needed for educational applications.

c. Administrative support and staffing for the council shall be provided by the department of education.

Sec. 4. Section 15.107, subsection 5, paragraph a, Code 2013, is amended to read as follows:

a. That the corporation ~~review~~ reviews and, at the board's direction, ~~implement~~ implements the applicable portions of the strategic plan developed by members of the authority pursuant to section 15.105.

Sec. 5. Section 16.6, subsection 2, Code 2013, is amended to read as follows:

2. The executive director shall advise the authority on matters relating to housing and housing finance, carry out all directives from the authority, and hire and supervise the authority's staff pursuant to its directions. All employees of the authority are exempt from the merit system provisions of chapter 8A, subchapter IV.

Sec. 6. Section 16.27, subsection 4, Code 2013, is amended to read as follows:

4. The authority shall cause to be delivered to the legislative fiscal committee within ninety days of the close of its fiscal year its annual report certified by an independent certified public accountant, ~~{who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the authority}~~, selected by the authority.

Sec. 7. Section 24.2, subsection 3, Code 2013, is amended to read as follows:

3. The words "*fiscal year*" shall mean the period of twelve months beginning on July 1 and ending on the thirtieth day of June. The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30.

~~The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30.~~

Sec. 8. Section 28A.24, Code 2013, is amended to read as follows:

**28A.24 Exemption from taxation.**

Since an authority is performing essential governmental functions, an authority is not required to pay any taxes or assessments of any kind or nature upon any property required or used by it for its purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by an authority, their transfer, and the income, including any profits made on the sale of the bonds, is deductible in determining net income for the purposes of the state individual and corporate income tax under chapter 422, divisions II and III ~~of chapter 422~~, and shall not be taxed by any political subdivision of this state.

Sec. 9. Section 28E.2, Code 2013, is amended to read as follows:

**28E.2 Definitions.**

For the purposes of this chapter, ~~the term "public agency":~~

1. "Private agency" shall mean an individual and any form of business organization authorized under the laws of this or any other state.

2. "Public agency" shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. ~~The term "state"~~

3. "State" shall mean a state of the United States and the District of Columbia. ~~The term "private agency" shall mean an individual and any form of business organization authorized under the laws of this or any other state.~~

Sec. 10. Section 29A.15, Code 2013, is amended to read as follows:

**29A.15 State awards and decorations.**

The adjutant general, from the funds appropriated for the

support and maintenance of the national guard, shall procure and issue to the members of the national guard merit or service badges or other appropriate awards for service under regulations and according to the design and pattern determined by the adjutant general. Members of the national guard who, by order of the president, serve in federal forces during a national emergency, may count the period of that federal active duty toward the procurement of a service badge.

Sec. 11. Section 29C.17, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

For the purposes consistent with this chapter, the local emergency management agency's approved budget shall be funded by one or any combination of the following options, as determined by the commission:

Sec. 12. Section 34A.6, subsection 1, Code 2013, is amended to read as follows:

1. Before a joint E911 service board may request imposition of the wire-line E911 service surcharge by the program manager, the board shall submit the following question to voters, as provided in subsection 2, in the proposed E911 service area, and the question shall receive a favorable vote from a simple majority of persons submitting valid ballots on the following question within the proposed E911 service area:

Shall the following public measure be adopted?

YES . . . .

NO . . . .

Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed E911 service area).

Sec. 13. Section 34A.7A, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The program manager shall reimburse ~~communication~~ communications service providers on a calendar quarter basis for carriers' eligible expenses for transport costs between the selective router and the public safety answering points related to the delivery of wireless E911 phase 1 services.

Sec. 14. Section 49.80, subsection 2, Code 2013, is amended to read as follows:

2. a. In case of any challenges of an elector at the time the person is offering to vote in a precinct, a precinct

election official may place such person under oath and question the person as ~~(a) where~~ to the following:

(1) Where the person maintains the person's home; ~~(b) how.~~

(2) How long the person has maintained the person's home at such place; ~~(c) if.~~

(3) If the person maintains a home at any other location; ~~(d) the.~~

(4) The person's age.

b. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts as the elector feels sustains the fact that the person is qualified to vote. Upon completion thereof, if the challenge is withdrawn, the elector may cast the vote in the usual manner. If the challenge is not withdrawn, section 49.81 shall apply.

Sec. 15. Section 50.20, Code 2013, is amended to read as follows:

**50.20 Notice of number of provisional ballots.**

The commissioner shall compile a list of the number of provisional ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than ~~nine o'clock~~ 9:00 a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, at the commissioner's office until the reconvening of the special precinct board.

Sec. 16. Section 53.45, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As provided in this section, the commissioner shall provide special absentee ballots to be used for ~~state~~ general elections. A special absentee ballot shall only be provided to an eligible elector who completes an application stating both of the following to the best of the eligible elector's belief:

Sec. 17. Section 68A.604, Code 2013, is amended to read as follows:

**68A.604 Funds.**

Any candidate for a partisan public office, except as otherwise provided by section 68A.103, subsection 2, may receive campaign funds from the Iowa election campaign fund through the state central committee of the candidate's political party. However, the state central committee of each political party shall have discretion as to which of the party's candidates for public office shall be allocated campaign funds out of money received by that party from the Iowa election campaign fund.

Sec. 18. Section 88.8, subsection 2, Code 2013, is amended to read as follows:

2. *Noncompliance notice.* If the commissioner has reason to believe that an employer has failed to correct the violation for which a citation has been issued within the period permitted for its correction, ~~(which period shall not begin to run until the entry of a final order by the appeal board in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties)~~, the commissioner shall notify the employer by service in the same manner as an original notice or by certified mail of the failure and of the penalty proposed to be assessed under section 88.14 by reason of the failure, and that the employer has fifteen working days within which to notify the commissioner that the employer wishes to contest the commissioner's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the commissioner, the employer fails to notify the commissioner that the employer intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed the final order of the appeal board and not subject to review by any court or agency.

Sec. 19. Section 88.19, Code 2013, is amended to read as follows:

**88.19 Annual report.**

Within one hundred twenty days following the convening of each session of each general assembly, the commissioner shall prepare and submit to the governor for transmittal to the general assembly a report upon the subject matter of this chapter, the progress toward achievement of the purpose of this chapter, the needs and requirements in the field of occupational safety and health, and any other relevant



information. ~~Such~~ The reports may include information regarding ~~occupational~~ the following:

1. Occupational safety and health standards, and criteria for such standards, developed during the preceding year, ~~evaluation.~~

2. Evaluation of standards and criteria previously developed under this chapter, defining areas of emphasis for new criteria and standards, ~~evaluation.~~

3. Evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken, ~~analysis.~~

4. Analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship, ~~an.~~

5. An analysis of major occupational diseases, ~~evaluation.~~

6. Evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year, ~~a.~~

7. A description of cooperative efforts undertaken between government agencies and other interested parties in the implementation of this chapter during the preceding year, ~~a.~~

8. A progress report on the development of an adequate supply of trained personnel in the field of occupational safety and health, including estimates of future needs and the efforts being made by government and others to meet those needs, ~~a.~~

9. A listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established, ~~and such.~~

10. Such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this chapter.

Sec. 20. Section 96.13, subsection 2, Code 2013, is amended to read as follows:

*2. Replenishment of lost funds.* If any moneys received after June 30, 1941, from the social security ~~board~~ administration under Tit. III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this state pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser Act, are found by the social security ~~board~~

administration, because of any action or contingency, to have been lost or been expended for purposes other than or in amounts in excess of, those found necessary by the social security ~~board~~ administration for the proper administration of this chapter, it is the policy of this state that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this state to the unemployment compensation administration fund for expenditure as provided in subsection 1 of this section. Upon receipt of notice of such a finding by the social security ~~board~~ administration, the department shall promptly report the amount required for such replacement to the governor and the governor shall at the earliest opportunity, submit to the legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Tit. III of the Social Security Act.

Sec. 21. Section 97C.12, Code 2013, is amended to read as follows:

**97C.12 Contribution fund.**

1. There is hereby established in the office of the treasurer of state a special fund to be known as the contribution fund. Such fund shall consist of, and there shall be deposited in such fund: ~~(1) all~~

a. All taxes, interest, and penalties collected under sections 97C.5, 97C.10, and 97C.11; ~~(2) all.~~

b. All moneys appropriated thereto under this chapter; ~~(3) any.~~

c. Any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; ~~(4) interest.~~

d. Interest earned upon any moneys in the fund; ~~and (5) all.~~

e. All sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source.

2. Subject to the provisions of this chapter, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter. All moneys in this fund shall be mingled and undivided.

Sec. 22. Section 123.30, subsection 2, Code 2013, is amended

to read as follows:

2. ~~No~~ A liquor control license shall not be issued for premises which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. ~~Not~~ ~~shall any~~ A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator in the form of a living quarters permit.

Sec. 23. Section 123.50, subsection 1, Code 2013, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except section 123.49, subsection 2, paragraph "h", or who fails to affix upon sale, defaces, or fails to record a keg identification sticker or produce a record of keg identification stickers pursuant to section 123.138, shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h", commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 2.

Sec. 24. Section 123.145, Code 2013, is amended to read as follows:

**123.145 Labels on bottles, barrels, etc. — conclusive evidence.**

The label on any bottle, keg, barrel, or other container in which beer is offered for sale in this state, representing the alcoholic content of such beer as being in excess of five ~~per centum~~ percent by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein.

Sec. 25. Section 124.401, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in section 124.204, subsection 4, paragraph "ai", or section 124.204, subsection 6, paragraph "i", or classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana or involving flunitrazepam is a class "D" felony.

Sec. 26. Section 126.11, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. A drug dispensed by filling or refilling a written, electronic, facsimile, or oral prescription of a practitioner licensed by law to administer the drug is exempt from section

126.10, except section 126.10, subsection 1, paragraph "a" ~~and~~, section 126.10, paragraph "i", subparagraphs (2) and (3), and section 126.10, subsection 1, paragraphs "k" and "l", and the packaging requirements of section 126.10, subsection 1, paragraphs "g", "h", and "p", if the drug bears a label containing the name and address of the dispenser, the date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in the prescription. This exemption does not apply to a drug dispensed in the course of the conduct of the business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph "a" of this subsection.

Sec. 27. Section 135.74, subsection 2, Code 2013, is amended to read as follows:

2. In establishing uniform methods of financial reporting, the department shall consider all of the following:

- a. The existing systems of accounting and reporting currently utilized by hospitals and health care facilities~~;~~.
- b. Differences among hospitals and health care facilities, respectively, according to size, financial structure, methods of payment for services, and scope, type and method of providing services~~;~~and.
- c. Other pertinent distinguishing factors.

Sec. 28. Section 135.75, subsection 1, Code 2013, is amended to read as follows:

1. Each hospital and each health care facility shall annually, after the close of its fiscal year, file all of the following with the department:

- a. A balance sheet detailing the assets, liabilities and net worth of the hospital or health care facility~~;~~.
- b. A statement of its income and expenses~~;~~and.
- c. Such other reports of the costs incurred in rendering services as the department may prescribe.

Sec. 29. Section 135.83, Code 2013, is amended to read as follows:

**135.83 Contracts for assistance with analyses, studies, and data.**

In furtherance of the department's responsibilities under sections 135.76 and 135.78, the director may contract with the Iowa hospital association and third-party payers, the Iowa health care facilities association and third-party payers, or

~~the Iowa association of homes for the aging~~ leading age Iowa and third-party payers for the establishment of pilot programs dealing with prospective rate review in hospitals or health care facilities, or both. Such contract shall be subject to the approval of the executive council and shall provide for an equitable representation of health care providers, third-party payers, and health care consumers in the determination of criteria for rate review. No third-party payer shall be excluded from positive financial incentives based upon volume of gross patient revenues. No state or federal funds appropriated or available to the department shall be used for any such pilot program.

Sec. 30. Section 135.156, subsection 2, paragraph b, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An executive committee of the ~~electronic health information~~ advisory council is established. Members of the executive committee of the advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent. The executive committee shall consist of the following members:

Sec. 31. Section 135.156B, subsections 5 and 8, Code 2013, are amended to read as follows:

5. Apply for, acquire by gift or purchase, and hold, dispense, or dispose of funds and real or personal property from any person, governmental entity, or organization in the exercise of ~~its~~ the department's powers or performance of ~~its~~ the department's duties in accordance with this division.

8. Execute all instruments necessary or incidental to the performance of ~~its~~ the department's duties and the execution of ~~its~~ the department's powers under this division.

Sec. 32. Section 135C.2, subsection 5, paragraph a, Code 2013, is amended to read as follows:

a. A facility provider under the special classification must comply with rules adopted by the department for the special classification. However, a facility provider which has been accredited by the ~~accreditation council for services to persons with an intellectual disability and other developmental disabilities~~ on quality and leadership shall be deemed to be in compliance with the rules adopted by the department.

Sec. 33. Section 135C.6, subsection 3, Code 2013, is amended to read as follows:

3. No change in a health care facility, its operation, program, or services, of a degree or character affecting continuing ~~licensability~~ licensure shall be made without prior approval thereof by the department. The department may by rule specify the types of changes which shall not be made without its prior approval.

Sec. 34. Section 135C.6, subsection 8, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A residential program approved by the department of human services pursuant to this paragraph "c" to receive moneys appropriated to the department of human services under provisions of a federally approved home and community-based services waiver for persons with an intellectual disabilities disability may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions:

Sec. 35. Section 138.13, subsection 2, paragraph m, Code 2013, is amended to read as follows:

m. When a camp is operated during a season requiring artificial heating, living quarters with a minimum of one hundred square feet per occupant shall be provided and such living quarters or shelters shall, also, be provided with properly installed heating equipment of adequate capacity to maintain a room temperature of at least 70 degrees Fahrenheit. A stove or other source of heat shall be installed and vented in a manner to avoid both a fire hazard and a concentration of fumes or gas within such living quarters and shelters. In a room with wooden or combustible flooring, there shall be a concrete slab, metal sheet, or other fire-resistant material, on the floor under each stove, extending at least eighteen inches beyond the perimeter of the base of the stove. Any wall or ceiling not having a fire-resistant surface, within twenty-four inches of a stove or stovepipe, shall be protected by a metal sheet or other fire-resistant material. Heating appliances, other than electrical, shall be provided with a stovepipe or vent connected to the appliance and discharging to the outside air or chimney. The vent or chimney shall extend above the peak of the roof. Stovepipes shall be insulated with fire-resistant material where they pass through walls, ceilings, or floors.

Sec. 36. Section 138.13, subsection 6, paragraph d, Code 2013, is amended to read as follows:

d. Every service building used during periods requiring artificial heating shall be provided with equipment capable of maintaining a room temperature of at least 70 degrees ~~F~~ Fahrenheit.

Sec. 37. Section 144A.2, subsection 8, Code 2013, is amended to read as follows:

8. a. "Life-sustaining procedure" means any medical procedure, treatment, or intervention, including resuscitation, which meets both of the following requirements:

~~a.~~ (1) Utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function.

~~b.~~ (2) When applied to a patient in a terminal condition, would serve only to prolong the dying process.

b. "Life-sustaining procedure" does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

Sec. 38. Section 163.26, Code 2013, is amended to read as follows:

**163.26 Definition.**

For the purposes of this subchapter, "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods, including animal carcasses or parts. "Garbage" includes all waste material, by-products of a kitchen, restaurant, hotel, or slaughterhouse, every refuse accumulation of animal, fruit, or vegetable matter, liquids or otherwise, or grain not consumed, that is collected from hog sales pen floors in public stockyards. Animals or parts of animals, which are processed by slaughterhouses or rendering establishments, and which as part of the processing are heated to not less than 212 degrees ~~F~~ Fahrenheit for thirty minutes, are not garbage for purposes of this chapter.

Sec. 39. Section 176A.10, subsection 2, Code 2013, is amended to read as follows:

2. An extension council of an extension district may choose to be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection 1, paragraph "e", for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992.

Before an extension district may be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection 1, paragraph "e", for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such paragraphs must be submitted to the registered voters of the district. The question shall be submitted at the time of a ~~state~~ general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection 1, paragraph "e", shall thereafter apply to the extension district. The question need only be approved at one ~~state~~ general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent ~~state~~ general elections until approved.

Sec. 40. Section 189A.11, Code 2013, is amended to read as follows:

**189A.11 Access by inspectors — acceptance by state agencies.**

1. ~~No~~ A person shall not deny access to any authorized inspectors upon the presentation of proper identification at any reasonable time to establishments and to all parts of such premises for the purposes of making inspections under this chapter.

2. When meat has been inspected and approved by the department, such inspection will be equal to federal inspection and therefore may be accepted by state agencies and political subdivisions of the state and no other inspection can be required.

~~1.~~ a. ~~No~~ An inspection of products placed in any container at any official establishment shall not be deemed to be complete until the products are sealed or enclosed therein under the supervision of an inspector.

~~2.~~ b. For purposes of any inspection of products required by this chapter, inspectors authorized by the secretary shall have access at all times by day or night to every part of every establishment required to have inspection under this chapter, whether the establishment is operated or not.

Sec. 41. Section 190.12, subsection 1, Code 2013, is amended to read as follows:

1. Frozen desserts and the pasteurized dairy ingredients



used in the manufacture thereof, shall comply with the following standards:

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Milk, cream, and fluid dairy ingredient	Temperature	Storage at 45 degrees <del>F</del> <u>Fahrenheit</u> .
	Bacterial limit	50,000 per milliliter
	Coliform limit	10 per milliliter

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Frozen dessert mixes, frozen desserts (plain)	Temperature	Storage at 45 degrees <del>F</del> <u>Fahrenheit</u> .
	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram

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Dry dairy ingredient	Extra grade or better as defined by U. S. Standards for grades for the particular product.
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Dry powder mix	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram

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Sec. 42. Section 203C.15, subsection 6, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The licensed warehouse operator may comply ~~to~~ with the demand by doing any of the following:

Sec. 43. Section 230.15, Code 2013, is amended to read as follows:

**230.15 Personal liability.**

1. A person with mental illness and a person legally liable for the person's support remain liable for the support of the person with mental illness as provided in this section. Persons legally liable for the support of a person with mental illness include the spouse of the person, any person bound by contract for support of the person, and, with respect to persons with mental illness under eighteen years of age only, the father and mother of the person. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation created in this section as to all sums advanced by the county. The liability to the county incurred by a person with mental illness or a person legally liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment

of the person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a person with mental illness or a person legally liable for the person's support is liable to the county for the care and treatment of the person with mental illness at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may from time to time be revised by the department of human services. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of a person with mental illness.

2. A person with a substance-related disorder is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the person with a substance-related disorder while a voluntary or committed patient. When a portion of the cost is paid by a county, the person with a substance-related disorder is legally liable to the county for the amount paid. The person with a substance-related disorder shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the person's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a person with a substance-related disorder shall be in part credited to the county in proportion to the share of the costs paid by the county.

3. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness or a substance-related disorder as established by the department of human services.

Sec. 44. Section 231D.3A, Code 2013, is amended to read as follows:

**231D.3A Exception.**

An entity certified by the centers for Medicare and Medicaid services of the United States department of health and human services as a federal program of all-inclusive care for the elderly shall not be required to be certified as an adult day services program under this chapter. A program ~~for~~ of all-inclusive care for the elderly, as used in this section, shall not identify itself or hold itself out to be an adult day services program as defined in section 231D.1.

Sec. 45. Section 235.3, subsection 2, Code 2013, is amended to read as follows:

2. Make such reports and obtain and furnish such information from time to time as may be necessary to permit cooperation by the state division with the United States children's bureau, the social security ~~board~~ administration, or any other federal agency which is now or may hereafter be charged with any duty regarding child care or child welfare services.

Sec. 46. Section 235B.1, subsection 4, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Advise the director of human services, the director of ~~elder affairs~~ the department on aging, the director of inspections and appeals, the director of public health, the director of the department of corrections, and the director of human rights regarding dependent adult abuse.

Sec. 47. Section 235B.16A, subsection 4, Code 2013, is amended to read as follows:

4. The department of human services shall cooperate with the department on aging, the departments of ~~elder affairs~~, inspections and appeals, public health, public safety, and workforce development, the civil rights commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 48. Section 249A.4B, subsection 2, paragraph a, subparagraphs (29) and (41), Code 2013, are amended to read as follows:

(29) ~~The Iowa association of homes and services for the aging~~ Leading age Iowa.

(41) ~~The Iowa dietetic association~~ academy of nutrition and dietetics.

Sec. 49. Section 249A.12, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. The state shall be responsible for all of the nonfederal share of medical assistance home and community-based services waivers for persons with an intellectual disabilities ~~disabilities~~ disability services provided to minors, and a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

Sec. 50. Section 249A.12, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. The department of human services shall seek federal approval to amend the home and community-based services waiver for persons with an intellectual disabilities ~~disabilities~~ disability to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval.

Sec. 51. Section 249A.26, subsection 4, Code 2013, is amended to read as follows:

4. The state shall pay for the entire nonfederal share of the costs for case management services provided to persons seventeen years of age or younger who are served in a home and community-based services waiver program under the medical assistance program for persons with an intellectual disabilities ~~disabilities~~ disability.

Sec. 52. Section 249A.30, subsection 1, Code 2013, is amended to read as follows:

1. The base reimbursement rate for a provider of services under a medical assistance program home and community-based services waiver for persons with an intellectual disabilities ~~disabilities~~ disability shall be recalculated at least every three years to adjust for the changes in costs during the immediately preceding three-year period.

Sec. 53. Section 249L.4, subsection 5, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) Each nursing facility shall submit to the department, information in a form as specified by the department and developed in cooperation with representatives of the Iowa caregivers association, the Iowa health care association, ~~the leading age Iowa association of homes and services for the aging,~~ and the AARP Iowa chapter, that demonstrates compliance by the nursing facility with the requirements for use of the rate adjustment increases and other reimbursements provided to nursing facilities through the quality assurance assessment.

Sec. 54. Section 252.27, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The board shall record its proceedings relating to the provision of assistance to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 to 12, except section 17A.19, subsection 10, paragraphs "b" and "g", and section 17A.20.

Sec. 55. Section 252D.17, Code 2013, is amended to read as follows:

**252D.17 Notice to payor of income — duties and liability — criminal penalty.**

1. The district court shall provide notice by sending a copy of the order for income withholding or a notice of the order for income withholding to the obligor and the obligor's payor of income by regular mail, with proof of service completed according to rule of civil procedure 1.442. The child support recovery unit shall provide notice of the income withholding order by sending a notice of the order to the obligor's payor of income by regular mail or by electronic means. Proof of service may be completed according to rule of civil procedure 1.442. The child support recovery unit's notice of the order may be sent to the payor of income on the same date that the order is sent to the clerk of court for filing. In all other instances, the income withholding order shall be filed with the clerk of court prior to sending the notice of the order to the payor of income. In addition to the amount to be withheld for payment of support, the order or the notice of the order shall be in a standard format as prescribed by the unit and shall include all of the following information regarding the duties of the payor in implementing the withholding order:

~~1.~~ a. The withholding order or notice of the order for income withholding for child support or child support and spousal support has priority over a garnishment or an assignment for any other purpose.

~~2.~~ b. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment in addition to the amount withheld for support. The payor of income is not required to vary the payroll cycle to comply with the frequency of payment of a support order.

~~3.~~ c. The amount withheld for support, including the

processing fee, shall not exceed the amounts specified in 15 U.S.C. § 1673(b).

4. d. The income withholding order is binding on an existing or future payor of income ten days after receipt of the copy of the order or the notice of the order, and is binding whether or not the copy of the order received is file-stamped.

5. e. The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 within seven business days of the date the obligor is paid. "Business day" means a day on which state offices are open for regular business.

6. f. The payor may combine amounts withheld from the obligors' income in a single payment to the clerk of the district court or to the collection services center, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

7. g. The withholding is binding on the payor until further notice by the court or the child support recovery unit.

8. h. If the payor, with actual knowledge and intent to avoid legal obligation, fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court in accordance with the provisions of the order, the notice of the order, or the notification of payors of income provisions established in section 252B.13A, the payor commits a simple misdemeanor for a first offense and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor. For each subsequent offense prescribed under this ~~subsection~~ paragraph, the payor commits a serious misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

9. i. The payor shall promptly notify the court or the child support recovery unit when the obligor's employment or other income terminates, and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

10. j. Any payor who discharges an obligor, refuses to employ an obligor, or takes disciplinary action against an

obligor based upon income withholding is guilty of a simple misdemeanor. A withholding order or the notice of the order for income withholding has the same force and effect as any other district court order, including, but not limited to, contempt of court proceedings for noncompliance.

~~11. a.~~ k. (1) Beginning July 1, 1997, if a payor of income does business in another state through a registered agent and receives a notice of income withholding issued by another state, the payor shall, and beginning January 1, 1998, any payor of income shall, withhold funds as directed in a notice issued by another state, except that a payor of income shall follow the laws of the obligor's principal place of employment when determining all of the following:

(1) (a) The payor's fee for processing an income withholding payment.

(2) (b) The maximum amount permitted to be withheld from the obligor's income.

(3) (c) The time periods for implementing the income withholding order and forwarding the support payments.

(4) (d) The priorities for withholding and allocating income withheld for multiple child support obligees.

(5) (e) Any withholding terms or conditions not specified in the order.

~~b.~~ (2) A payor of income who complies with an income withholding notice that is regular on its face shall not be subject to any civil liability to any individual or agency for conduct in compliance with the notice.

~~12.~~ l. The payor of income shall comply with chapter 252K when receiving a notice of income withholding from another state.

~~13.~~ m. The department shall establish criteria and a phased-in schedule to require, no later than June 30, 2015, payors of income to electronically transmit the amounts withheld under an income withholding order. The department shall assist payors of income in complying with the required electronic transmission, and shall adopt rules setting forth procedures for use in electronic transmission of funds, and exemption from use of electronic transmission taking into consideration any undue hardship electronic transmission creates for payors of income.

Sec. 56. Section 256.9, subsection 55, paragraph a, Code 2013, is amended to read as follows:

a. The Iowa ~~dietetic association~~ academy of nutrition and

dietetics.

Sec. 57. Section 256.18A, Code 2013, is amended to read as follows:

**256.18A Service learning.**

The board of directors of a school district or the authorities in charge of a nonpublic school may require a certain number of service learning units as a condition for the inclusion of a service learning endorsement on a student's diploma or as a condition of graduation from the district or school. For purposes of this ~~paragraph~~ section, "service learning" means a method of teaching and learning which engages students in solving problems and addressing issues in their school or greater community as part of the academic curriculum.

Sec. 58. Section 256.42, subsection 6, Code 2013, is amended to read as follows:

6. Coursework offered under the initiative shall be rigorous and high quality, and the department shall annually evaluate the quality of the courses, and ensure that coursework is aligned with the state's core curriculum and core content requirements and standards, as well as national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning.

Sec. 59. Section 258.16, subsection 3, paragraph d, Code 2013, is amended to read as follows:

d. Implement the procedures and contract, at the request of the director of the board of vocational education, for the delivery of vocational education programs and services pursuant to section 256.11, subsection 4, and section 256.11, subsection 5, paragraph "h", and section 260C.14, subsection 1.

Sec. 60. Section 261B.2, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. Uses in its name the term "college", "academy", "institute", or "university" or a similar term to imply that the person is primarily engaged in the education of students at the postsecondary level, and ~~which makes a charge~~ charges for its services.

Sec. 61. Section 261B.9, subsection 7, Code 2013, is amended to read as follows:

7. The disclosures required by the department of education for an out-of-state school that the state board of education approves to offer a practitioner preparation program by distance delivery method.



Sec. 62. Section 261E.5, subsection 3, Code 2013, is amended to read as follows:

3. From the funds allocated pursuant to section 261E.13, subsection 1, paragraph "d", the department shall remit amounts to the college board for advanced placement examinations administered by the college board for students enrolled in school districts and accredited nonpublic schools pursuant to subsection 2 and shall distribute an amount per student to a school district submitting a list of students properly registered for the advanced placement examinations pursuant to subsection 2. The remittance rates to the college board and distribution amounts to the school districts in accordance with this subsection for the fiscal year beginning July 1, 2008, are as follows: ~~thirty-eight~~

a. Thirty-eight dollars for each school district or accredited nonpublic school student who does not qualify for fee reduction; ~~twenty-seven.~~

b. Twenty-seven dollars for each school district or accredited nonpublic school student who qualifies for fee reduction; ~~and eight.~~

c. Eight dollars to the school district for each school district or accredited nonpublic school student who was listed by the school district and who takes an advanced placement examination in accordance with this section.

Sec. 63. Section 263B.3, Code 2013, is amended to read as follows:

**263B.3 Agreements with federal departments.**

The state archaeologist is authorized to enter agreements and cooperative efforts with the ~~United States commissioner of public roads~~ federal highway administrator, the United States departments of commerce, interior, agriculture, and defense, and any other federal or state agencies concerned with archaeological salvage or the preservation of antiquities.

Sec. 64. Section 266.48, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Iowa state university, in cooperation with the department of agriculture and land stewardship and the department of natural resources, shall establish a cost-share program for the livestock odor mitigation research efforts as established in sections 266.43 through 266.45 that maximizes participation in the livestock odor mitigation research efforts so as to accomplish the purposes in section 266.42, subsection 1.

Sec. 65. Section 272.31, subsection 5, Code 2013, is amended

to read as follows:

5. The state board of education shall work with institutions of higher education, private colleges and universities, community colleges, area education agencies, and professional organizations to ensure that the courses and programs required for ~~authorization~~ authorizations under this section are offered throughout the state at convenient times and at a reasonable cost.

Sec. 66. Section 273.3, subsection 2, Code 2013, is amended to read as follows:

2. Be authorized to receive and expend money for providing programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 to 273.9, and chapters 256B and 257. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1, 273.2, this section, sections 273.4 to 273.9 and chapters 256B and 257.

Sec. 67. Section 280.10, subsection 4, Code 2013, is amended to read as follows:

4. "*Industrial quality eye-protective devices*", as used in this section, means devices meeting American national standard, practice for occupational and educational eye and face protection promulgated by the American national standards institute, inc.

Sec. 68. Section 321.105A, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. If an amount of the fee for new registration represented by a dealer to a purchaser is computed upon a purchase price that is not subject to the fee for new registration or the amount represented is in excess of the actual amount subject to the fee and the amount represented is actually paid by the purchaser to the dealer, the excess amount of fee for new registration paid shall be returned to the purchaser upon proper notification to the dealer by the purchaser that an excess payment exists. "*Proper*" notification is written notification which allows a dealer at least sixty days to respond and which contains enough information to allow a dealer to determine the validity of a purchaser's claim that an excess amount of fee for new registration has been paid. No cause of action shall accrue against a dealer for excess fee for new registration paid until sixty days after proper ~~notice~~ notification has been given the dealer by the purchaser.

Sec. 69. Section 322.33, subsection 2, Code 2013, is amended

to read as follows:

2. ~~Article~~ Chapter 537, article 2, parts 5 and 6, and chapter 537, article 3, sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306 shall apply to any credit transaction as defined in section 537.1301, that is a retail installment transaction. For the purpose of applying provisions of the consumer credit code in those transactions, "*consumer credit sale*" shall include a sale for a business purpose.

Sec. 70. Section 322A.1, subsection 5, paragraph a, subparagraphs (3) and (5), Code 2013, are amended to read as follows:

(3) The franchisee, as an independent business, constitutes a component of the franchiser's distribution system.

(5) The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of motor vehicles, parts, and accessories.

Sec. 71. Section 326.2, subsection 6, paragraph a, Code 2013, is amended to read as follows:

a. A one-way movement from one point originating outside this state and destined ~~to~~ for another point outside this state.

Sec. 72. Section 331.362, subsection 1, Code 2013, is amended to read as follows:

1. A county has jurisdiction over secondary roads as provided in section 306.4, subsection 2, section 306.4, subsection 5, paragraph "b", and section 306.4, subsection 6, paragraph "b".

Sec. 73. Section 331.382, subsection 8, paragraph a, Code 2013, is amended to read as follows:

a. The board is subject to chapter 161F, chapters 357 through 358, or chapter 468, subchapters I through III, chapter 468, subchapter IV, parts 1 and 2, or chapter 468, subchapter V, as applicable, in acting relative to a special district authorized under any of those chapters.

Sec. 74. Section 331.390, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The voting membership of the governing board shall consist of at least one board of supervisors member from each county comprising the ~~regions~~ region or their designees.

Sec. 75. Section 331.390, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. The regional administrator staff shall include

one or more coordinators of disability services. A coordinator shall possess a bachelor's or higher level degree in a human services-related or ~~administrative-related~~ administration-related field, including but not limited to social work, psychology, nursing, or public or business administration, from an accredited college or university. However, in lieu of a degree in public or business administration, a coordinator may provide documentation of relevant management experience. An action of a coordinator involving a clinical decision shall be made in conjunction with a professional who is trained in the delivery of the mental health or disability service addressed by the clinical decision. The regional administrator shall determine whether referral to a coordinator of disability services is required for a person seeking to access a service through a local access point of the regional service system.

Sec. 76. Section 331.552, subsection 25, Code 2013, is amended to read as follows:

25. Carry out duties relating to the funding of drainage districts as provided in chapter 468, subchapter I, parts 1 to 5, chapter 468, subchapter II, parts 1, 5, and 6, chapter 468, subchapter III, and chapter 468, subchapter IV, parts 1 and 2.

Sec. 77. Section 341A.2, Code 2013, is amended to read as follows:

**341A.2 Civil service commission.**

1. Subject to the alternate plan enumerated in section 341A.3, there is created in each county a civil service commission composed of three members. Two members shall be appointed by the county board of supervisors and one member shall be appointed by the county attorney of each county. Appointees to the commission shall be residents of the county for at least two years immediately preceding appointment, and shall be electors. Terms of office shall be six years; however, the initial members of the commission shall be appointed as follows:

a. One of the members appointed by the board of supervisors shall serve for a period of two years while the other member shall serve for a period of six years and the board shall specify the term of each member so appointed.

b. The member appointed by the county attorney shall serve for a period of four years.

2. Any member of the commission may be removed by the appointing authority for incompetence, dereliction of duty,

malfeasance in office, or for other good cause; however, no member of the commission shall be removed until apprised in writing of the nature of the charges against the member and a hearing on such charges has been held before the board of supervisors. In the event a vacancy occurs in the commission for any reason other than expiration of the term, an appointment to fill the vacancy for the unexpired term shall be made in the same manner as the original appointment.

3. A majority vote of the membership of the commission shall be sufficient to transact the business of the commission.

4. Not more than two commissioners shall be members of the same political party. Commissioners shall hold no elective or other appointive public office during their terms of appointment to the commission. Commissioners shall serve without compensation but shall be reimbursed for necessary expense and mileage incurred in the actual performance of their duties.

Sec. 78. Section 350.4, subsection 9, paragraph a, Code 2013, is amended to read as follows:

a. To participate in watershed projects of soil and water conservation districts and the federal government and in projects of drainage districts organized under the provisions of chapter 161F ~~and~~, chapter 468, subchapter I, parts 1 through 5, and chapter 468, subchapter II, parts 1, 5, and 6, for the purpose of increasing the recreational resources of the county.

Sec. 79. Section 354.9, subsection 3, Code 2013, is amended to read as follows:

3. If cities establish overlapping areas of review outside their boundaries, then the cities shall establish by agreement pursuant to chapter 28E reasonable standards and conditions for review of subdivisions within the overlapping area. If no agreement is recorded pursuant to chapter 28E then the city which is closest to the boundary of the subdivision shall have authority to review ~~of~~ the subdivision.

Sec. 80. Section 355.7, subsection 6, Code 2013, is amended to read as follows:

6. a. The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary

line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines: ~~"recorded~~

Recorded as (show recorded bearing, length, or ~~location~~)"  
location).

b. Bearings and angles shown shall be given to at least the nearest minute of arc.

Sec. 81. Section 355.8, subsection 8, Code 2013, is amended to read as follows:

8. a. The plat shall show the lengths and bearings of the boundaries of the tracts surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearing shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines: ~~"recorded~~

Recorded as (show recorded bearing, length, or ~~location~~)"  
location).

b. Bearings and angles shown shall be given to at least the nearest minute of arc.

Sec. 82. Section 384.6, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter 411, authorized in section 411.3, subsection 1, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section 411.8, subsection 1, paragraph "a", to the international city management ~~association/retirement~~  
association retirement corporation.

Sec. 83. Section 419.4, subsection 2, paragraph a, subparagraph (5), Code 2013, is amended to read as follows:

(5) The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of such project, ~~and.~~

Sec. 84. Section 419.4, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. (1) A municipality shall have the power to provide that proceeds from the sale of bonds and special funds from the revenues of the project shall be invested and reinvested in such securities and other investments as shall be provided in the proceedings under which the bonds are authorized to be issued including:

~~(1)~~ (a) Obligations issued or guaranteed by the United States~~;~~.

~~(2)~~ (b) Obligations issued or guaranteed by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States~~;~~.

~~(3)~~ (c) Obligations issued or guaranteed by any state of the United States, or the District of Columbia, or any political subdivision of any such state or district~~;~~.

~~(4)~~ (d) Prime commercial paper~~;~~.

~~(5)~~ (e) Prime finance company paper~~;~~.

~~(6)~~ (f) Bankers' acceptances drawn on and accepted by banks organized under the laws of any state or of the United States~~;~~.

~~(7)~~ (g) Repurchase agreements fully secured by obligations issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States~~;~~ ~~and.~~

~~(8)~~ (h) Certificates of deposit issued by banks organized under the laws of any state or of the United States; whether or not such investment or reinvestment is authorized under any other law of this state. The municipality shall also have the power to provide that such proceeds or funds or investments and the amounts payable under the lease, sale contract, or loan agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of the state of Iowa.

(2) A municipality shall also have the power to provide that the project and improvements shall be constructed by the municipality, lessee, the lessee's designee, the contracting

party, or the contracting party's designee, or any one or more of them on real estate owned by the municipality, the lessee, the lessee's designee, the contracting party, or the contracting party's designee, as the case may be, and that the bond proceeds shall be disbursed by the trustee bank or banks, trust company or trust companies, during construction upon the estimate, order or certificate of the lessee, the lessee's designee, the contracting party, or the contracting party's designee.

Sec. 85. Section 421.24, subsection 3, Code 2013, is amended to read as follows:

3. a. For the purposes of this section, the words "tax" and "taxes" shall include interest and penalties due under any taxing statute, and liability for such interest or penalties, or both, due under a taxing statute of another state or a political subdivision thereof, shall be recognized and enforced by the courts of this state to the same extent that the laws of such other state permit the enforcement in its courts of liability for such interest or penalties, or both, due under a taxing statute of this state or a political subdivision thereof.

b. The courts of this state may not enforce interest rates or penalties on taxes of any other state which exceed the interest rates and penalties imposed by the state of Iowa for the same or a similar tax.

Sec. 86. Section 422.16, subsection 10, paragraph c, Code 2013, is amended to read as follows:

c. If any withholding agent, being a domestic or foreign corporation, required under the provisions of this section to withhold on wages or other taxable Iowa income subject to this chapter, fails to withhold the amounts required to be withheld, make the required returns or remit to the department the amounts withheld, the director may, having exhausted all other means of enforcement of the provisions of this chapter, certify such fact or facts to the secretary of state, who shall thereupon cancel the articles of incorporation or certificate of authority, ~~(as as the case may be)~~ be, of such corporation, and the rights of such corporation to carry on business in the state of Iowa shall thereupon cease. The secretary of state shall immediately notify by registered mail such domestic or foreign corporation of the action taken by the secretary of state. The provisions of section 422.40, subsection 3, shall be applicable.



Sec. 87. Section 422.20, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph "k", and section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 88. Section 422.32, subsection 2, Code 2013, is amended to read as follows:

2. The words, terms, and phrases defined in ~~division II~~, section 422.4, subsections 4 to 6, 8, 9, 13, and 15 to 17, when used in this division, shall have the meanings ascribed to them in said section except where the context clearly indicates a different meaning.

Sec. 89. Section 422.33, subsection 5, Code 2013, is amended to read as follows:

5. a. The taxes imposed under this division shall be reduced by a state tax credit for increasing research activities in this state equal to the sum of the following:

(1) Six and one-half percent of the excess of qualified research expenses during the tax year over the base amount for the tax year based upon the state's apportioned share of the qualifying expenditures for increasing research activities.

(2) Six and one-half percent of the basic research payments determined under section 41(e)(1)(A) of the Internal Revenue Code during the tax year based upon the state's apportioned share of the qualifying expenditures for increasing research activities.

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

~~b.~~ c. In lieu of the credit amount computed in paragraph "a", subparagraph (1), a corporation may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative simplified credit described in section 41(c)(5) of the Internal Revenue Code. The taxpayer may make this election regardless of

the method used for the taxpayer's federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

~~e.~~ d. For purposes of the alternate credit computation method in paragraph ~~"b"~~ "c", the credit percentages applicable to qualified research expenses described in section 41(c)(5)(A) and clause (ii) of section 41(c)(5)(B) of the Internal Revenue Code are four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

~~d.~~ e. (1) For purposes of this subsection, "base amount", "basic research payment", and "qualified research expense" mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, except that for the alternative simplified credit such amounts are for research conducted within this state.

(2) For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, 2012.

~~e.~~ f. Any credit in excess of the tax liability for the taxable year shall be refunded with interest computed under section 422.25. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on its final, completed return credited to the tax liability for the following taxable year.

~~f.~~ ~~Reserved.~~

g. A corporation which is an eligible business may claim an additional research activities credit authorized pursuant to section 15.335.

h. The department shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this subsection and the portion of the claims issued as refunds, for all claims processed during the previous calendar year. The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Sec. 90. Section 422.70, subsection 1, Code 2013, is amended to read as follows:

1. The director, for the purpose of ascertaining the correctness of a return or for the purpose of making an estimate of the taxable income or receipts of a taxpayer, has ~~power~~ the following powers:

a. To examine or cause to be examined by an agent or

representative designated by the director, books, papers, records, or memoranda; ~~to.~~

b. To require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; ~~to.~~

c. To administer oaths, to examine witnesses and receive evidence; ~~to.~~

d. To compel witnesses to produce for examination books, papers, records, and documents relating to any matter which the director has the authority to investigate or determine.

Sec. 91. Section 422.72, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph "k", and section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.20, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 92. Section 422D.1, subsection 2, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The taxes for emergency medical services shall only be imposed after an election at which a majority of those voting on the question of imposing the tax or combination of taxes specified in subsection 1, paragraph "a", subparagraph (1) or (2), vote in favor of the question. However, the tax or combination of taxes specified in subsection 1 shall not be imposed on property within or on residents of a benefited emergency medical services district under chapter 357F. The question of imposing the tax or combination of the taxes may be submitted at the regular city election, a special election, or ~~state~~ the general election. Notice of the question shall be provided by publication at least sixty days before the time of the election and shall identify the tax or combination of taxes and the rate or rates, as applicable. If a majority of those voting on the question approve the imposition of the tax or combination of taxes, the tax or combination of taxes shall be imposed as follows:

Sec. 93. Section 423.3, subsection 18, paragraph c, Code 2013, is amended to read as follows:

*c.* Rehabilitation facilities that provide accredited rehabilitation services to persons with disabilities which are accredited by the commission on accreditation of rehabilitation facilities or the accreditation council for services for persons with an intellectual disability and other persons with developmental disabilities on quality and leadership and adult day care services approved for reimbursement by the state department of human services.

Sec. 94. Section 423.5, Code 2013, is amended to read as follows:

423.5 Imposition of tax.

1. Except as provided in ~~subsection 3~~ paragraph "c", an excise tax at the rate of six percent of the purchase price or installed purchase price is imposed on the following:

~~1.~~ a. The use in this state of tangible personal property as defined in section 423.1, including aircraft subject to registration under section 328.20, purchased for use in this state. For the purposes of this subchapter, the furnishing or use of the following services is also treated as the use of tangible personal property: optional service or warranty contracts, except residential service contracts regulated under chapter 523C, vulcanizing, recapping, or retreading services, engraving, photography, retouching, printing, or binding services, and communication service when furnished or delivered to consumers or users within this state.

~~2.~~ b. The use of manufactured housing in this state, on the purchase price if the manufactured housing is sold in the form of tangible personal property or on the installed purchase price if the manufactured housing is sold in the form of realty.

~~3.~~ c. An excise tax at the rate of five percent is imposed on the use of vehicles subject only to the issuance of a certificate of title and the use of manufactured housing, and on the use of leased vehicles, if the lease transaction does not require titling or registration of the vehicle, on the amount subject to tax as calculated pursuant to section 423.26, subsection 2.

~~4.~~ d. Purchases of tangible personal property made from the government of the United States or any of its agencies by ultimate consumers shall be subject to the tax imposed by this section. Services purchased from the same source or sources shall be subject to the service tax imposed by this subchapter and apply to the user of the services.

~~5.~~ e. The use in this state of services enumerated in section 423.2. This tax is applicable where the service is first used in this state.

~~6.~~ 2. The excise tax is imposed upon every person using the property within this state until the tax has been paid directly to the county treasurer, the state department of transportation, a retailer, or the department. This tax is imposed on every person using the services or the product of the services in this state until the user has paid the tax either to an Iowa use tax permit holder or to the department.

~~7.~~ 3. For the purpose of the proper administration of the use tax and to prevent its evasion, evidence that tangible personal property was sold by any person for delivery in this state shall be prima facie evidence that such tangible personal property was sold for use in this state.

~~8.~~ 4. Any person or that person's affiliate, which is a retailer in this state or a retailer maintaining a place of business in this state under this chapter, that enters into a contract with an agency of this state must register, collect, and remit Iowa use tax under this chapter on all sales of tangible personal property and enumerated services. Every bid submitted and each contract executed by a state agency shall contain a certification by the bidder or contractor stating that the bidder or contractor is registered with the department and will collect and remit Iowa use tax due under this chapter. In the certification, the bidder or contractor shall also acknowledge that the state agency may declare the contract or bid void if the certification is false. Fraudulent certification, by act or omission, may result in the state agency or its representative filing for damages for breach of contract.

~~9.~~ 5. The use tax rate of six percent is reduced to five percent on January 1, 2030.

Sec. 95. Section 423.6, subsection 6, Code 2013, is amended to read as follows:

6. Tangible personal property or services the sales price of which is exempt from the sales tax under section 423.3, except section 423.3, subsections 39 and 73, as it relates to the sale, but not the lease or rental, of vehicles subject only to the issuance of a certificate of title and as it relates to aircraft subject to registration under section 328.20.

Sec. 96. Section 426A.8, unnumbered paragraph 1, Code 2013, is amended to read as follows:

If the amount of credit apportioned to any property eligible ~~to~~ for military service tax exemption under this chapter in any year shall exceed the total tax, exclusive of any special assessments levied against such property eligible for military service tax exemption, then the excess shall be remitted by the county treasurer to the department of revenue to be redeposited in the general fund of the state and reallocated the following year by the department.

Sec. 97. Section 426A.11, subsection 1, Code 2013, is amended to read as follows:

1. The property, not to exceed two thousand seven hundred seventy-eight dollars in taxable value of any veteran, as defined in section 35.1, of the ~~First~~ World War I.

Sec. 98. Section 441.16, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The combined budgets shall contain an itemized list of the proposed salaries of the assessor and each deputy; the amount required for field personnel and other personnel, their number, and their compensation; the estimated amount needed for expenses, printing, mileage, and other expenses necessary to operate the assessor's office; the estimated expenses of the examining board; and the salaries and expenses of the local board of review.

Sec. 99. Section 452A.2, subsection 25, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) Any liquid advertised, offered for sale, sold for use as, or commonly or commercially used as a fuel for propelling motor vehicles which, when subjected to distillation of gasoline, naphtha, kerosene and similar petroleum products [ASTM (American society for testing and materials) international designation D-86], shows not less than ten ~~per centum~~ percent distilled (recovered) below three hundred forty-seven degrees Fahrenheit (one hundred seventy-five degrees Centigrade) and not less than ninety-five ~~per centum~~ percent distilled (recovered) below four hundred sixty-four degrees Fahrenheit (two hundred forty degrees Centigrade).

Sec. 100. Section 455B.105, subsection 11, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) The relative benefits to the applicant and to the public of permit and conditional permit review, issuance, and monitoring compliance. It is the intention of the legislature that permit fees shall not cover any costs connected with correcting violation of the terms of any permit and shall not

impose unreasonable costs on any municipality.

~~It is the intention of the legislature that permit fees shall not cover any costs connected with correcting violation of the terms of any permit and shall not impose unreasonable costs on any municipality.~~

Sec. 101. Section 455B.474A, Code 2013, is amended to read as follows:

**455B.474A Rules consistent with federal regulations.**

The rules adopted by the commission under section 455B.474 shall be consistent with and shall not exceed the requirements of federal regulations relating to the regulation of underground storage tanks except as provided in section 455B.474, subsection 1, paragraph "a", subparagraph (6), and section 455B.474, subsection 3, paragraph "d". It is the intent of the general assembly that state rules adopted pursuant to section 455B.474, subsection 1, paragraph "a", subparagraph (6), and section 455B.474, subsection 3, paragraph "d", be consistent with and not more restrictive than federal regulations adopted by the United States environmental protection agency when those rules are adopted.

Sec. 102. Section 455B.516, subsection 9, Code 2013, is amended to read as follows:

9. a. "Toxics pollution prevention" means employment of a practice which reduces the industrial use of toxic substances or reduces the environmental and health hazards associated with an environmental waste without diluting or concentrating the waste before the release, handling, storage, transport, treatment, or disposal of the waste. The term includes toxics pollution prevention techniques but does not include a practice which is applied to an environmental waste after the waste is generated or comes into existence on or after the waste exits a production or commercial operation.

b. "Toxics pollution prevention" does not include, promote, or require any of the following:

~~a.~~ (1) Waste burning in industrial furnaces, boilers, smelters, or cement kilns for the purpose of energy recovery.

~~b.~~ (2) The transfer of an environmental waste from one environmental medium to another environmental medium, the workplace environment, or a product.

~~c.~~ (3) Off-site waste recycling.

~~d.~~ (4) Any other method of end-of-pipe management of environmental wastes including waste exchange and the incorporation or embedding of regulated environmental wastes

into products or by-products.

Sec. 103. Section 456A.19, Code 2013, is amended to read as follows:

**456A.19 Expenditures.**

1. All funds accruing to the fish and game protection fund, except an equitable portion of the administration fund, shall be expended solely in carrying on fish and wildlife activities. Expenditures incurred by the department in carrying on the activities shall be only on authorization by the general assembly.

a. The department shall by October 1 of each year submit to the department of management for transmission to the general assembly a detailed estimate of the amount required by the department during the succeeding year for carrying on fish and wildlife activities. The estimate shall be in the same general form and detail as required by law in estimates submitted by other state departments.

b. Any unexpended balance at the end of the biennium shall revert to the fish and game protection fund.

c. All administrative expense shall be paid from the administration fund.

d. All other expenditures shall be paid from the state conservation fund.

2. All expenditures under this chapter are subject to approval by the director of management and the director of the department of administrative services.

3. All moneys credited to the county conservation board fund shall be used to provide grants to county conservation boards to provide funding for the purposes of chapter 350. These grants are in addition to moneys appropriated to the conservation boards from the county boards of supervisors. The grants shall be made to the conservation boards based upon the needs of the boards. Applications shall be made by the boards to the commission.

Sec. 104. Section 459.202, subsection 1, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in subsection 3 and sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after May 31, 1995, but prior to January 1, 1999; and to the expansion of structures constructed prior to January 1, 1999.

b. The following table represents the minimum separation distance in feet required between a confinement feeding



operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, bona fide religious institution, or an educational institution:

Sec. 105. Section 459.202, subsection 2, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in subsection 3 and sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after January 1, 1999, but prior to March 1, 2003, and to the expansion of structures constructed on or after January 1, 1999, but prior to March 1, 2003.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, bona fide religious institution, or an educational institution:

Sec. 106. Section 459.202, subsection 3, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after May 31, 1995, but prior to March 1, 2003; to the expansion of structures constructed on or after May 31, 1995, but prior to March 1, 2003; and to the expansion of structures constructed prior to May 31, 1995.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a public use area; or between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, a commercial enterprise, a bona fide religious institution, or an educational institution, if the residence, commercial enterprise, religious institution, or educational institution is located within the corporate limits of a city:

Sec. 107. Section 459.202, subsection 4, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in subsection 5 and sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after March 1, 2003, and to the expansion of confinement feeding operation structures constructed on or after March 1, 2003.

b. The following table represents the minimum separation distance in feet required between a confinement feeding

operation structure and a residence not owned by the owner of the confinement feeding operation, a commercial enterprise, a bona fide religious institution, or an educational institution:

Sec. 108. Section 459.202, subsection 5, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

a. Except as provided in sections 459.203, 459.205, and 459.206, this subsection applies to confinement feeding operation structures constructed on or after March 1, 2003, and to the expansion of confinement feeding operation structures constructed on or after March 1, 2003.

b. The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a public use area; or between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, a commercial enterprise, a bona fide religious institution, or an educational institution, if the residence, commercial enterprise, religious institution, or educational institution is located within the corporate limits of a city:

Sec. 109. Section 459.401, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The compliance fund is composed of three accounts: the general account, the assessment account, and the educational program account.

Sec. 110. Section 468.202, Code 2013, is amended to read as follows:

**468.202 Agreement in advance.**

The agreement with the federal government contemplated in section 468.201 may be entered into by the board in advance of the filing of the ~~plan~~ plan, such agreement to be effective if the plan is finally adopted. If the plan is approved the board shall make a record of any such cooperative agreement.

Sec. 111. Section 468.309, Code 2013, is amended to read as follows:

**468.309 Appeal by trustees or boards.**

Trustees or boards of supervisors having charge of any previously organized district which is proposed to be included ~~(either in whole or in part)~~ within the new intercounty district may, in the same manner and under the same procedure, appeal to the district court from the action of the joint boards in establishing the new district or in including therein the previously organized district or any part thereof.

Sec. 112. Section 476.6, subsection 22, Code 2013, is

amended to read as follows:

22. Nuclear generating facilities — legislative intent.

a. It is the intent of the general assembly to require certain rate-regulated public utilities to undertake analyses of and preparations for the possible construction of nuclear generating facilities in this state that would be beneficial in a carbon-constrained environment.

b. A rate-regulated electric utility that was subject to a revenue sharing settlement agreement with regard to its electric base rates as of January 1, 2010, shall recover, through a rider and pursuant to a tariff filing made on or before December 31, 2013, the reasonable and prudent costs of its analyses of and preparations for the possible construction of facilities of the type referenced in paragraph "a". Cost recovery shall be accomplished by instituting a revenue increase applied in the same percentage amount to each customer class and not designed to recover, on an annual basis, more than five-tenths percent of the electric utility's calendar year 2009 revenues attributable to billed base rates in this state. At the conclusion of the cost recovery period, which shall extend no more than thirty-six months in total, the board shall conduct a contested case proceeding pursuant to chapter 17A to evaluate the reasonableness and prudence of the cost recovery. The utility shall file such information with the board as the board deems appropriate, including the filing of an annual report identifying and explaining expenditures identified in the rider as items for cost recovery, and any other information required by the board. If the board determines that the utility has imprudently incurred costs, or has incurred costs that are less than the amount recovered, the board shall order the utility to modify the rider to adjust the amount recoverable.

c. Costs that may be recovered through the rider described in paragraph "b" shall be consistent with the "United States Nuclear Regulatory Guide, Section 4.7, General Site Suitability Criteria for Nuclear Power Stations, Revision Two, April 1998," including costs related to the study and use of sites for nuclear generation.

Sec. 113. Section 476.53, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The general assembly's intent with regard to the development of electric power generating and transmission facilities, or the significant alteration of an existing

generating facility, as provided in subsection 1, shall be implemented in a manner that is cost-effective and compatible with the environmental policies of the state, as expressed in this Title XI.

Sec. 114. Section 489.110, subsection 3, paragraph h, Code 2013, is amended to read as follows:

*h.* Vary the requirement to wind up a limited liability company's business as specified in section 489.702, subsection 1, and section 489.702, subsection 2, paragraph "a".

Sec. 115. Section 489.110, subsection 4, paragraph a, Code 2013, is amended to read as follows:

*a.* Restrict or eliminate the duty to do any of the following:

(1) As required in section 489.409, subsection 2, paragraph "a", and section 489.409, subsection 8, to account to the limited liability company and to hold as trustee for it any property, profit, or benefit derived by the member in the conduct or winding up of the company's business, from a use by the member of the company's property, or from the appropriation of a limited liability company opportunity.

(2) As required in section 489.409, subsection 2, paragraph "b", and section 489.409, subsection 8, to refrain from dealing with the company in the conduct or winding up of the company's business as or on behalf of a party having an interest adverse to the company.

(3) As required by section 489.409, subsection 2, paragraph "c", and section 489.409 subsection 8, to refrain from competing with the company in the conduct of the company's business before the dissolution of the company.

Sec. 116. Section 490.850, subsection 6, Code 2013, is amended to read as follows:

6. *a.* "Official capacity" means:

~~a.~~ (1) When used with respect to a director, the office of director in a corporation.

~~b.~~ (2) When used with respect to an officer, as contemplated in section 490.856, the office in a corporation held by the officer.

*b.* "Official capacity" does not include service for any other domestic or foreign corporation or any partnership, joint venture, trust, employee benefit plan, or other entity.

Sec. 117. Section 493.9, Code 2013, is amended to read as follows:

493.9 Change in stock.

Any such corporation may, by appropriate amendments to its articles of incorporation, adopted by a two-third affirmative vote of each class of stock then issued and outstanding and affected by such amendment, change its common or preferred stock (~~common or preferred~~) having a par value to an equal, greater or less number of shares of stock having no par value, and, in connection therewith, may fix the amount of capital represented by such shares of stock without par value.

Sec. 118. Section 502.610, subsections 1, 2, and 6, Code 2013, are amended to read as follows:

1. *Sales and offers to sell.* Sections 502.301, 502.302, section 502.401, subsection 1, section 502.402, subsection 1, section 502.403, subsection 1, section 502.404, subsection 1, and sections 502.501, 502.506, 502.509, and 502.510 do not apply to a person that sells or offers to sell a security unless the offer to sell or the sale is made in this state or the offer to purchase or the purchase is made and accepted in this state.

2. *Purchases and offers to purchase.* ~~Sections~~ Section 502.401, subsection 1, section 502.402, subsection 1, section 502.403, subsection 1, section 502.404, subsection 1, and sections 502.501, 502.506, 502.509, and 502.510 do not apply to a person that purchases or offers to purchase a security unless the offer to purchase or the purchase is made in this state or the offer to sell or the sale is made and accepted in this state.

6. *Investment advice and misrepresentations.* ~~Sections~~ Section 502.403, subsection 1, section 502.404, subsection 1, section 502.405, subsection 1, and sections 502.502, 502.505, and 502.506 apply to a person if the person engages in an act, practice, or course of business instrumental in effecting prohibited or actionable conduct in this state, whether or not either party is then present in this state.

Sec. 119. Section 507A.7, subsection 2, Code 2013, is amended to read as follows:

2. The court in any action, suit, or proceeding in which service is made as provided in section 507A.6, subsections 2 and 3 ~~of section 507A.6~~, or the commissioner of insurance in any administrative proceeding before the commissioner in which service is made as provided in section 507A.6, subsections 2 and 3 ~~of section 507A.6~~, may in the court's or commissioner's discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the

provisions of subsection 1 of this section and to defend such action.

Sec. 120. Section 507C.28, subsection 1, paragraph b, subparagraph (4), Code 2013, is amended to read as follows:

(4) The creditor receiving the transfer was an officer, or an employee, attorney or other person who was in fact in a position of comparable influence in the insurer to an officer whether or not the person held the position of an officer, or a shareholder directly or indirectly holding more than five ~~per centum~~ percent of a class of an equity security issued by the insurer, or other person, firm, corporation, association, or aggregation of persons with whom the insurer did not deal at arm's length.

Sec. 121. Section 508.36, subsection 4, Code 2013, is amended to read as follows:

4. *Computation for minimum standards for annuities.*

a. Except as provided in subsection 5, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection, and for all annuities and pure endowments purchased on or after the operative date of this subsection under group annuity and pure endowment contracts, shall be the commissioner's reserve valuation methods defined in subsections 6 and 7, and the following tables and interest rates:

~~a.~~ (1) For individual annuity and pure endowment contracts issued prior to January 1, 1980, excluding any disability and accidental death benefits in such contracts, both of the following:

~~(1)~~ (a) The 1971 individual annuity mortality table, or any modification of this table approved by the commissioner.

~~(2)~~ (b) Six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts.

~~b.~~ (2) For individual single premium immediate annuity contracts issued on or after January 1, 1980, excluding any disability and accidental death benefits in such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 individual annuity mortality table.

~~(b)~~ (ii) An individual annuity mortality table, adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for

such contracts.

~~(e)~~ (iii) A modification of the tables identified in subparagraph ~~divisions~~ (a) subdivisions (i) and ~~(b)~~ (ii) approved by the commissioner.

~~(2)~~ (b) Seven and one-half percent interest.

~~e.~~ (3) For individual annuity and pure endowment contracts issued on or after January 1, 1980, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 individual annuity mortality table.

~~(b)~~ (ii) An individual annuity mortality table adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for such contracts.

~~(e)~~ (iii) A modification of the tables identified in subparagraph ~~divisions~~ (a) subdivisions (i) and ~~(b)~~ (ii) approved by the commissioner.

~~(2)~~ (b) Five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts.

~~d.~~ (4) For all annuities and pure endowments purchased prior to January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, both of the following:

~~(1)~~ (a) The 1971 group annuity mortality table or any modification of this table approved by the commissioner.

~~(2)~~ (b) Six percent interest.

~~e.~~ (5) For all annuities and pure endowments purchased on or after January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, both of the following:

~~(1)~~ (a) One of the following tables:

~~(a)~~ (i) The 1971 group annuity mortality table.

~~(b)~~ (ii) A group annuity mortality table adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum standard of valuation for such

annuities and pure endowments.

~~(e)~~ (iii) A modification of the tables identified in subparagraph ~~divisions (a)~~ subdivisions (i) and ~~(b)~~ (ii) approved by the commissioner.

~~(2)~~ (b) Seven and one-half percent interest.

b. After July 1, 1973, a company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1979, which shall be the operative date of this section for such company, provided, if a company makes no election, the effective date of this section for a company is January 1, 1979.

Sec. 122. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (a), Code 2013, is amended to read as follows:

(a) (i) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

(ii) For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy.

Sec. 123. Section 508.36, subsection 6, paragraph b, Code 2013, is amended to read as follows:

b. (1) However, for a life insurance policy issued on or after January 1, 1998, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such additional premium and which provides an endowment benefit or a cash surrender value or a combination of such benefit or value in an amount greater than the additional premium, the reserve according to the commissioner's reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such additional premium shall be, except as otherwise provided in subsection 10, the greater of the reserve as of such policy anniversary calculated as described in paragraph "a" and the



reserve as of such policy anniversary calculated as described in paragraph "a", but with the following modifications:

~~(1)~~ (a) The value defined in paragraph "a" being reduced by fifteen percent of the amount of such excess first year premium.

~~(2)~~ (b) All present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date.

~~(3)~~ (c) The policy being assumed to mature on such date as an endowment.

~~(4)~~ (d) The cash surrender value provided on such date being considered as an endowment benefit.

(2) In making the above comparison the mortality and interest bases stated in subsections 4 and 5 shall be used.

Sec. 124. Section 510.5, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Appropriate underwriting guidelines including but not limited to the following:

- (1) The maximum annual premium volume.
- (2) The basis of the rates to be charged.
- (3) The types of risks which may be written.
- (4) Maximum limits of liability.
- (5) Applicable exclusions.
- (6) Territorial limitations.
- (7) Policy cancellation provisions.
- (8) The maximum length or duration of the policy period.

f. The insurer may cancel or refuse to renew any policy of insurance produced or underwritten by a managing general agent, subject to the applicable laws and rules concerning the cancellation and nonrenewal of insurance policies.

Sec. 125. Section 511.8, subsection 22, paragraph a, subparagraph (4), Code 2013, is amended to read as follows:

(4) "*United States government-sponsored enterprise*" means the federal national mortgage corporation under 12 U.S.C. § 1716 - ~~23~~ 1723i of the National Housing Act and the federal home loan marketing association under the Federal Home Loan Mortgage Act, 12 U.S.C. § 1451 - ~~59~~ 1459.

Sec. 126. Section 515.13, Code 2013, is amended to read as follows:

**515.13 Reservation.**

None of the provisions of ~~subsection 5 of~~ section 515.12, subsection 5, shall apply to any company heretofore organized and approved by the commissioner of insurance, but which had

not completed its organization on May 28, 1937, nor shall ~~said~~ section 515.12, subsection 5, apply to any company already licensed to issue policies.

Sec. 127. Section 518C.7, subsection 4, Code 2013, is amended to read as follows:

4. The plan of operation may delegate any or all duties and powers of the association, except those under section 518C.6, subsection 1, paragraph "c", and section 518C.6, subsection 2, paragraph "c", to a person with the approval of both the board of directors and the commissioner. Such delegation shall only be made to a person extending protection which is not substantially less favorable and effective than that provided by this chapter. Such person shall be reimbursed as a servicing facility and shall be paid for the performance of any other functions of the association.

Sec. 128. Section 524.544, subsection 3, Code 2013, is amended to read as follows:

3. The reports required by subsections 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. 129. Section 524.904, subsection 5, paragraph b, subparagraphs (2) through (4), Code 2013, are amended to read as follows:

(2) One or more persons ~~owns own~~ or ~~controls control~~ owns own or controls control fifty percent or more of the voting securities or membership interests of the borrowing entity or a member of the group.

(3) One or more persons ~~controls control~~, in any manner, the election of a majority of the directors, managers, trustees, or other persons exercising similar functions of the borrowing entity or a member of the group.

(4) One or more persons ~~has have~~ has have the power to vote fifty percent or more of any class of voting securities or membership interests of the borrowing entity or a member of the group.

Sec. 130. Section 524.904, subsection 7, paragraph g, Code 2013, is amended to read as follows:

g. Loans and extensions of credit to a federal reserve bank or to the United States, or of any department, bureau, board, commission, agency, or establishment of the United

States, or to any corporation owned directly or indirectly by the United States, or loans and extensions of credit to one borrower to the extent that such loans and extensions of credit are fully secured or guaranteed or covered by unconditional commitments or agreements to purchase by a federal reserve bank or by the United States, or any department, bureau, board, commission, agency, or establishment of the United States, or any corporation owned directly or indirectly by the United States. Loans and extensions of credit to one borrower secured by a lease on property under the terms of which the United States, or any department, bureau, board, commission, agency, or establishment of the United States, or any corporation owned directly or indirectly by the United States, or the state of Iowa, or any political subdivision of the state, is lessee and under the terms of which the aggregate rentals payable to the borrower will be sufficient to satisfy the amount loaned ~~is~~ are considered to be loans and extensions of credit secured or guaranteed as provided for in this paragraph.

Sec. 131. Section 524.1411, subsection 5, Code 2013, is amended to read as follows:

5. The provisions required in the articles of incorporation by section 524.302, subsection 1, paragraphs "c" and "d", and section 524.302, subsection 2, paragraph "b".

Sec. 132. Section 535B.1, subsection 11, Code 2013, is amended to read as follows:

11. "Real estate closing services" means the administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate located in this state to a purchaser or lender. "Real estate closing services" ~~include~~ includes but are is not limited to preparing settlement statements, determining that all closing documents conform to the parties' contract requirements, ascertaining that the lender's instructions have been satisfied, conducting a closing conference, receiving and disbursing funds, and completing form documents and instruments selected by and in accordance with instructions of the parties to the transaction. "Real estate closing services" ~~do~~ does not include performing solely notarial acts as provided in chapter 9B.

Sec. 133. Section 536.13, subsection 7, paragraph c, Code 2013, is amended to read as follows:

c. ~~Article Chapter 537, article 2, parts 3, 5, and 6 of chapter 537, and chapter 537, article 3 of chapter 537, and sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305,~~

and 537.3306, apply to any credit transaction, as defined in section 537.1301, in which a licensee participates or engages, and any violation of those parts or sections is a violation of this chapter. For the purpose of applying the Iowa consumer credit code, chapter 537, to those credit transactions, "consumer loan" includes a loan for a business purpose.

Sec. 134. Section 536A.31, subsection 2, Code 2013, is amended to read as follows:

2. ~~Article Chapter 537, article 2, parts 3, 5, and 6, and chapter 537, article 3, and sections 537.3203, 537.3206, 537.3209, 537.3210, 537.3304, 537.3305 and 537.3306 shall apply to any credit transaction, as defined in section 537.1301, in which a licensee participates or engages, and any violation of those parts or sections shall be violations of this chapter. For the purpose of applying the provisions of the Iowa consumer credit code, chapter 537, to those credit transactions, "consumer loan" shall include a loan for a business purpose.~~

Sec. 135. Section 542B.35, subsection 2, paragraph c, Code 2013, is amended to read as follows:

~~e.~~ 3. A person who completes the real property inspection report shall not claim to be a licensed professional land surveyor or a licensed professional engineer for purposes of the report.

Sec. 136. Section 543B.5, subsection 15, Code 2013, is amended to read as follows:

15. a. "Material adverse fact" means an adverse fact that a party indicates is of such significance, or that is generally recognized by a competent licensee as being of such significance to a reasonable party, that it affects or would affect the party's decision to enter into a contract or agreement concerning a transaction, or affects or would affect the party's decision about the terms of the contract or agreement.

b. For purposes of this subsection, "adverse fact" means a condition or occurrence that is generally recognized by a competent licensee as resulting in any of the following:

~~a.~~ (1) Significantly and adversely affecting the value of the property.

~~b.~~ (2) Significantly reducing the structural integrity of improvement to real estate.

~~c.~~ (3) Presenting a significant health risk to occupants of the property.

Sec. 137. Section 543B.29, subsection 3, Code 2013, is

amended to read as follows:

3. A real estate broker or salesperson who is an owner or lessor of property or an employee of an owner or lessor may have the broker's or salesperson's license revoked or suspended for violations of this section or section 543B.34, except section 543B.34, subsection 1, paragraphs "d", "e", "f", and "i", with respect to that property.

Sec. 138. Section 543B.46, subsection 1, Code 2013, is amended to read as follows:

1. Each real estate broker shall maintain a common trust account in a bank, a savings association, or credit union for the deposit of all down payments, earnest money deposits, or other trust funds received by the broker or the broker's salespersons on behalf of the broker's principal, except that a broker acting as a salesperson shall deposit these funds in the common trust account of the broker for whom the broker acts as salesperson. The account shall be an interest-bearing account. The interest on the account shall be transferred quarterly to the treasurer of state and transferred to the Iowa finance authority for deposit in the housing trust fund established in section 16.181 unless there is a written agreement between the buyer and seller to the contrary. The broker shall not benefit from interest received on funds of others in the broker's possession.

Sec. 139. Section 551.10, Code 2013, is amended to read as follows:

**551.10 Cumulative remedies.**

Nothing in this chapter shall be construed as repealing any other Act, or part of an Act, but the remedies herein provided shall be cumulative to all other remedies provided by law.

Sec. 140. Section 554.2311, subsection 2, Code 2013, is amended to read as follows:

2. Unless otherwise agreed specifications relating to assortment of the goods are at the buyer's option and except as otherwise provided in ~~subsections~~ section 554.2319, subsection 1, paragraph "c" and section 554.2319, subsection 3 ~~of section 554.2319~~ specifications or arrangements relating to shipment are at the seller's option.

Sec. 141. Section 554.2319, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. when under either paragraph "a" or "b" the term is also F.O.B. vessel, car or other vehicle, the seller must in addition at the seller's own expense and risk load the goods

on board. If the term is F.O.B. vessel the buyer must name the vessel and in an appropriate case the seller must comply with the provisions of this Article on the form of bill of lading (section 554.2323).

Sec. 142. Section 554.2319, subsection 3, Code 2013, is amended to read as follows:

3. Unless otherwise agreed in any case falling within subsection 1, paragraph "a" or "c" or subsection 2 the buyer must seasonably give any needed instructions for making delivery, including when the term is F.A.S. or F.O.B. the loading berth of the vessel and in an appropriate case its name and sailing date. The seller may treat the failure of needed instructions as a failure of cooperation under this Article (section 554.2311). The seller may also at the seller's option move the goods in any reasonable manner preparatory to delivery or shipment.

Sec. 143. Section 554.3202, subsection 1, Code 2013, is amended to read as follows:

1. Negotiation is effective even if obtained ~~(i)~~ from an infant, a corporation exceeding its powers, or a person without capacity, ~~(ii)~~; by fraud, duress, or mistake, ~~(iii)~~ in breach of duty or as part of an illegal transaction.

Sec. 144. Section 554.3305, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. a defense of the obligor based on ~~(i)~~ infancy of the obligor to the extent it is a defense to a simple contract, ~~(ii)~~; duress, lack of legal capacity, or illegality of the transaction which, under other law, nullifies the obligation of the obligor, ~~(iii)~~; fraud that induced the obligor to sign the instrument with neither knowledge nor reasonable opportunity to learn of its character or its essential terms, ~~(iv)~~ discharge of the obligor in insolvency proceedings;

Sec. 145. Section 554.3311, subsections 1 and 3, Code 2013, are amended to read as follows:

1. If a person against whom a claim is asserted proves that ~~(i)~~ that person in good faith tendered an instrument to the claimant as full satisfaction of the claim, ~~(ii)~~ the amount of the claim was unliquidated or subject to a bona fide dispute, and ~~(iii)~~ the claimant obtained payment of the instrument, the following subsections apply.

3. Subject to subsection 4, a claim is not discharged under subsection 2 if either of the following applies:

a. The claimant, if an organization, proves that ~~(i)~~:

(1) within a reasonable time before the tender, the claimant sent a conspicuous statement to the person against whom the claim is asserted that communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to a designated person, office, or place; and (ii)

(2) the instrument or accompanying communication was not received by that designated person, office, or place.

b. The claimant, whether or not an organization, proves that within ninety days after payment of the instrument, the claimant tendered repayment of the amount of the instrument to the person against whom the claim is asserted. This paragraph does not apply if the claimant is an organization that sent a statement complying with paragraph "a", part (i) subparagraph (1).

Sec. 146. Section 554.3312, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. "Declaration of loss" means a written statement, made under penalty of perjury, to the effect that (i) the declarer lost possession of a check; (ii) the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check; (iii) the loss of possession was not the result of a transfer by the declarer or a lawful seizure; and (iv) the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

Sec. 147. Section 554.3405, subsection 1, paragraphs b and c, Code 2013, are amended to read as follows:

b. "Fraudulent endorsement" means (i) one of the following:

(1) in the case of an instrument payable to the employer, a forged endorsement purporting to be that of the employer; or (ii)

(2) in the case of an instrument with respect to which the employer is the issuer, a forged endorsement purporting to be that of the person identified as payee.

c. "Responsibility" with respect to instruments means authority (i) to sign or endorse instruments on behalf of the employer; (ii) to process instruments received by the employer for bookkeeping purposes, for deposit to an account, or for other disposition; (iii) to prepare or process instruments for

issue in the name of the employer, ~~(iv)~~; to supply information determining the names or addresses of payees of instruments to be issued in the name of the employer, ~~(v)~~; to control the disposition of instruments to be issued in the name of the employer, ~~(vi)~~; or ~~(vi)~~ to act otherwise with respect to instruments in a responsible capacity. "Responsibility" does not include authority that merely allows an employee to have access to instruments or blank or incomplete instrument forms that are being stored or transported or are part of incoming or outgoing mail, or similar access.

Sec. 148. Section 554.3501, subsection 1, Code 2013, is amended to read as follows:

1. "Presentment" means a demand made by or on behalf of a person entitled to enforce an instrument ~~(i)~~:

a. to pay the instrument made to the drawee or a party obliged to pay the instrument or, in the case of a note or accepted draft payable at a bank, to the bank, ~~(ii)~~ or ~~(ii)~~

b. to accept a draft made to the drawee.

Sec. 149. Section 554.3501, subsection 2, paragraphs b and c, Code 2013, are amended to read as follows:

b. Upon demand of the person to whom presentment is made, the person making presentment must ~~(i)~~ exhibit the instrument, ~~(ii)~~; give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so, ~~(iii)~~; and ~~(iii)~~ sign a receipt on the instrument for any payment made or surrender the instrument if full payment is made.

c. Without dishonoring the instrument, the party to whom presentment is made may ~~(i)~~ return the instrument for lack of a necessary endorsement, or ~~(ii)~~ refuse payment or acceptance for failure of the presentment to comply with the terms of the instrument, an agreement of the parties, or other applicable law or rule.

Sec. 150. Section 554.3604, subsection 1, Code 2013, is amended to read as follows:

1. A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument ~~(i)~~ by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, ~~(ii)~~ or ~~(ii)~~ by agreeing not to sue or otherwise renouncing rights against the party by



a signed writing.

Sec. 151. Section 554.3605, subsections 5, 7, and 9, Code 2013, are amended to read as follows:

5. If the obligation of a party to pay an instrument is secured by an interest in collateral and a person entitled to enforce the instrument impairs the value of the interest in collateral, the obligation of an endorser or accommodation party having a right of recourse against the obligor is discharged to the extent of the impairment. The value of an interest in collateral is impaired to the extent ~~(i)~~ the value of the interest is reduced to an amount less than the amount of the right of recourse of the party asserting discharge, or ~~(ii)~~ the reduction in value of the interest causes an increase in the amount by which the amount of the right of recourse exceeds the value of the interest. The burden of proving impairment is on the party asserting discharge.

7. Under subsection 5 or 6, impairing value of an interest in collateral includes ~~(i)~~ failure to obtain or maintain perfection or recordation of the interest in collateral, ~~(ii)~~; release of collateral without substitution of collateral of equal value, ~~(iii)~~; failure to perform a duty to preserve the value of collateral owed, under Article 9 or other law, to a debtor or surety or other person secondarily liable, ~~(iv)~~; or ~~(v)~~ failure to comply with applicable law in disposing of collateral.

9. A party is not discharged under this section if ~~(i)~~ the party asserting discharge consents to the event or conduct that is the basis of the discharge, or ~~(ii)~~ the instrument or a separate agreement of the party provides for waiver of discharge under this section either specifically or by general language indicating that parties waive defenses based on suretyship or impairment of collateral.

Sec. 152. Section 554.9102, subsection 1, paragraphs b, k, z, ar, au, be, and bg, Code 2013, are amended to read as follows:

b. "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, ~~(i)~~ for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, ~~(ii)~~; for services rendered or to be rendered, ~~(iii)~~; for a policy of insurance issued or to be issued, ~~(iv)~~; for a secondary obligation incurred or to be incurred, ~~(v)~~; for energy provided or to be provided, ~~(vi)~~; for the use or hire of a vessel under

a charter or other contract~~, (vii);~~ arising out of the use of a credit or charge card or information contained on or for use with the card~~;~~ or ~~(viii)~~ as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health care insurance receivables. The term does not include ~~(i)~~ rights to payment evidenced by chattel paper or an instrument, ~~(ii)~~ commercial tort claims, ~~(iii)~~ deposit accounts, ~~(iv)~~ investment property, ~~(v)~~ letter-of-credit rights or letters of credit, or ~~(vi)~~ rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

*k. "Chattel paper"* means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "*monetary obligation*" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include ~~(i)~~ charters or other contracts involving the use or hire of a vessel or ~~(ii)~~ records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

*z. "Consumer transaction"* means a transaction in which ~~(i)~~ an individual incurs an obligation primarily for personal, family, or household purposes~~, (ii);~~ a security interest secures the obligation~~;~~ and ~~(iii)~~ the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

*ar. "Goods"* means all things that are movable when a security interest attaches. The term includes ~~(i)~~ fixtures~~, (ii);~~ standing timber that is to be cut and removed under a conveyance or contract for sale~~, (iii);~~ the unborn young of animals~~, (iv);~~ crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes~~;~~ and ~~(v)~~

manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if ~~(i)~~ the program is associated with the goods in such a manner that it customarily is considered part of the goods, or ~~(ii)~~ by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

*au.* "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include ~~(i)~~ investment property, ~~(ii)~~ letters of credit, or ~~(iii)~~ writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

*be.* "New value" means ~~(i)~~ money, ~~(ii)~~ money's worth in property, services, or new credit, ~~(iii)~~ or ~~(iii)~~ release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

*bg.* "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, ~~(i)~~ owes payment or other performance of the obligation, ~~(ii)~~ has provided property other than the collateral to secure payment or other performance of the obligation, or ~~(iii)~~ is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

Sec. 153. Section 554.12507, subsection 3, Code 2013, is amended to read as follows:

3. a. A funds-transfer system rule may select the law of a particular jurisdiction to govern ~~(i)~~:

(1) the rights and obligations between participating banks with respect to payment orders transmitted or processed through

the system, or ~~(ii)~~

(2) the rights and obligations of some or all parties to a funds transfer any part of which is carried out by means of the system.

b. A choice of law made pursuant to ~~clause (i)~~ paragraph "a", subparagraph (1), is binding on participating banks. A choice of law made pursuant to ~~clause (ii)~~ paragraph "a", subparagraph (2), is binding on the originator, other sender, or a receiving bank having notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system when the originator, other sender, or receiving bank issued or accepted a payment order. The beneficiary of a funds transfer is bound by the choice of law if, when the funds transfer is initiated, the beneficiary has notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system. The law of a jurisdiction selected pursuant to this subsection may govern, whether or not that law bears a reasonable relation to the matter in issue.

Sec. 154. Section 554.13103, subsection 1, paragraph g, subparagraph (3), subparagraph division (d), Code 2013, is amended to read as follows:

(d) if the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing ~~(i)~~ of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person ~~(ii)~~; that the lessee is entitled under this Article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods ~~(i)~~; and ~~(iii)~~ that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

Sec. 155. Section 554.13209, subsection 2, Code 2013, is amended to read as follows:

2. The extension of the benefit of a supplier's promises and of warranties to the lessee under subsection 1 does not: ~~(i)~~

a. modify the rights and obligations of the parties to the supply contract, whether arising therefrom or otherwise, or

~~(ii)~~

b. impose any duty or liability under the supply contract on the lessee.

Sec. 156. Section 554.13527, subsection 2, Code 2013, is amended to read as follows:

2. Except as otherwise provided with respect to damages liquidated in the lease agreement (section 554.13504) or otherwise determined pursuant to agreement of the parties (sections 554.1302 and 554.13503), if the disposition is by lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessor may recover from the lessee as damages ~~(i)~~ accrued and unpaid rent as of the date of the commencement of the term of the new lease agreement, ~~(ii)~~; the present value, as of the same date, of the total rent for the remaining lease term of the original lease agreement minus the present value, as of the same date, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement; and ~~(iii)~~ any incidental damages allowed under section 554.13530, less expenses saved in consequence of the lessee's default.

Sec. 157. Section 554.13528, subsection 1, Code 2013, is amended to read as follows:

1. Except as otherwise provided with respect to damages liquidated in the lease agreement (section 554.13504) or otherwise determined pursuant to agreement of the parties (sections 554.1302 and 554.13503), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under section 554.13527, subsection 2, or is by sale or otherwise, the lessor may recover from the lessee as damages for a default of the type described in section 554.13523, subsection 1, or section 554.13523, subsection 3, paragraph "a", or, if agreed, for other default of the lessee, ~~(i)~~

a. accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor, ~~(ii)~~

b. the present value as of the date determined under ~~clause~~ ~~(i)~~ paragraph "a" of the total rent for the then remaining lease

term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods are located computed for the same lease term, and ~~(iii)~~

c. any incidental damages allowed under section 554.13530, less expenses saved in consequence of the lessee's default.

Sec. 158. Section 554D.104, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Chapter 554 other than chapter 554, articles 2 and 13, and section 554.1306.

Sec. 159. Section 559.2, Code 2013, is amended to read as follows:

**559.2 Definition — scope of power.**

The term "*power to appoint*" as used in section 559.1, shall mean and include all powers which are in substance and effect powers of appointment, regardless of the language used in creating them and whether they are ~~(1) general~~:

1. General, special or otherwise, ~~(2) vested~~.
2. Vested, contingent or conditional, ~~(3) in~~.
3. In gross, appendant, simply collateral, in trust or in the nature of a trust or otherwise, ~~(4) exercisable~~.
4. Exercisable by an instrument amending, revoking, altering, or terminating a trust or an estate, or an interest thereunder or otherwise, ~~(5) exercisable~~.
5. Exercisable presently or in the future, ~~(6) exercisable~~.
6. Exercisable in an individual or a fiduciary capacity whether alone or in conjunction with one or more other persons or corporations, ~~(7) powers~~.
7. Powers to invade or consume property, ~~or (8) powers~~.
8. Powers remaining after one or more partial releases have heretofore or hereafter been made with respect to a power to appoint.

Sec. 160. Section 559.6, Code 2013, is amended to read as follows:

**559.6 Delivery.**

A release or disclaimer may be delivered to any of the following: ~~(1)~~

1. Any person who could be adversely affected by the exercise of the power, ~~or (2) any~~.
2. Any trustee of the property to which the power relates, ~~or (3) any~~.
3. Any person specified for such purpose in the instrument creating the power, ~~or (4) the~~.
4. The county recorder as provided in section 559.1.

Sec. 161. Section 600A.4, subsection 2, paragraph f, Code 2013, is amended to read as follows:

*f.* Shall be accompanied by a report which includes, to the extent available, the complete family medical and social history of the person to be adopted including any known genetic, metabolic, or familial disorders and the complete medical and developmental history of the person to be adopted, and a social history of the minor child and the minor child's family but which does not disclose the identity of the biological parents of the person to be adopted. The social history may include but is not limited to the minor child's racial, ethnic, and religious background and a general description of the minor child's biological parents and an account of the minor child's prior and existing relationship with any relative, foster parent, or other individual with whom the minor child regularly lives or whom the child regularly visits.

(1) A biological parent may also provide ongoing information to the adoptive parents, as additional medical or social history information becomes known, by providing information to the clerk of court, the department of human services, or the agency which made the placement, and may provide the current address of the biological parent. The clerk of court, the department of human services, or the agency which made the placement shall transmit the information to the adoptive parents if the address of the adoptive parents is known.

(2) A person who furnishes a report required under this paragraph "*f*" and the court shall not disclose any information upon which the report is based except as otherwise provided in this section and such a person is subject to the penalties provided in section 600.16, as applicable. A person who is the subject of any report may bring a civil action against a person who discloses the information in violation of this section.

(3) Information provided under this paragraph "*f*" shall not be used as evidence in any civil or criminal proceeding against a person who is the subject of the information.

(4) The department shall prescribe forms designed to obtain the family medical and social history and shall provide the forms at no charge to any agency or person who executes a release of custody of the minor child or who files a petition for termination of parental rights. The existence of this report does not limit a person's ability to petition the court

for release of records in accordance with other provisions of law.

Sec. 162. Section 631.8, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. As to parties who have appeared or are existing parties, either ~~(1)~~ order the small claim to be heard under this chapter and the other claim to be tried by regular procedure or ~~(2)~~ order both claims to be tried by regular procedure.

Sec. 163. Section 633.224, Code 2013, is amended to read as follows:

**633.224 Advancements — in general.**

When the owner of property transfers it as an advancement to a person who would be an heir of such transferor were the latter to die at that time, and the transferor dies intestate, then the property thus advanced shall be counted toward the share of the transferee in the estate, ~~(which for this purpose only shall be increased by the value of the advancement at the time the advancement was made)~~. The transferee shall have no liability to the estate for such part, if any, of the advancement as may be in excess of the transferee's share in the estate as thus determined. Every gratuitous inter vivos transfer is presumed to be an absolute gift, and not an advancement. Such presumption is rebuttable.

Sec. 164. Section 633.352, Code 2013, is amended to read as follows:

**633.352 Collection of rents and payment of taxes and charges.**

Unless otherwise provided by the will, the provisions of chapter 637 that conflict with this division VII, part 3, shall not apply to the allocation and distribution of estate income.

Sec. 165. Section 648.3, subsection 1, Code 2013, is amended to read as follows:

1. Before action can be brought under any ground specified in section 648.1, except section 648.1, subsection 1, three days' notice to quit must be given to the defendant in writing. However, a landlord who has given a tenant three days' notice to pay rent and has terminated the tenancy as provided in section 562A.27, subsection 2, or section 562B.25, subsection 2, if the tenant is renting the manufactured or mobile home or the land from the landlord, may commence the action without giving a three-day notice to quit.

Sec. 166. Section 724.10, subsection 2, Code 2013, is amended to read as follows:

2. The issuing officer, upon receipt of an initial or



renewal application under this section, shall immediately conduct a background check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency.

Sec. 167. Section 724.17, Code 2013, is amended to read as follows:

**724.17 Application for annual permit to acquire — criminal history check required.**

The application for an annual permit to acquire pistols or revolvers may be made to the sheriff of the county of the applicant's residence and shall be on a form prescribed and published by the commissioner of public safety. The application shall require only the full name of the applicant, the driver's license or nonoperator's identification card number of the applicant, the residence of the applicant, and the date and place of birth of the applicant. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and brief description and colored photograph of the cardholder, or other identification as specified by rule of the department of public safety. The sheriff shall conduct a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency. A person who makes what the person knows to be a false statement of material fact on an application submitted under this section or who submits what the person knows to be any materially falsified or forged documentation in connection with such an application commits a class "D" felony.

Sec. 168. Section 805.6, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. (1) The uniform citation and complaint shall contain spaces for the following:

- (a) The parties' names; ~~the.~~
- (b) The address of the alleged offender; ~~the.~~
- (c) The registration number of the offender's vehicle; ~~the.~~
- (d) The information required by section 805.2; ~~a.~~
- (e) A warning which states:

I hereby swear and affirm that the information provided by

me on this citation is true under penalty of providing false information"; and a information.

(f) A statement that providing false identification information is a violation of section 719.1A; ~~a.~~

(g) A list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded; ~~a.~~

(h) A brief explanation of sections 805.9 and 805.10; ~~and a.~~

(i) A space where the defendant may sign an admission of the violation when permitted by section 805.9; ~~and the.~~

(2) The uniform citation and complaint shall require that the defendant appear before a court at a specified time and place.

(3) The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 169. Section 805.8B, subsection 2, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) For operating violations under section 321G.13, subsection 1, paragraphs "a", "b", "e", "f", "g", "h", and "i", and section 321G.13, subsections 2 and 3, the scheduled fine is one hundred dollars.

Sec. 170. Section 805.8B, subsection 2A, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) For operating violations under section 321I.14, subsection 1, paragraphs "a", "e", "f", "g", and "h", and section 321I.14, subsections 2, 3, 4, and 5, the scheduled fine is one hundred dollars.

Sec. 171. Section 809A.3, Code 2013, is amended to read as follows:

**809A.3 Conduct giving rise to forfeiture.**

1. The following conduct may give rise to forfeiture:

~~1-~~ a. An act or omission which is a public offense and which is a serious or aggravated misdemeanor or felony.

~~2-~~ b. An act or omission occurring outside of this state, that would be punishable by confinement of one year or more in the place of occurrence and would be a serious or aggravated misdemeanor or felony if the act or omission occurred in this state.

~~3.~~ c. An act or omission committed in furtherance of any act or omission described in ~~subsection 1~~ paragraph "a", which is a serious or aggravated misdemeanor or felony, including any inchoate or preparatory offense.

~~4.~~ 2. Notwithstanding ~~subsections~~ subsection 1 through ~~3~~, violations of chapter 321 or 321J shall not be considered conduct giving rise to forfeiture, except for violations of the following:

a. Section 321.232.

b. A second or subsequent violation of section 321J.4B, subsection 2, paragraph "a", subparagraph (2).

c. Section 321J.4B, subsection 9.

Sec. 172. Section 904.312, Code 2013, is amended to read as follows:

**904.312 Purchase of supplies.**

1. The director shall adopt rules governing the purchase of all articles and supplies needed at the various institutions and the form and verification of vouchers for the purchases. When purchases are made by sample, the sample shall be properly marked and retained until after an award or delivery of the items is made. The director may purchase supplies from any institution under the director's control, for use in any other institution, and reasonable reimbursement shall be made for these purchases.

2. The director shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Sec. 173. Section 915.82, subsection 1, Code 2013, is amended to read as follows:

1. a. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:

~~a.~~ (1) A county attorney or assistant county attorney.

~~b.~~ (2) Two persons engaged full-time in law enforcement.

~~c.~~ (3) A public defender or an attorney practicing primarily in criminal defense.

~~d.~~ (4) A hospital medical staff person involved with

emergency services.

~~e.~~ (5) Two public members who have received victim services.

~~f.~~ (6) A victim service provider.

~~g.~~ (7) A person licensed pursuant to chapter 154B or 154C.

~~h.~~ (8) A person representing the elderly.

b. Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

DIVISION II

VOLUME VI RENUMBERING

Sec. 174. Section 556.2, subsection 5, Code 2013, is amended to read as follows:

5. a. A banking organization or financial organization shall send to the owner of each account, to which none of the actions specified in subsection 2, paragraphs "a" through "e" ~~of subsection 1 or subsection 2, paragraphs "a" through "e" of subsection 2~~ have occurred during the preceding three calendar years, a notice by certified mail stating in substance the following:

According to our records, we have had no contact with you regarding (describe account) for more than three years. Under Iowa law, if there is a period of three years without contact, we may be required to transfer this account to the custody of the treasurer of state of Iowa as unclaimed property. You may prevent this by taking some action, such as a deposit or withdrawal, which indicates your interest in this account or by signing this form and returning it to us.

I desire to keep the above account open and active.

.....

Your signature

b. The notice required under this section shall be mailed within thirty days of the lapse of the three-year period in which there is no activity. The cost of the certified mail of the notice required in this section may be deducted from the account by the banking or financial organization.

Sec. 175. Section 557B.3, subsection 2, unnumbered paragraphs 2, 3, 4, and 5, Code 2013, are amended to read as follows:

3. The application shall be signed by the membership camping operator or an officer or a general partner of the membership camping operator, or by another person holding a power of attorney for this purpose from the membership camping operator. If the application is signed pursuant to a power of attorney,

a copy of the power of attorney must be included with the application.

4. An application for registration shall be amended within twenty-five days of any material change in the information included in the application. A material change includes any change which significantly reduces or terminates either the applicant's or the purchaser's right to use the campground or any of the facilities described in the membership camping contract, but does not include minor changes covering the use of the campground, its facilities, or the reciprocal program.

5. The registration of the membership camping operator must be renewed annually by filing an application for renewal with the required fee not later than thirty days prior to the anniversary of the current registration. The application shall include all changes which have occurred in the information included in the application previously filed.

6. Registration with the attorney general does not constitute approval or endorsement by the attorney general of the membership camping operator, the membership camping contract, or the campground, and any attempt by the membership camping operator to indicate that registration constitutes such approval or endorsement is unlawful.

Sec. 176. Section 557B.8, Code 2013, is amended to read as follows:

**557B.8 Disclosures to purchasers.**

1. A membership camping operator who is subject to the registration requirements of section 557B.3 shall provide a disclosure statement to a purchaser or prospective purchaser before the person signs a membership camping contract or gives any money or thing of value for the purchase of a membership camping contract.

~~1.~~ 2. The front cover or first page of the disclosure statement shall contain only the following, in the order stated:

*a.* "MEMBERSHIP CAMPING OPERATOR'S DISCLOSURE STATEMENT" printed at the top in boldface type of a minimum size of ten points.

*b.* The name and principal business address of the membership camping operator and any material affiliate of the membership camping operator.

*c.* A statement that the membership camping operator is in the business of offering for sale membership camping contracts.

*d.* A statement, printed in boldface type of a minimum size

of ten points, which reads as follows:

THIS DISCLOSURE STATEMENT CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN THE EXECUTION OF A MEMBERSHIP CAMPING CONTRACT. THE MEMBERSHIP CAMPING OPERATOR IS REQUIRED BY LAW TO DELIVER TO YOU A COPY OF THIS DISCLOSURE STATEMENT BEFORE YOU EXECUTE A MEMBERSHIP CAMPING CONTRACT. THE STATEMENTS CONTAINED IN THIS DOCUMENT ARE ONLY SUMMARY IN NATURE. YOU AS A PROSPECTIVE PURCHASER SHOULD REVIEW ALL REFERENCES, EXHIBITS, CONTRACT DOCUMENTS, AND SALES MATERIALS. YOU SHOULD NOT RELY UPON ANY ORAL REPRESENTATIONS AS BEING CORRECT. REFER TO THIS DOCUMENT AND TO THE ACCOMPANYING EXHIBITS FOR CORRECT REPRESENTATIONS. THE MEMBERSHIP CAMPING OPERATOR IS PROHIBITED FROM MAKING ANY REPRESENTATIONS WHICH CONFLICT WITH THOSE CONTAINED IN THE CONTRACT AND THIS DISCLOSURE STATEMENT.

*e.* A statement, printed in boldface type of a minimum size of ten points, which reads as follows:

IF YOU EXECUTE A MEMBERSHIP CAMPING CONTRACT, YOU HAVE THE UNQUALIFIED RIGHT TO CANCEL THE CONTRACT. THIS RIGHT OF CANCELLATION CANNOT BE WAIVED. THE RIGHT TO CANCEL EXPIRES AT MIDNIGHT ON THE THIRD BUSINESS DAY FOLLOWING THE DATE ON WHICH THE CONTRACT WAS EXECUTED OR THE DATE OF RECEIPT OF THIS DISCLOSURE STATEMENT, WHICHEVER EVENT OCCURS LATER. TO CANCEL THE MEMBERSHIP CAMPING CONTRACT, YOU AS THE PURCHASER MUST HAND DELIVER OR MAIL NOTICE OF YOUR INTENT TO CANCEL TO THE MEMBERSHIP CAMPING OPERATOR AT THE ADDRESS SHOWN IN THE MEMBERSHIP CAMPING CONTRACT, POSTAGE PREPAID. THE MEMBERSHIP CAMPING OPERATOR IS REQUIRED BY LAW TO RETURN ALL MONEYS PAID BY YOU IN CONNECTION WITH THE EXECUTION OF THE MEMBERSHIP CAMPING CONTRACT, UPON YOUR PROPER AND TIMELY CANCELLATION OF THE CONTRACT AND RETURN OF ALL MEMBERSHIP AND RECIPROCAL USE PROGRAM MATERIALS FURNISHED AT THE TIME OF PURCHASE.

~~2.~~ 3. The following pages of the disclosure statement shall contain all of the following in the order stated:

*a.* The name, principal occupation, and address of every director, partner, or controlling person of the membership camping operator.

*b.* A brief description of the nature of the purchaser's right or license to use the campground and the facilities which are to be available for use by purchasers.

*c.* A brief description of the membership camping operator's experience in the membership camping business, including the length of time the operator has been in the membership camping business.

*d.* The location of each of the campgrounds which is to be available for use by purchasers and a brief description of the facilities at each campground which are currently available for use by purchasers. Facilities which are planned, incomplete, or not yet available for use shall be clearly identified as incomplete or unavailable. A brief description of any facilities that are or will be available to nonpurchasers shall also be provided. The description shall include, but need not be limited to, the number of campsites in each park, the number of campsites in each park with full or partial hookups, swimming pools, tennis courts, recreation buildings, restrooms and showers, laundry rooms, trading posts, and grocery stores.

*e.* The fees and charges that purchasers are or may be required to pay for the use of the campground or any facilities.

*f.* Any initial or special fee due from the purchaser, together with a description of the purpose and method of calculating the fee.

*g.* The extent to which financial arrangements, if any, have been provided for the completion of facilities, together with a statement of the membership camping operator's obligation to complete planned facilities. The statement shall include a description of any restrictions or limitations on the membership camping operator's obligation to begin or to complete the facilities.

*h.* The names of the managing entity, if any, and the significant terms of any management contract, including but not limited to, the circumstances under which the membership camping operator may terminate the management contract.

*i.* A summary or copy, whether by way of supplement or otherwise, of the rules, restrictions, or covenants regulating the purchaser's use of the campground and the facilities which are to be available for use by the purchaser, including a statement of whether and how the rules, restrictions, or covenants may be changed.

*j.* A brief description of the policies covering the availability of camping sites, the availability of reservations and the conditions under which they are made.

*k.* A brief description of any grounds for forfeiture of a purchaser's membership camping contract.

*l.* A statement of whether the membership camping operator has the right to withdraw permanently from use, all or any portion of any campground devoted to membership camping and,

if so, the conditions under which the withdrawal is to be permitted.

*m.* A statement describing the material terms and conditions of any reciprocal program to be available to the purchaser, including a statement concerning whether the purchaser's participation in any reciprocal program is dependent on the continued affiliation of the membership camping operator with that reciprocal program and whether the membership camping operator reserves the right to terminate such affiliation.

*n.* As to all memberships offered by the membership camping operator at each campground, all of the following:

(1) The form of membership offered.

(2) The types of duration of membership along with a summary of the major privileges, restrictions, and limitations applicable to each type.

(3) Provisions that have been made for public utilities at each campsite including water, electricity, telephone, and sewage facilities.

*o.* A statement of the assistance, if any, that the membership camping operator will provide to the purchaser in the resale of membership camping contracts and a detailed description of how any such resale program is operated.

*p.* The following statement, printed in boldface type of a minimum size of ten points:

REGISTRATION OF THE MEMBERSHIP CAMPING OPERATOR WITH THE IOWA ATTORNEY GENERAL DOES NOT CONSTITUTE AN APPROVAL OR ENDORSEMENT BY THE ATTORNEY GENERAL OF THE MEMBERSHIP CAMPING OPERATOR, THE MEMBERSHIP CAMPING CONTRACT, OR THE CAMPGROUND.

4. The membership camping operator shall promptly amend the disclosure statement to reflect any material change and shall promptly file any such amendments with the attorney general.

Sec. 177. Section 562A.15, subsections 1 and 2, Code 2013, are amended to read as follows:

1. a. The landlord shall:

~~a-~~ (1) Comply with the requirements of applicable building and housing codes materially affecting health and safety.

~~b-~~ (2) Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition.

~~c-~~ (3) Keep all common areas of the premises in a clean and safe condition. The landlord shall not be liable for any injury caused by any objects or materials which belong to or which have been placed by a tenant in the common areas of the premises used by the tenant.



~~d.~~ (4) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord.

~~e.~~ (5) Provide and maintain appropriate receptacles and conveniences, accessible to all tenants, for the central collection and removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal.

~~f.~~ (6) Supply running water and reasonable amounts of hot water at all times and reasonable heat, except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection.

b. If the duty imposed by paragraph "a", subparagraph (1), ~~of this subsection~~ is greater than a duty imposed by another subparagraph of paragraph "a" of this subsection, the landlord's duty shall be determined by reference to paragraph "a", subparagraph (1) of this subsection.

2. The landlord and tenant of a single family residence may agree in writing that the tenant perform the landlord's duties specified in paragraphs "e" and "f" of subsection 1, paragraph "a", subparagraphs (5) and (6), and also specified repairs, maintenance tasks, alterations, and remodeling, but only if the transaction is entered into in good faith.

Sec. 178. Section 562A.27A, subsection 3, Code 2013, is amended to read as follows:

3. a. This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

~~a.~~ (1) The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

~~b.~~ (2) The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county

attorney in an effort to initiate a criminal action against the person conducting the activities.

~~c.~~ (3) The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this ~~paragraph~~ subparagraph, without taking an action specified in ~~paragraph~~ "a" subparagraph (1) or "b" (2) or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in ~~paragraph~~ "a" subparagraph (1) or "b" (2) to be exempt from proceedings pursuant to subsection 1.

b. However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in ~~paragraphs~~ paragraph "a", subparagraphs (1) through "c" (3).

Sec. 179. Section 562B.11, subsection 2, Code 2013, is amended to read as follows:

2. A provision prohibited by subsection 1 ~~of this section~~ included in a rental agreement is unenforceable. If a landlord or tenant knowingly uses a rental agreement containing provisions known to be prohibited by this chapter, the other party may recover actual damages sustained.

3. Nothing in this chapter shall prohibit a rental agreement from requiring a tenant to maintain liability insurance which names the landlord as an insured as relates to the mobile home space rented by the tenant.

Sec. 180. Section 562B.25A, subsection 3, Code 2013, is amended to read as follows:

3. a. This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

~~a.~~ (1) The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief

pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

~~b.~~ (2) The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.

~~c.~~ (3) The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this ~~paragraph~~ subparagraph, without taking an action specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2) or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in ~~paragraph "a"~~ subparagraph (1) or ~~"b"~~ (2) to be exempt from proceedings pursuant to subsection 1.

b. However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in ~~paragraphs~~ paragraph "a", subparagraphs (1) through ~~"c"~~ (3).

Sec. 181. Section 585.3, Code 2013, is amended to read as follows:

**585.3 Caption of publication.**

1. The publication required by this chapter shall be made under the following caption or heading, to wit:

Proposed bill for the legalization of the proceedings of (name of official body).

2. If the proposed bill be for the legalization of the bonds or warrants of the public corporation, the caption shall be modified accordingly.

Sec. 182. Section 600.16A, subsection 3, Code 2013, is amended to read as follows:

3. a. In addition to other procedures by which adoption records may be opened under this section, if both of the following conditions are met, the department, the clerk of court, or the agency which made the placement shall open the

adoption record for inspection and shall reveal the identity of the biological parents to the adult adopted child or the identity of the adult adopted child to the biological parents:

~~a.~~ (1) A biological parent has placed in the adoption record written consent to revelation of the biological parent's identity to the adopted child at an age specified by the biological parent, upon request of the adopted child.

~~b.~~ (2) An adult adopted child has placed in the adoption record written consent to revelation of the identity of the adult adopted child to a biological parent.

b. A person who has placed in the adoption record written consent pursuant to paragraph "a", subparagraph (1) or "~~b~~" ~~of this subsection (2)~~ may withdraw the consent at any time by placing a written withdrawal of consent statement in the adoption record.

c. Notwithstanding the provisions of this subsection, if the adult adopted person has a sibling who is a minor and who has also been adopted by the same parents, the department, the clerk of court, or the agency which made the placement may deny the request of either the adult adopted person or the biological parent to open the adoption records and to reveal the identities of the parties pending determination by the juvenile court or court that there is good cause to open the records pursuant to subsection 2.

Sec. 183. Section 602.1606, Code 2013, is amended to read as follows:

**602.1606 Judicial officer disqualified.**

1. A judicial officer is disqualified from acting in a proceeding, except upon the consent of all of the parties, if any of the following circumstances exists:

~~1.~~ a. The judicial officer has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

~~2.~~ b. The judicial officer served as a lawyer in the matter in controversy, or a lawyer with whom the judicial officer previously practiced law served during that association as a lawyer concerning the matter, or the judicial officer or such lawyer has been a material witness concerning the matter.

~~3.~~ c. The judicial officer knows that the officer, individually or as a fiduciary, or the officer's spouse or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person has a financial interest in the subject matter in controversy or in a

party to the proceeding, or has any other interest that could be substantially affected by the outcome of the proceeding.

~~4.~~ d. The judicial officer or the officer's spouse, or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person, is a party to the proceeding, or an officer, director, or trustee of a party, or is acting as a lawyer in the proceeding, or is known by the judicial officer to have an interest that could be substantially affected by the outcome of the proceeding, or is, to the judicial officer's knowledge, likely to be a material witness in the proceeding.

2. A judicial officer shall disclose to all parties in a proceeding any existing circumstances in ~~subsections~~ subsection 1, paragraphs "a" through 4 "d", before the parties consent to the judicial officer's presiding in the proceeding.

Sec. 184. Section 607A.22, Code 2013, is amended to read as follows:

**607A.22 Use of source lists — information provided.**

1. The appointive jury commission or the jury manager shall use both of the following source lists in preparing grand and petit jury lists:

~~1.~~ a. The current voter registration list.

~~2.~~ b. The current motor vehicle operators list.

2. The appointive jury commission or the jury manager may use any other current comprehensive list of persons residing in the county, including but not limited to the lists of public utility customers, which the appointive jury commission or jury manager determines are useable for the purpose of a juror source list.

3. The applicable state and local government officials shall furnish, upon request, the appointive jury commission or jury manager with copies of lists necessary for the formulation of source lists at no cost to the commission, manager, or county.

4. The jury manager or jury commission may request a consolidated source list. A consolidated source list contains all the names and addresses found in either the voter registration list or the motor vehicle operators list, but does not duplicate an individual's name within the consolidated list. State officials shall cooperate with one another to prepare consolidated lists. The jury manager or jury commission may further request that only a randomly chosen portion of the consolidated list be prepared which may consist

of either a certain number of names or a certain percentage of all the names in the consolidated list, as specified by the jury manager or jury commission.

Sec. 185. Section 607A.27, Code 2013, is amended to read as follows:

**607A.27 Preparation for drawing of panels.**

1. The names entered upon the appointive jury commission's or jury manager's lists and deposited in the office of the clerk or jury manager constitute the grand and petit master lists, from which grand and petit jurors shall be drawn.

2. Within ten days after the lists are deposited in the office of the clerk or jury manager, the clerk or jury manager shall do either of the following:

~~1.~~ a. Prepare from the lists separate ballots, uniform in size, shape, and appearance, and folded to conceal information on the ballot. The ballots for grand and petit jurors shall be kept separate and each ballot shall contain the name and place of residence of each prospective juror.

~~2.~~ b. Use electronic data processing equipment for the storage of names of the grand and petit jurors. The numerical division required in section 607A.21 need not be used when a jury wheel is used for the preparation of the lists.

Sec. 186. Section 619.19, Code 2013, is amended to read as follows:

**619.19 Verification not required — affidavits.**

1. Pleadings need not be verified unless otherwise required by statute. Where a pleading is verified, it is not necessary that subsequent pleadings be verified unless otherwise required by statute.

2. The signature of a party, the party's legal counsel, or any other person representing the party, to a motion, pleading, or other paper is a certificate that:

~~1.~~ a. The person has read the motion, pleading, or other paper.

~~2.~~ b. To the best of the person's knowledge, information, and belief, formed after reasonable inquiry, it is grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

~~3.~~ c. It is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation.

3. If a motion, pleading, or other paper is not signed, it shall be stricken unless it is signed promptly after the

omission is called to the attention of the pleader or movant.

4. If a motion, pleading, or other paper is signed in violation of this section, the court, upon motion or upon its own initiative, shall impose upon the person signing, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney fee.

Sec. 187. Section 625A.9, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. (1) Except as provided in paragraph "b", if the judgment or order appealed from is for money, such bond shall not exceed one hundred ten percent of the amount of the money judgment.

(2) The court may set a bond in an amount in excess of one hundred ten percent of the amount of the money judgment upon making specific findings justifying such an amount, and in doing so, shall consider, but shall not be limited to consideration of, the following criteria:

~~(1)~~ (a) The availability and cost of the bond or other form of adequate security.

~~(2)~~ (b) The assets of the judgment debtor and of the judgment debtor's insurer or indemnitor, if any.

~~(3)~~ (c) The potential adverse effects of the bond on the judgment debtor, including, but not limited to, the potential adverse effects on the judgment debtor's employees, financial stability, and business operations.

~~(4)~~ (d) The potential adverse effects of the bond on the judgment creditor and third parties, including public entities.

~~(5)~~ (e) In a class action suit, the adequacy of the bond to compensate all members of the class.

Sec. 188. Section 627.6, subsection 6, Code 2013, is amended to read as follows:

6. The interest of an individual in any accrued dividend or interest, loan or cash surrender value of, or any other interest in a life insurance policy owned by the individual if the beneficiary of the policy is the individual's spouse, child, or dependent. However, the amount of the exemption shall not exceed ten thousand dollars in the aggregate of any interest or value in insurance acquired within two years of the date execution is issued or exemptions are claimed, or for additions within the same time period to a prior existing policy which additions are in excess of the amount necessary to

fund the amount of face value coverage of the policies for the two-year period. For purposes of this unnumbered paragraph, acquisitions shall not include such interest in new policies used to replace prior policies to the extent of any accrued dividend or interest, loan or cash surrender value of, or any other interest in the prior policies at the time of their cancellation.

a. In the absence of a written agreement or assignment to the contrary, upon the death of the insured any benefit payable to the spouse, child, or dependent of the individual under a life insurance policy shall inure to the separate use of the beneficiary independently of the insured's creditors.

b. A benefit or indemnity paid under an accident, health, or disability insurance policy is exempt to the insured or in case of the insured's death to the spouse, child, or dependent of the insured, from the insured's debts.

c. In case of an insured's death the avails of all matured policies of life, accident, health, or disability insurance payable to the surviving spouse, child, or dependent are exempt from liability for all debts of the beneficiary contracted prior to death of the insured, but the amount thus exempted shall not exceed fifteen thousand dollars in the aggregate.

Sec. 189. Section 627.6, subsection 8, paragraph f, Code 2013, is amended to read as follows:

f. (1) Contributions and assets, including the accumulated earnings and market increases in value, in any of the plans or contracts as follows:

~~(1)~~ (a) All transfers, in any amount, from a trust forming part of a stock, bonus, pension, or profit-sharing plan of an employer defined in section 401(a) of the Internal Revenue Code and of which the trust assets are exempt from taxation under section 501(a) of the Internal Revenue Code and covered by the Employee Retirement Income Security Act of 1974 (ERISA), as codified at 29 U.S.C. § 1001 et seq., to either of the following:

~~(a)~~ (i) A succeeding trust authorized under federal law on or after April 25, 2001.

~~(b)~~ (ii) An individual retirement account or individual retirement annuity established under section 408(d)(3) of the Internal Revenue Code, from which the total value, including accumulated earnings and market increases in value, may be contributed to a succeeding trust authorized under federal law on or after April 25, 2001. For purposes of this subparagraph



division, transfers, in any amount, from an individual retirement account or individual retirement annuity established under section 408(d)(3) of the Internal Revenue Code to an individual retirement account or individual retirement annuity established under section 408(d)(3) of the Internal Revenue Code, or an individual retirement account established under section 408(a) of the Internal Revenue Code, or an individual retirement annuity established under section 408(b) of the Internal Revenue Code, or a Roth individual retirement account, or a Roth individual retirement annuity established under section 408A of the Internal Revenue Code are exempt.

~~(2)~~ (b) (i) All transfers, in any amount, from an eligible retirement plan to an individual retirement account, an individual retirement annuity, a Roth individual retirement account, or a Roth individual retirement annuity established under section 408A of the Internal Revenue Code shall be exempt from execution and from the claims of creditors.

(ii) As used in this subparagraph division, "*eligible retirement plan*" means the funds or assets in any retirement plan established under state or federal law that meet all of the following requirements:

~~(a)~~ (A) Can be transferred to an individual retirement account or individual retirement annuity established under sections 408(a) and 408(b) of the Internal Revenue Code or Roth individual retirement accounts and Roth individual retirement annuities established under section 408A of the Internal Revenue Code.

~~(b)~~ (B) Are either exempt from execution under state or federal law or are excluded from a bankruptcy estate under 11 U.S.C. § 541(c)(2) et seq.

~~(3)~~ (c) Retirement plans established pursuant to qualified domestic relations orders, as defined in 26 U.S.C. § 414. However, nothing in this section shall be construed as making any retirement plan exempt from the claims of the beneficiary of a qualified domestic relations order or from claims for child support or alimony.

~~(4)~~ (d) For simplified employee pension plans, self-employed pension plans (also known as Keogh plans or H.R. 10 plans), individual retirement accounts established under section 408(a) of the Internal Revenue Code, individual retirement annuities established under section 408(b) of the Internal Revenue Code, savings incentive matched plans for employees, salary reduction simplified employee pension plans

(also known as SARSEPs), and similar plans for retirement investments authorized in the future under federal law, the exemption for contributions shall not exceed, for each tax year of contributions, the actual amount of the contribution deducted on the debtor's tax return or the maximum amount which could be contributed to an individual retirement account established under section 408(a) of the Internal Revenue Code and deducted in the tax year of the contribution, whichever is less. The exemption for accumulated earnings and market increases in value of plans under this subparagraph division shall be limited to an amount determined by multiplying all the accumulated earnings and market increases in value by a fraction, the numerator of which is the total amount of exempt contributions as determined by this subparagraph division, and the denominator of which is the total of exempt and nonexempt contributions to the plan.

~~(5)~~ (e) For Roth individual retirement accounts and Roth individual retirement annuities established under section 408A of the Internal Revenue Code and similar plans for retirement investments authorized in the future under federal law, the exemption for contributions shall not exceed, for each tax year of contributions, the actual amount of the contribution or the maximum amount which federal law allows to be contributed to such plans. The exemption for accumulated earnings and market increases in value of plans under this subparagraph division shall be limited to an amount determined by multiplying all of the accumulated earnings and market increases in value by a fraction, the numerator of which is the total amount of exempt contributions as determined by this subparagraph division, and the denominator of which is the total of exempt and nonexempt contributions to the plan.

~~(6)~~ (f) For all contributions to plans described in ~~subparagraphs (4)~~ subparagraph divisions (d) and ~~(5)~~ (e), the maximum contribution in each of the two tax years preceding the claim of exemption or filing of a bankruptcy shall be limited to the maximum deductible contribution to an individual retirement account established under section 408(a) of the Internal Revenue Code, regardless of which plan for retirement investment has been chosen by the debtor.

~~(7)~~ (g) Exempt assets transferred from any individual retirement account, individual retirement annuity, Roth individual retirement account, or Roth individual retirement annuity to any other individual retirement account, individual

retirement annuity, Roth individual retirement annuity, or Roth individual retirement account established under section 408A of the Internal Revenue Code shall continue to be exempt regardless of the number of times transferred between individual retirement accounts, individual retirement annuities, Roth individual retirement annuities, or Roth individual retirement accounts.

(2) For purposes of this paragraph "f", "market increases in value" shall include, but shall not be limited to, dividends, stock splits, interest, and appreciation. "Contributions" means contributions by the debtor and by the debtor's employer.

Sec. 190. Section 633.197, Code 2013, is amended to read as follows:

**633.197 Compensation.**

1. Personal representatives shall be allowed such reasonable fees as may be determined by the court for services rendered, but not in excess of the following commissions upon the gross assets of the estate listed in the probate inventory, which shall be received as full compensation for all ordinary services:

a. For the first one thousand dollars, six percent~~+~~.

b. For the overplus between one and five thousand dollars, four percent~~+~~.

c. For all sums over five thousand dollars, two percent.

2. For purposes of this section, the gross assets of the estate shall not include life insurance proceeds, unless payable to the decedent's estate.

Sec. 191. Section 633.228, Code 2013, is amended to read as follows:

**633.228 Time allowed.**

1. To file such petition, there shall be allowed, commencing with the death of the decedent:

~~1.~~ a. To the surviving spouse, a period of twenty days~~+~~.

~~2.~~ b. To each other class in succession, a period of ten days.

2. The period allowed each class shall be advanced to the period allowed the preceding class if there is no member of such preceding class. Any member of any class may file such petition after the expiration of the period allowed to the member if letters have not been issued prior thereto.

Sec. 192. Section 633.290, Code 2013, is amended to read as follows:

**633.290 Petition for probate of will.**

1. At the time the will of a decedent is filed with the clerk, or thereafter, any interested person may file a verified petition in the district court of the proper county:

~~1-~~ a. To have the will admitted to probate~~r.~~

~~2-~~ b. For the appointment of the executor.

2. A petition for probate may be combined with a petition for appointment of the executor, and any person interested in either the probate of a will or in the appointment of the executor, may petition for both.

Sec. 193. Section 633A.3107, subsection 2, unnumbered paragraph 2, Code 2013, is amended to read as follows:

3. For the purposes of this section, "*relative of the settlor's spouse*" means a person who is related to the divorced settlor's former spouse by blood, adoption, or affinity, and who, subsequent to the divorce or dissolution of marriage, ceased to be related to the settlor by blood, adoption, or affinity.

Sec. 194. Section 654.12A, Code 2013, is amended to read as follows:

**654.12A Priority of advances under mortgages.**

1. Subject to section 572.18, if a prior recorded mortgage contains the notice prescribed in this section and identifies the maximum credit available to the borrower, then loans and advances made under the mortgage, up to the maximum amount of credit together with interest thereon, are senior to indebtedness to other creditors under subsequently recorded mortgages and other subsequently recorded or filed liens even though the holder of the prior recorded mortgage has actual notice of indebtedness under a subsequently recorded mortgage or other subsequently recorded or filed lien. So long as credit is available to the borrower, payment of the outstanding mortgage balance to zero shall not extinguish the prior recorded mortgage if it contains the notice prescribed by this section. The notice prescribed by this section for the prior recorded mortgage is as follows:

NOTICE: This mortgage secures credit in the amount of  
..... Loans and advances up to this amount, together with interest, are senior to indebtedness to other creditors under subsequently recorded or filed mortgages and liens.

2. However, the priority of a prior recorded mortgage under this section does not apply to loans or advances made after receipt of notice of foreclosure or action to enforce a subsequently recorded mortgage or other subsequently recorded

or filed lien.

Sec. 195. Section 654.20, Code 2013, is amended to read as follows:

**654.20 Foreclosure without redemption — nonagricultural land.**

1. If the mortgaged property is not used for an agricultural purpose as defined in section 535.13, the plaintiff in an action to foreclose a real estate mortgage may include in the petition an election for foreclosure without redemption. The election is effective only if the first page of the petition contains the following notice in capital letters of the same type or print size as the rest of the petition:

NOTICE

THE PLAINTIFF HAS ELECTED FORECLOSURE WITHOUT REDEMPTION. THIS MEANS THAT THE SALE OF THE MORTGAGED PROPERTY WILL OCCUR PROMPTLY AFTER ENTRY OF JUDGMENT UNLESS YOU FILE WITH THE COURT A WRITTEN DEMAND TO DELAY THE SALE. IF YOU FILE A WRITTEN DEMAND, THE SALE WILL BE DELAYED UNTIL TWELVE MONTHS (or SIX MONTHS if the petition includes a waiver of deficiency judgment) FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING OR UNTIL TWO MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS YOUR RESIDENCE BUT NOT A ONE-FAMILY OR TWO-FAMILY DWELLING. YOU WILL HAVE NO RIGHT OF REDEMPTION AFTER THE SALE. THE PURCHASER AT THE SALE WILL BE ENTITLED TO IMMEDIATE POSSESSION OF THE MORTGAGED PROPERTY. YOU MAY PURCHASE AT THE SALE.

2. If the plaintiff has not included in the petition a waiver of deficiency judgment, then the notice shall include the following:

IF YOU DO NOT FILE A WRITTEN DEMAND TO DELAY THE SALE AND IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT WILL NOT BE ENTERED AGAINST YOU. IF YOU DO FILE A WRITTEN DEMAND TO DELAY THE SALE, THEN A DEFICIENCY JUDGMENT MAY BE ENTERED AGAINST YOU IF THE PROCEEDS FROM THE SALE OF THE MORTGAGED PROPERTY ARE INSUFFICIENT TO SATISFY THE AMOUNT OF THE MORTGAGE DEBT AND COSTS.

IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS NOT A ONE-FAMILY OR TWO-FAMILY DWELLING, THEN A DEFICIENCY JUDGMENT MAY BE ENTERED AGAINST YOU WHETHER OR NOT YOU FILE A WRITTEN DEMAND TO DELAY THE SALE.

3. If the election for foreclosure without redemption is

made, then sections 654.21 through 654.26 apply.

Sec. 196. Section 670.4, Code 2013, is amended to read as follows:

**670.4 Claims exempted.**

1. The liability imposed by section 670.2 shall have no application to any claim enumerated in this section. As to any such claim, a municipality shall be liable only to the extent liability may be imposed by the express statute dealing with such claims and, in the absence of such express statute, the municipality shall be immune from liability.

~~1.~~ a. Any claim by an employee of the municipality which is covered by the Iowa workers' compensation law.

~~2.~~ b. Any claim in connection with the assessment or collection of taxes.

~~3.~~ c. Any claim based upon an act or omission of an officer or employee of the municipality, exercising due care, in the execution of a statute, ordinance, or regulation whether the statute, ordinance or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the municipality or an officer or employee of the municipality, whether or not the discretion is abused.

~~4.~~ d. Any claim against a municipality as to which the municipality is immune from liability by the provisions of any other statute or where the action based upon such claim has been barred or abated by operation of statute or rule of civil procedure.

~~5.~~ e. Any claim for punitive damages.

~~6.~~ f. Any claim for damages caused by a municipality's failure to discover a latent defect in the course of an inspection.

~~7.~~ g. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 78, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, or street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating,

asphalting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute reconstruction. This ~~subsection~~ paragraph shall not apply to claims based upon gross negligence.

~~8.~~ h. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement as defined in section 384.37, subsection 19, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This ~~subsection~~ paragraph shall not apply to claims based upon gross negligence. This ~~subsection~~ paragraph takes effect July 1, 1984, and applies to all cases tried or retried on or after July 1, 1984.

~~9.~~ i. Any claim based upon an act or omission by an officer or employee of the municipality or the municipality's governing body, in the granting, suspension, or revocation of a license or permit, where the damage was caused by the person to whom the license or permit was issued, unless the act of the officer or employee constitutes actual malice or a criminal offense.

~~10.~~ j. Any claim based upon an act or omission of an officer or employee of the municipality, whether by issuance of permit, inspection, investigation, or otherwise, and whether the statute, ordinance, or regulation is valid, if the damage was caused by a third party, event, or property not under the supervision or control of the municipality, unless the act or omission of the officer or employee constitutes actual malice or a criminal offense.

~~11.~~ k. A claim based upon or arising out of an act or omission in connection with an emergency response including but not limited to acts or omissions in connection with emergency response communications services.

~~12.~~ l. A claim relating to a swimming pool or spa as defined in section 135I.1 which has been inspected by a municipality or the state in accordance with chapter 135I, or a swimming pool or spa inspection program which has been certified by the state in accordance with that chapter, whether

or not owned or operated by a municipality, unless the claim is based upon an act or omission of an officer or employee of the municipality and the act or omission constitutes actual malice or a criminal offense.

~~13.~~ m. A claim based on an act or omission by a county or city pursuant to section 717.2A or chapter 717B relating to either of the following:

~~a.~~ (1) Rescuing neglected livestock or another animal by a law enforcement officer.

~~b.~~ (2) Maintaining or disposing of neglected livestock or another animal by a county or city.

~~14.~~ n. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public facility designed for purposes of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction.

~~15.~~ o. Any claim based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body by a person skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking on public property when the person knew or reasonably should have known that the skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking created a substantial risk of injury to the person and was voluntarily in the place of risk. The exemption from liability contained in this ~~subsection~~ paragraph shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking.

2. The remedy against the municipality provided by section 670.2 shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the officer, employee or agent whose act or omission gave rise to the claim, or the officer's, employee's, or agent's estate.

3. This section does not expand any existing cause of action or create any new cause of action against a municipality.

Sec. 197. Section 704.2, Code 2013, is amended to read as



follows:

**704.2 Deadly force.**

1. The term "*deadly force*" means any of the following:

~~1.~~ a. Force used for the purpose of causing serious injury.

~~2.~~ b. Force which the actor knows or reasonably should know will create a strong probability that serious injury will result.

~~3.~~ c. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, in the direction of some person with the knowledge of the person's presence there, even though no intent to inflict serious physical injury can be shown.

~~4.~~ d. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, at a vehicle in which a person is known to be.

2. As used in this section, "*less lethal munitions*" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

Sec. 198. Section 706.3, Code 2013, is amended to read as follows:

**706.3 Penalties.**

1. A person who commits a conspiracy to commit a forcible felony is guilty of a class "C" felony.

2. A person who commits a conspiracy to commit a felony, other than a forcible felony, is guilty of a class "D" felony.

3. A person who commits a conspiracy to commit a misdemeanor is guilty of a misdemeanor of the same class.

Sec. 199. Section 707.2, Code 2013, is amended to read as follows:

**707.2 Murder in the first degree.**

1. A person commits murder in the first degree when the person commits murder under any of the following circumstances:

~~1.~~ a. The person willfully, deliberately, and with premeditation kills another person.

~~2.~~ b. The person kills another person while participating in a forcible felony.

~~3.~~ c. The person kills another person while escaping or attempting to escape from lawful custody.

~~4.~~ d. The person intentionally kills a peace officer, correctional officer, public employee, or hostage while the

person is imprisoned in a correctional institution under the jurisdiction of the Iowa department of corrections, or in a city or county jail.

~~5.~~ e. The person kills a child while committing child endangerment under section 726.6, subsection 1, paragraph "b", or while committing assault under section 708.1 upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life.

~~6.~~ f. The person kills another person while participating in an act of terrorism as defined in section 708A.1.

2. Murder in the first degree is a class "A" felony.

3. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 200. Section 707.3, Code 2013, is amended to read as follows:

**707.3 Murder in the second degree.**

1. A person commits murder in the second degree when the person commits murder which is not murder in the first degree.

2. Murder in the second degree is a class "B" felony. However, notwithstanding section 902.9, subsection ~~2~~ 1, paragraph "b", the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

3. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 201. Section 709.4, Code 2013, is amended to read as follows:

**709.4 Sexual abuse in the third degree.**

1. A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:

~~1.~~ a. The act is done by force or against the will of the other person, whether or not the other person is the person's spouse or is cohabiting with the person.

~~2.~~ b. The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true:

~~a.~~ (1) The other person is suffering from a mental defect or incapacity which precludes giving consent.

~~b.~~ (2) The other person is twelve or thirteen years of age.

~~c.~~ (3) The other person is fourteen or fifteen years of age and any of the following are true:

~~(1)~~ (a) The person is a member of the same household as the other person.

~~(2)~~ (b) The person is related to the other person by blood or affinity to the fourth degree.

~~(3)~~ (c) The person is in a position of authority over the other person and uses that authority to coerce the other person to submit.

~~(4)~~ (d) The person is four or more years older than the other person.

~~3.~~ c. The act is performed while the other person is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true:

~~a.~~ (1) The controlled substance, which may include but is not limited to flunitrazepam, prevents the other person from consenting to the act.

~~b.~~ (2) The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam.

~~4.~~ d. The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.

2. Sexual abuse in the third degree is a class "C" felony. Sec. 202. Section 709.8, Code 2013, is amended to read as follows:

**709.8 Lascivious acts with a child.**

1. It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

~~1.~~ a. Fondle or touch the pubes or genitals of a child.

~~2.~~ b. Permit or cause a child to fondle or touch the person's genitals or pubes.

~~3.~~ c. Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.

~~4.~~ d. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

2. a. Any person who violates a provision of this section

involving an act included in subsection 1, paragraph "a" or 2 "b", shall, upon conviction, be guilty of a class "C" felony.

b. Any person who violates a provision of this section involving an act included in subsection 3 1, paragraph "c" or 4 "d", shall, upon conviction, be guilty of a class "D" felony.

Sec. 203. Section 709.12, Code 2013, is amended to read as follows:

**709.12 Indecent contact with a child.**

1. A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

~~1.~~ a. Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child.

~~2.~~ b. Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child.

~~3.~~ c. Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person.

~~4.~~ d. Solicit a child to engage in any act prohibited under section 709.8, subsection 1, 2 paragraph "a", "b", or 4 "d".

2. The provisions of this section shall also apply to a person sixteen or seventeen years of age who commits any of the enumerated acts with a child who is at least five years the person's junior, in which case the juvenile court shall have jurisdiction under chapter 232.

Sec. 204. Section 709.16, subsection 2, Code 2013, is amended to read as follows:

2. a. An officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor.

b. For purposes of this subsection, a "juvenile placement facility" means any of the following:

~~a.~~ (1) A child foster care facility licensed under section 237.4.

~~b.~~ (2) Institutions controlled by the department of human services listed in section 218.1.

~~c.~~ (3) Juvenile detention and juvenile shelter care homes approved under section 232.142.

~~d.~~ (4) Psychiatric medical institutions for children licensed under chapter 135H.

~~e.~~ (5) Substance abuse facilities as defined in section 125.2.

Sec. 205. Section 711.1, Code 2013, is amended to read as follows:

**711.1 Robbery defined.**

1. A person commits a robbery when, having the intent to commit a theft, the person does any of the following acts to assist or further the commission of the intended theft or the person's escape from the scene thereof with or without the stolen property:

~~1.~~ a. Commits an assault upon another.

~~2.~~ b. Threatens another with or purposely puts another in fear of immediate serious injury.

~~3.~~ c. Threatens to commit immediately any forcible felony.

2. It is immaterial to the question of guilt or innocence of robbery that property was or was not actually stolen.

Sec. 206. Section 714.1, subsection 6, Code 2013, is amended to read as follows:

6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation, and obtains property, the use of property, including rental property, or service in exchange for such instrument, if the person knows that such check, share draft, draft, or written order will not be paid when presented.

a. Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.

b. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

Sec. 207. Section 714.10, Code 2013, is amended to read as follows:

**714.10 Fraudulent practice in the second degree.**

1. Fraudulent practice in the second degree is the following:

~~1.~~ a. A fraudulent practice where the amount of money or

value of property or services involved exceeds one thousand dollars but does not exceed ten thousand dollars.

~~2.~~ b. A fraudulent practice where the amount of money or value of property or services involved does not exceed one thousand dollars by one who has been convicted of a fraudulent practice twice before.

2. Fraudulent practice in the second degree is a class "D" felony.

Sec. 208. Section 714.11, Code 2013, is amended to read as follows:

**714.11 Fraudulent practice in the third degree.**

1. Fraudulent practice in the third degree is the following:

~~1.~~ a. A fraudulent practice where the amount of money or value of property or service involved exceeds five hundred dollars but does not exceed one thousand dollars.

~~2.~~ b. A fraudulent practice as set forth in section 714.8, subsections 2, 8, and 9.

~~3.~~ c. A fraudulent practice where it is not possible to determine an amount of money or value of property and service involved.

2. Fraudulent practice in the third degree is an aggravated misdemeanor.

Sec. 209. Section 714.16B, Code 2013, is amended to read as follows:

**714.16B Identity theft — civil cause of action.**

1. In addition to any other remedies provided by law, a person as defined under section 714.16, subsection 1, suffering a pecuniary loss as a result of an identity theft by another person under section 715A.8, or a financial institution on behalf of an account holder suffering a pecuniary loss as a result of an identity theft by another person under section 715A.8, may bring an action against such other person to recover all of the following:

~~1.~~ a. Five thousand dollars or three times the actual damages, whichever is greater.

~~2.~~ b. Reasonable costs incurred due to the violation of section 715A.8, including all of the following:

~~a.~~ (1) Costs for repairing the victim's credit history or credit rating.

~~b.~~ (2) Costs incurred for bringing a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim.

~~c.~~ (3) Punitive damages, attorney fees, and court costs.

2. For purposes of this section, "*financial institution*" means the same as defined in section 527.2, and includes an insurer organized under Title XIII, subtitle 1, of this Code, or under the laws of any other state or the United States.

Sec. 210. Section 714.26, subsection 2, paragraphs a and b, Code 2013, are amended to read as follows:

a. (1) A person commits intellectual property counterfeiting in the first degree if any of the following apply:

~~(1)~~ (a) The person is manufacturing or producing an item bearing or identified by a counterfeit mark.

~~(2)~~ (b) The offense involves more than one thousand items bearing or identified by a counterfeit mark or the total retail value of such items is equal to or greater than ten thousand dollars.

~~(3)~~ (c) The offense is a third or subsequent violation of this section.

(2) Intellectual property counterfeiting in the first degree is a class "C" felony.

b. (1) A person commits intellectual property counterfeiting in the second degree if any of the following apply:

~~(1)~~ (a) The offense involves more than one hundred items but does not involve more than one thousand items bearing or identified by a counterfeit mark or the total retail value of such items is equal to or greater than one thousand dollars but less than ten thousand dollars.

~~(2)~~ (b) The offense is a second violation of this section.

(2) Intellectual property counterfeiting in the second degree is a class "D" felony.

Sec. 211. Section 715A.6, subsection 1, Code 2013, is amended to read as follows:

1. a. A person commits a public offense by using a credit card for the purpose of obtaining property or services with knowledge of any of the following:

~~a.~~ (1) The credit card is stolen or forged.

~~b.~~ (2) The credit card has been revoked or canceled.

~~c.~~ (3) For any other reason the use of the credit card is unauthorized.

b. It is an affirmative defense to prosecution under paragraph ~~"e"~~ "a", subparagraph (3), if the person proves by a preponderance of the evidence that the person had the intent and ability to meet all obligations to the issuer arising out

of the use of the credit card.

Sec. 212. Section 717A.2, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. (1) Enter onto or into an animal facility, or remain on or in an animal facility, if the person has notice that the facility is not open to the public, if the person has an intent to do one of the following:

~~(1)~~ (a) Disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care.

~~(2)~~ (b) Kill or injure an animal maintained at the animal facility.

(2) A person has notice that an animal facility is not open to the public if the person is provided notice before entering onto or into the facility, or the person refuses to immediately depart from the facility after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain animals, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is forbidden.

Sec. 213. Section 717A.3, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. (1) Enter onto or remain on crop operation property if the person has notice that the property is not open to the public, and the person has an intent to do one of the following:

~~(1)~~ (a) Disrupt agricultural production conducted on the crop operation property if the agricultural production directly relates to the maintenance of crops. A person is presumed to intend disruption if the person moves, removes, or defaces any sign posted on the crop operation property or label used by the owner and the sign or label identifies a crop maintained on the crop operation property.

~~(2)~~ (b) Destroy or damage a crop or any portion of a crop maintained on the crop operation property.

(2) A person has notice that a crop operation property is not open to the public if the person is provided notice prohibiting entry before the person enters onto the crop operation property, or the person refuses to immediately depart from the crop operation property after being notified to leave. The notice may be in the form of a written or verbal



communication by the owner, a fence or other enclosure designed to exclude intruders, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is prohibited.

Sec. 214. Section 730.4, subsection 5, Code 2013, is amended to read as follows:

5. a. This section may be enforced through a civil action.

~~a.~~ (1) A person who violates this section or who aids in the violation of this section is liable to an aggrieved employee or applicant for employment for affirmative relief including reinstatement or hiring, with or without back pay, or any other equitable relief as the court deems appropriate including attorney fees and court costs.

~~b.~~ (2) When a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or applicant for employment, the county attorney, or the attorney general.

b. A person who in good faith brings an action under this subsection alleging that an employer has required or requested a polygraph examination in violation of this section shall establish that sufficient evidence exists upon which a reasonable person could find that a violation has occurred. Upon proof that sufficient evidence exists upon which a finding could be made that a violation has occurred as required under this paragraph, the employer has the burden of proving that the requirements of this section were met.

Sec. 215. Section 730.5, subsection 9, paragraph g, Code 2013, is amended to read as follows:

g. (1) Upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established by the employer pursuant to this section, and if the employer has at least fifty employees, and if the employee has been employed by the employer for at least twelve of the preceding eighteen months, and if rehabilitation is agreed upon by the employee, and if the employee has not previously violated the employer's substance abuse prevention policy pursuant to this section, the written policy shall provide for the rehabilitation of the employee pursuant to subsection 10, paragraph "a", subparagraph (1), and the apportionment of the costs of rehabilitation as provided by this paragraph "g".

~~(1)~~ (a) If the employer has an employee benefit plan, the costs of rehabilitation shall be apportioned as provided under the employee benefit plan.

~~(2)~~ (b) If no employee benefit plan exists and the employee has coverage for any portion of the costs of rehabilitation under any health care plan of the employee, the costs of rehabilitation shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the employee and the employer. However, the employer shall not be required to pay more than two thousand dollars toward the costs not covered by the employee's health care plan.

~~(3)~~ (c) If no employee benefit plan exists and the employee does not have coverage for any portion of the costs of rehabilitation under any health care plan of the employee, the costs of rehabilitation shall be apportioned equally between the employee and the employer. However, the employer shall not be required to pay more than two thousand dollars towards the cost of rehabilitation under this subparagraph division.

(2) Rehabilitation required pursuant to this paragraph "g" shall not preclude an employer from taking any adverse employment action against the employee during the rehabilitation based on the employee's failure to comply with any requirements of the rehabilitation, including any action by the employee to invalidate a test sample provided by the employee pursuant to the rehabilitation.

Sec. 216. Section 730.5, subsection 13, paragraph d, Code 2013, is amended to read as follows:

d. (1) An employer may use and disclose information concerning the results of a drug or alcohol test conducted pursuant to this section under any of the following circumstances:

~~(1)~~ (a) In an arbitration proceeding pursuant to a collective bargaining agreement, or an administrative agency proceeding or judicial proceeding under workers' compensation laws or unemployment compensation laws or under common or statutory laws where action taken by the employer based on the test is relevant or is challenged.

~~(2)~~ (b) To any federal agency or other unit of the federal government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract.

~~(3)~~ (c) To any agency of this state authorized to license

individuals if the employee tested is licensed by that agency and the rules of that agency require such disclosure.

~~(4)~~ (d) To a union representing the employee if such disclosure would be required by federal labor laws.

~~(5)~~ (e) To a substance abuse evaluation or treatment facility or professional for the purpose of evaluation or treatment of the employee.

(2) However, positive test results from an employer drug or alcohol testing program shall not be used as evidence in any criminal action against the employee or prospective employee tested.

Sec. 217. Section 730.5, subsection 15, Code 2013, is amended to read as follows:

15. *Civil remedies.*

a. This section may be enforced through a civil action.

~~a.~~ (1) A person who violates this section or who aids in the violation of this section, is liable to an aggrieved employee or prospective employee for affirmative relief including reinstatement or hiring, with or without back pay, or any other equitable relief as the court deems appropriate including attorney fees and court costs.

~~b.~~ (2) When a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or prospective employee, the county attorney, or the attorney general.

b. In an action brought under this subsection alleging that an employer has required or requested a drug or alcohol test in violation of this section, the employer has the burden of proving that the requirements of this section were met.

Sec. 218. Section 804.22, Code 2013, is amended to read as follows:

**804.22 Initial appearance before magistrate — arrest without warrant.**

1. When an arrest is made without a warrant, the person arrested shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the judicial district in which such arrest was made or before a magistrate in an approved judicial district, and the grounds on which the arrest was made shall be stated to the magistrate by complaint, subscribed and sworn to by the complainant, or supported by the complainant's affirmation, and such magistrate shall proceed

as follows:

~~1.~~ a. If the magistrate believes from such complaint that the offense charged is triable in the magistrate's court, the magistrate shall proceed with the case.

~~2.~~ b. If the magistrate believes from such complaint that the offense charged is triable in another court, the magistrate shall by written order, commit the person arrested to a peace officer, to be taken before the appropriate magistrate in the district in which the offense is triable, and shall fix the amount of bail or other conditions of release which the person arrested may give for the person's appearance at the other court.

2. This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to initial appearance, unless the person is charged with manufacture, delivery, possession with intent to manufacture or deliver, or distribution of methamphetamine. The initial appearance of a person so released shall be scheduled for a time not more than thirty days after the date of release.

3. For purposes of this section, an "approved judicial district" means, as to any particular arrest of a person made without a warrant, any judicial district in this state in which the chief judge of that judicial district and the chief judge of the judicial district in which the arrest was made have previously entered an order permitting a person arrested without warrant to be taken to a magistrate from any judicial district subject to the order.

Sec. 219. Section 804.30, Code 2013, is amended to read as follows:

**804.30 Strip searches.**

1. A person arrested for a scheduled violation or a simple misdemeanor shall not be subjected to a strip search unless there is probable cause to believe the person is concealing a weapon or contraband. A strip search pursuant to this section shall not be conducted except under all of the following conditions:

~~1.~~ a. Written authorization of the supervisor on duty is obtained.

~~2.~~ b. A search warrant is obtained for the probing of any body cavity other than the mouth, ears or nose.

~~3.~~ c. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of

a body cavity other than the mouth, ears or nose shall be performed only by a licensed physician unless voluntarily waived in writing by the arrested person.

4. d. The search is conducted in a place where it cannot be observed by persons not conducting the search.

5. e. The search is conducted by a person of the same sex as the arrested person, unless conducted by a physician.

2. Subsequent to a strip search, a written report shall be prepared which includes the written authorization required by subsection 1, paragraph "a", the name of the person subjected to the search, the names of the persons conducting the search, the time, date and place of the search and, if required by subsection 2 1, paragraph "b", a copy of the search warrant authorizing the search. A copy of the report shall be provided to the person searched.

Sec. 220. Section 805.16, subsection 3, Code 2013, is amended to read as follows:

3. a. A person arrested pursuant to subsection 2 shall only be arrested for the limited purpose of holding the person in nonsecure custody in an area not intended for secure detention while awaiting transfer to an appropriate juvenile facility or to court, for booking, for implied consent testing, for contacting and release to the person's parents, or for other administrative purposes.

b. For purposes of this subsection, "*nonsecure custody*" means custody in an unlocked multipurpose area, such as a lobby, office, or interrogation room which is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area, the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held, and the use of the area is limited to providing nonsecure custody only long enough for the purposes stated in ~~the preceding~~ paragraph "a" and not for a period of time in excess of six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

Sec. 221. Section 811.2, subsection 1, Code 2013, is amended to read as follows:

1. *Conditions for release of defendant.*

a. All bailable defendants shall be ordered released from custody pending judgment or entry of deferred judgment on their

personal recognizance, or upon the execution of an unsecured appearance bond in an amount specified by the magistrate unless the magistrate determines in the exercise of the magistrate's discretion, that such a release will not reasonably assure the appearance of the defendant as required or that release will jeopardize the personal safety of another person or persons. When such determination is made, the magistrate shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or deferral of judgment and the safety of other persons, or, if no single condition gives that assurance, any combination of the following conditions:

~~a.~~ (1) Place the defendant in the custody of a designated person or organization agreeing to supervise the defendant.

~~b.~~ (2) Place restrictions on the travel, association or place of abode of the defendant during the period of release.

~~c.~~ (3) Require the execution of an appearance bond in a specified amount and the deposit with the clerk of the district court or a public officer designated under section 602.1211, subsection 4, in cash or other qualified security, of a sum not to exceed ten percent of the amount of the bond, the deposit to be returned to the person who deposited the specified amount with the clerk upon the performance of the appearances as required in section 811.6.

~~d.~~ (4) Require the execution of a bail bond with sufficient surety, or the deposit of cash in lieu of bond. However, except as provided in section 811.1, bail initially given remains valid until final disposition of the offense or entry of an order deferring judgment. If the amount of bail is deemed insufficient by the court before whom the offense is pending, the court may order an increase of bail and the defendant must provide the additional undertaking, written or in cash, to secure release.

~~e.~~ (5) Impose any other condition deemed reasonably necessary to assure appearance as required, or the safety of another person or persons including a condition requiring that the defendant return to custody after specified hours, or a condition that the defendant have no contact with the victim or other persons specified by the court.

b. Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is

ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to manufacture or deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 222. Section 901.3, Code 2013, is amended to read as follows:

**901.3 Presentence investigation report.**

1. If a presentence investigation is ordered by the court, the investigator shall promptly inquire into all of the following:

~~1.~~ a. The defendant's characteristics, family and financial circumstances, needs, and potentialities.

~~2.~~ b. The defendant's criminal record and social history.

~~3.~~ c. The circumstances of the offense.

~~4.~~ d. The time the defendant has been in detention.

~~5.~~ e. The harm to the victim, the victim's immediate family, and the community. Additionally, the presentence investigator shall provide a victim impact statement form to each victim, if one has not already been provided, and shall file the completed statement or statements with the presentence investigation report.

~~6.~~ f. The defendant's potential as a candidate for the community service sentence program established pursuant to section 907.13.

~~7.~~ g. Any mitigating circumstances relating to the offense and the defendant's potential as a candidate for deferred judgment, deferred sentencing, a suspended sentence, or probation, if the defendant is charged with or convicted of assisting suicide pursuant to section 707A.2.

~~8.~~ h. Whether the defendant has a history of mental health or substance abuse problems. If so, the investigator shall inquire into the treatment options available in both the community of the defendant and the correctional system.

2. All local and state mental and correctional institutions, courts, and police agencies shall furnish to the investigator on request the defendant's criminal record and other relevant information. The originating source of

specific mental health or substance abuse information including the histories, treatment, and use of medications shall not be released to the presentence investigator unless the defendant authorizes the release of such information. If the defendant refuses to release the information, the presentence investigator may note the defendant's refusal to release mental health or substance abuse information in the presentence investigation report and rely upon other mental health or substance abuse information available to the presentence investigator. With the approval of the court, a physical examination or psychiatric evaluation of the defendant may be ordered, or the defendant may be committed to an inpatient or outpatient psychiatric facility for an evaluation of the defendant's personality and mental health. The results of any such examination or evaluation shall be included in the report of the investigator.

Sec. 223. Section 901.5, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

After receiving and examining all pertinent information, including the presentence investigation report and victim impact statements, if any, the court shall consider the following sentencing options. The court shall determine which of them is authorized by law for the offense, and of the authorized sentences, which of them or which combination of them, in the discretion of the court, will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community from further offenses by the defendant and others. At the time fixed by the court for pronouncement of judgment and sentence, the court shall act accordingly:

~~At the time fixed by the court for pronouncement of judgment and sentence, the court shall act accordingly:~~

Sec. 224. Section 902.9, Code 2013, is amended to read as follows:

**902.9 Maximum sentence for felons.**

1. The maximum sentence for any person convicted of a felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class "A" felony shall be determined as follows:

~~1.~~ a. A felon sentenced for a first conviction for a violation of section 124.401D, shall be confined for no more than ninety-nine years.

~~2.~~ b. A class "B" felon shall be confined for no more than



twenty-five years.

~~3.~~ c. An habitual offender shall be confined for no more than fifteen years.

~~4.~~ d. A class "C" felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand dollars but not more than ten thousand dollars.

~~5.~~ e. A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

2. The surcharges required by sections 911.1, 911.2, and 911.3 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.

Sec. 225. Section 904.403, Code 2013, is amended to read as follows:

**904.403 Investigatory powers — witnesses.**

1. The director may exercise the following powers in an investigation:

~~1.~~ a. Summon and compel the attendance of witnesses.

~~2.~~ b. Examine the witnesses under oath, which the director may administer.

~~3.~~ c. Have access to all books, papers, and property material to the investigation.

~~4.~~ d. Order the production of books or papers material to the investigation.

2. Witnesses other than those in the employ of the state are entitled to the same fees as in civil cases in the district court.

Sec. 226. Section 904.813, subsection 2, Code 2013, is amended to read as follows:

2. a. The Iowa state industries revolving fund shall be used only for the following purposes:

~~a.~~ (1) Establishment, maintenance, transfer, or closure of industrial operations, or vocational, technical, and related training facilities and services for inmates as authorized by the state director in consultation with the industries board.

~~b.~~ (2) Payment of all costs incurred by the industries board, including but not limited to per diem and expenses of its members, and of salaries, allowances, support, and maintenance of Iowa state industries.

~~c.~~ (3) Direct purchases from vendors of raw materials and

capital items used for the manufacturing processes of Iowa state industries, in accordance with rules which meet state bidding requirements. The rules shall be adopted by the state director in consultation with the industries board.

b. Payments from the revolving fund, other than salary payments, shall be made directly to the vendors.

Sec. 227. Section 904.905, Code 2013, is amended to read as follows:

**904.905 Surrender of earnings.**

1. An inmate employed in the community under a work release plan shall surrender to the judicial district department of correctional services the inmate's total earnings less payroll deductions required by law. The judicial district department of correctional services shall deduct from the earnings in the following order of priority:

~~1.~~ a. An amount the inmate may be legally obligated to pay for the support of the inmate's dependents, the amount of which shall be paid to the dependents through the department of human services located in the county or city in which the dependents reside.

~~2.~~ b. Restitution as ordered by the court pursuant to chapter 910.

~~3.~~ c. An amount determined to be the cost to the judicial district department of correctional services for providing food, lodging, and clothing for the inmate while under the program.

~~4.~~ d. Any other financial obligations which are acknowledged by the inmate or any unsatisfied judgment against the inmate.

2. Any balance remaining after deductions and payments shall be credited to the inmate's personal account at the judicial district department of correctional services and shall be paid to the inmate upon release. An inmate so employed shall be paid a fair and reasonable wage in accordance with the prevailing wage scale for such work and shall work at fair and reasonable hours per day and per week.

Sec. 228. Section 905.12, Code 2013, is amended to read as follows:

**905.12 Surrender of earnings.**

1. When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less

payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

1. a. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services in the county in which the dependents reside. For the purpose of this ~~subsection~~ paragraph, "*legally obligated*" means under a court order.

2. b. Restitution ordered by the court under chapter 910.

3. c. An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

4. d. Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

2. Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The director shall establish a plan to comply with the provisions of court orders entered pursuant to this section.

Sec. 229. Section 906.5, subsection 1, Code 2013, is amended to read as follows:

1. a. The board shall establish and implement a plan by which the board systematically reviews the status of each person who has been committed to the custody of the director of the Iowa department of corrections and considers the person's prospects for parole or work release. The board at least annually shall review the status of a person other than a class "A" felon, a class "B" felon serving a sentence of more than twenty-five years, or a felon serving an offense punishable under section 902.9, subsection 1, paragraph "a", or a felon serving a mandatory minimum sentence other than a class "A" felon, and provide the person with notice of the board's parole or work release decision.

b. Not less than twenty days prior to conducting a hearing at which the board will interview the person, the board shall notify the department of corrections of the scheduling of the interview, and the department shall make the person

available to the board at the person's institutional residence as scheduled in the notice. However, if health, safety, or security conditions require moving the person to another institution or facility prior to the scheduled interview, the department of corrections shall so notify the board.

Sec. 230. Section 906.9, Code 2013, is amended to read as follows:

**906.9 Clothing, transportation, and money.**

1. When an inmate is discharged, paroled, or placed on work release, the warden or superintendent shall furnish the inmate, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan. When an inmate is discharged, paroled, or placed on work release, the warden or superintendent shall provide the inmate, at state expense or through inmate savings as provided in section 904.508, money in accordance with the following schedule:

~~1.~~ a. Upon discharge or parole, one hundred dollars.

~~2.~~ b. Upon being placed on work release, fifty dollars.

2. Those inmates receiving payment under subsection ~~2~~ 1, paragraph "b", shall not be eligible for payment under subsection 1, paragraph "a", unless they are returned to the institution. An inmate shall only be eligible to receive one payment under this section during any twelve-month period. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

Sec. 231. Section 910.4, subsection 3, Code 2013, is amended to read as follows:

3. a. When there is a transfer of supervision from one office or individual charged with supervision of the offender to another, the sending office or individual shall forward to the receiving office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required.

b. When the offender's circumstances and income have significantly changed, the receiving office or individual shall submit a new plan of payment to the sentencing court for approval or modification based on the considerations enumerated in this section.

Sec. 232. Section 915.12, subsection 1, Code 2013, is amended to read as follows:

1. A victim may register by filing a written request-for-registration form with the county attorney. The

county attorney shall notify the victims in writing and advise them of their registration and rights under this subchapter. The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.

~~The county attorney shall provide a registered victim list to the offices, agencies, and departments required to provide information under this subchapter for notification purposes.~~

Sec. 233. Section 915.29, Code 2013, is amended to read as follows:

**915.29 Notification of victim of juvenile by department of human services.**

1. The department of human services shall notify a registered victim regarding a juvenile adjudicated delinquent for a violent crime, committed to the custody of the department of human services, and placed at the state training school at Eldora or Toledo, of the following:

~~1.~~ a. The date on which the juvenile is expected to be temporarily released from the custody of the department of human services, and whether the juvenile is expected to return to the community where the registered victim resides.

~~2.~~ b. The juvenile's escape from custody.

~~3.~~ c. The recommendation by the department to consider the juvenile for release or placement.

~~4.~~ d. The date on which the juvenile is expected to be released from a facility pursuant to a plan of placement.

2. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.

Sec. 234. Section 915.38, subsection 1, Code 2013, is amended to read as follows:

1. a. Upon its own motion or upon motion of any party, a court may protect a minor, as defined in section 599.1, from trauma caused by testifying in the physical presence of the defendant where it would impair the minor's ability to communicate, by ordering that the testimony of the minor be taken in a room other than the courtroom and be televised by closed-circuit equipment for viewing in the courtroom. However, such an order shall be entered only upon a specific finding by the court that such measures are necessary to protect the minor from trauma. Only the judge, prosecuting attorney, defendant's attorney, persons necessary to operate

the equipment, and any person whose presence, in the opinion of the court, would contribute to the welfare and well-being of the minor may be present in the room with the minor during the minor's testimony. The judge shall inform the minor that the defendant will not be present in the room in which the minor will be testifying but that the defendant will be viewing the minor's testimony through closed-circuit television.

b. During the minor's testimony the defendant shall remain in the courtroom and shall be allowed to communicate with the defendant's counsel in the room where the minor is testifying by an appropriate electronic method.

c. In addition, upon a finding of necessity, the court may allow the testimony of a victim or witness with a mental illness, an intellectual disability, or other developmental disability to be taken as provided in this subsection, regardless of the age of the victim or witness.

#### DIVISION III

#### CONFORMING CHANGES

Sec. 235. Section 48A.11, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The penalty provided by law for submission of a false voter registration form, which shall be the penalty for perjury as provided by section 902.9, subsection 5 1, paragraph "e".

Sec. 236. Section 124.401, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Violation of this subsection, with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and notwithstanding section 902.9, subsection 2 1, paragraph "b", shall be punished by confinement for no more than fifty years and a fine of not more than one million dollars:

Sec. 237. Section 124.401, subsection 1, paragraph b, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and in addition to the provisions of section 902.9, subsection 2 1, paragraph "b", shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars:

Sec. 238. Section 124.401, subsection 1, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as

follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "C" felony, and in addition to the provisions of section 902.9, subsection 4 1, paragraph "d", shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars:

Sec. 239. Section 124.401D, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1, paragraph "a".

Sec. 240. Section 124.401D, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1, paragraph "a".

Sec. 241. Section 237A.29, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. A child care provider that has been found by the department of inspections and appeals in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, paragraph "a", shall be subject to sanction in accordance with this subsection. Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the department of human services:

(1) Ineligibility to receive public funding for provision of child care.

(2) Suspension from receipt of public funding for provision of child care.

(3) Special review of the child care provider's claims for providing publicly funded child care.

Sec. 242. Section 692A.101, subsection 1, paragraph a, subparagraphs (3) and (4), Code 2013, are amended to read as follows:

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 1, paragraph "a".

(4) Lascivious acts with a child in violation of section

709.8, subsection 1, paragraph "a" or 2 "b".

Sec. 243. Section 692A.101, subsection 2, paragraph a, subparagraph (3), Code 2013, is amended to read as follows:

(3) Sexual abuse in the third degree in violation of section 709.4, except for a violation of section 709.4, subsection 2 1, paragraph ~~"e"~~ "b", subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 244. Section 692A.102, subsection 1, paragraph a, subparagraphs (2), (3), and (4), Code 2013, are amended to read as follows:

(2) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3 paragraph "a", "c", or 4 "d", if committed by a person under the age of fourteen.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 2 1, paragraph ~~"a"~~ or "b", subparagraph (1) or (2), if committed by a person under the age of fourteen.

(4) Sexual abuse in the third degree in violation of section 709.4, subsection 2 1, paragraph ~~"e"~~ "b", subparagraph (3).

Sec. 245. Section 692A.102, subsection 1, paragraph b, subparagraphs (1) and (3), Code 2013, are amended to read as follows:

(1) Lascivious acts with a child in violation of section 709.8, subsection 3 1, paragraph "c" or 4 "d".

(3) Solicitation of a minor to engage in an illegal act under section 709.8, subsection 3 1, paragraph "c", in violation of section 705.1.

Sec. 246. Section 692A.102, subsection 1, paragraph c, subparagraphs (10), (11), and (12), Code 2013, are amended to read as follows:

(10) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3 paragraph "a", "c", or 4 "d", if committed by a person fourteen years of age or older.

(11) Sexual abuse in the third degree in violation of section 709.4, subsection 2 1, paragraph ~~"a"~~ or "b", subparagraph (1) or (2), if committed by a person fourteen years of age or older.

(12) Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph "a" or 2 "b".

Sec. 247. Section 692A.121, subsection 2, paragraph b, subparagraph (2), subparagraph division (a), Code 2013, is amended to read as follows:

(a) The relevant information about a sex offender who was under twenty years of age at the time the offender committed a



violation of section 709.4, subsection 2 1, paragraph "e" "b", subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 248. Section 702.11, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Sexual abuse in violation of section 709.4, subsection 2 1, paragraph "e" "b", subparagraph ~~(4)~~ (3), subparagraph division (d).

Sec. 249. Section 708.2A, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 5 1, paragraph "e", and shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsections 1, 3, and 5 and section 907.3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.

Sec. 250. Section 708A.2, Code 2013, is amended to read as follows:

**708A.2 Terrorism.**

A person who commits or attempts to commit an act of terrorism commits a class "B" felony. However, notwithstanding section 902.9, subsection 2 1, paragraph "b", the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

Sec. 251. Section 716.10, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. A person commits railroad vandalism in the first degree if the person intentionally commits railroad vandalism which results in the death of any person. Railroad vandalism in the first degree is a class "B" felony. However, notwithstanding section 902.9, subsection 2 1, paragraph "b", the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

Sec. 252. Section 726.6, subsection 4, Code 2013, is amended to read as follows:

4. A person who commits child endangerment resulting in the death of a child or minor is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 2 1, paragraph "b", a person convicted of a violation of this subsection shall be confined for no more than fifty years.

Sec. 253. Section 726.6A, Code 2013, is amended to read as

follows:

**726.6A Multiple acts of child endangerment — penalty.**

A person who engages in a course of conduct including three or more acts of child endangerment as defined in section 726.6 within a period of twelve months involving the same child or a minor with a mental or physical disability, where one or more of the acts results in serious injury to the child or minor or results in a skeletal injury to a child under the age of four years, is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 2 1, paragraph "b", a person convicted of a violation of this section shall be confined for no more than fifty years.

Sec. 254. Section 804.25, Code 2013, is amended to read as follows:

**804.25 Bail — discharge.**

Any magistrate who receives bail as provided for in sections 804.21, subsection 2, and 804.22, subsection 2 1, paragraph "b", shall endorse, on the order of commitment or on the warrant, an order for the discharge from custody of the arrested person, who shall forthwith be discharged, and shall transmit by mail, or otherwise, as soon as it can be conveniently done, to the court at which the person is bound to appear, the affidavits, order of commitment or warrant, and discharge, together with the undertaking of bail.

Sec. 255. Section 811.1, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony; forcible felony as defined in section 702.11; any class "B" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "a" or "b"; a second or subsequent offense under section 124.401, subsection 1, paragraph "c"; any felony punishable under section 902.9, subsection 1, paragraph "a"; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

2. A defendant appealing a conviction of a class "A" felony; forcible felony as defined in section 702.11; any class "B" or "C" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent conviction under section 124.401, subsection 1, paragraph "c"; any felony punishable

under section 902.9, subsection 1, paragraph "a"; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

Sec. 256. Section 811.10, unnumbered paragraph 1, Code 2013, is amended to read as follows:

When a defendant is admitted to bail by means of a surety bail bond pursuant to section 811.2, subsection 1, paragraph ~~"d"~~, "a", subparagraph (4), the obligation of surety shall be discharged, and the surety released, upon any of the following conditions:

Sec. 257. Section 901.2, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The court shall not order a presentence investigation when the offense is a class "A" felony. If, however, the board of parole determines that the Iowa medical and classification center reception report for a class "A" felon is inadequate, the board may request and shall be provided with additional information from the appropriate judicial district department of correctional services. The court shall order a presentence investigation when the offense is any felony punishable under section 902.9, subsection 1, paragraph "a", or a class "B", class "C", or class "D" felony. A presentence investigation for any felony punishable under section 902.9, subsection 1, paragraph "a", or a class "B", class "C", or class "D" felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty. The court may order a presentence investigation when the offense is an aggravated misdemeanor. The court may order a presentence investigation when the offense is a serious misdemeanor only upon a finding of exceptional circumstances warranting an investigation. Notwithstanding section 901.3, a presentence investigation ordered by the court for a serious misdemeanor shall include information concerning only the following:

Sec. 258. Section 901.5A, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A defendant sentenced by the court to the custody of the director of the department of corrections for an offense punishable under section 902.9, subsection 1, paragraph "a", may have the judgment and sentence entered under section 901.5 reopened for resentencing if the following apply:

Sec. 259. Section 901.10, subsection 3, Code 2013, is amended to read as follows:

3. A court sentencing a person for the person's first conviction under section 124.401D may, at its discretion, sentence the person to a term less than the maximum term provided under section 902.9, subsection 1, paragraph "a", if mitigating circumstances exist and those circumstances are stated specifically in the record. However, the court shall not grant any reduction of sentence unless the defendant pleads guilty. If the defendant pleads guilty, the court may, at its discretion, reduce the maximum sentence by up to one-third. If the defendant cooperates in the prosecution of other persons involved in the sale or use of controlled substances, and if the prosecutor requests an additional reduction in the defendant's sentence because of such cooperation, the court may grant a further reduction in the defendant's maximum sentence.

Sec. 260. Section 902.14, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph "a" or 2 "b".

#### DIVISION IV

#### DIRECTIVES

Sec. 261. CODE EDITOR DIRECTIVES.

1. Sections 554.1201, subsection 2, paragraph "p"; 554.2210, subsection 3; 554.3104, subsection 1, paragraph "c"; 554.3104, subsections 6, 8, and 9; 554.3106, subsections 1 and 2; 554.3108, subsections 1 and 2; 554.3109, subsection 2; 554.3112, subsection 1; 554.3204, subsection 1; 554.3206, subsection 3, unnumbered paragraph 1; 554.3302, subsection 1, paragraph "b"; 554.3302, subsections 3 and 5; 554.3307, subsection 2; 554.3310, subsection 3; 554.3312, subsection 2, unnumbered paragraph 1; 554.3312, subsection 3; 554.3402, subsection 2, paragraph "b"; 554.3404, subsection 2, unnumbered paragraph 1; 554.3404, subsection 3; 554.3405, subsection 3; 554.3407, subsections 1 and 3; 554.3411, subsections 2 and 3; 554.3414, subsections 2 and 6; 554.3415, subsection 1; 554.3417, subsection 1, unnumbered paragraph 1; 554.3417, subsection 4, unnumbered paragraph 1; 554.3418, subsections 1 and 2; 554.3419, subsection 4; 554.3420, subsection 1; 554.3502, subsection 2, paragraph "c"; 554.3503, subsections 1 and 3; 554.3504, subsections 1 and 2; 554.3602, subsection 1; 554.3602, subsection 2, paragraph "a"; 554.4106, subsections 1 and 2; 554.4109, subsection 2; 554.4207, subsection 2;

554.4208, subsection 1, unnumbered paragraph 1; 554.4208, subsections 2 and 4; 554.4215, subsection 5, unnumbered paragraph 1; 554.5102, subsection 1, paragraphs "f" and "k"; 554.5109, subsection 1, paragraph "a"; 554.5116, subsection 3; 554.8301, subsection 1, paragraph "c"; 554.8403, subsection 2, unnumbered paragraph 1; 554.13303, subsections 2 and 3; 554.13303, subsection 4, paragraph "b"; 554.13308, subsection 2; 554.13309, subsection 8; 554.13310, subsection 5; 554.13518, subsection 2; 554.13529, subsection 1, paragraphs "a" and "b"; and 554.13531, subsection 1, unnumbered paragraph 1, Code 2013, are amended by striking nonconforming Code subparagraph subdivision references from within section text.

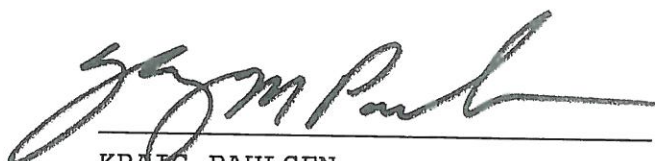
2. Sections 554.3119, 554.3301, 554.3401, 554.3412, 554.3413, and 554.13105, Code 2013, are amended by striking nonconforming Code subparagraph subdivision references from within section text.

3. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within sections 556D.2, 557B.5, 557B.6, 558.60, 562A.18, 564A.6, 573.18, 573A.7, 592.3, 596.8, 598.25, 600B.31A, 602.10141, 637.606, 654.12B, 703.5, and 704.11, Code 2013, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

4. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within sections 558.58, subsection 1; 562A.12, subsections 3 and 5; 562B.13, subsection 6; 573.12, subsection 1; 573.12, subsection 2, paragraph "b"; 598.13, subsection 1; 598.22A, subsection 1; 600.9, subsection 2; 600A.6, subsection 2; 602.1401, subsection 3; 602.6105, subsection 3, paragraph "b"; 602.9105, subsection 1, paragraph "b"; 602.9107, subsections 2 and 3; 614.17A, subsection 2; 614.22, subsection 2; 624.24A, subsection 3; 627.6, subsection 15; 631.13, subsection 4, paragraph "a"; 631.14, subsection 2; 633.123A, subsection 1; 633.356, subsections 3, 4, 6, and 7; 633D.10, subsection 3; 654.15, subsection 1; 657.11, subsection 3, paragraph "a"; 657A.10A, subsection 1; 669.14, subsection 11; 692.2, subsection 6; 714.16A, subsection 1; 717B.5, subsection 2; 809A.6, subsection 4; 809A.7, subsection 5; 809A.9, subsection 1; 809A.12, subsection 3; 904.116, subsection 2; 904.201, subsection 3; 904.503, subsection 1; and 904.809, subsection 5, paragraph "a", Code 2013, in accordance with established Code

section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

5. The Code editor is directed to redesignate within section 327F.39, subsection 1, paragraphs "a" through "c" to place the definitions in alphabetical order and correct any internal references in the Code and in any enacted Iowa Acts, as necessary.



KRAIG PAULSEN

Speaker of the House



PAM JOCHEM

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 417, Eighty-fifth General Assembly.



CARMINE BOAL

Chief Clerk of the House

Approved April 5, 2013



TERRY E. BRANSTAD

Governor