

TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 6, 2016

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2359, an Act relating statutory corrections which may adjust language to reflect current practices, insert earlier omission, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date provisions.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



House File 2359

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 8D.14, Code 2016, is amended to read as follows:

8D.14 Iowa communications network fund.

There is created in the office of the treasurer of state a fund to be known as the Iowa communications network fund under the control of the Iowa telecommunications and technology commission. There shall be deposited into the Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 8D.13, funds received from leases pursuant to section 8D.11, and other moneys by law credited to or designated by a person for deposit into the fund. Amounts deposited into the fund are appropriated to and for the use of the commission. Notwithstanding section 12C.7, interest earned on amounts deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys deposited into

and appropriated from the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

~~2. The commission shall be required to repay one million dollars of start-up funding from the Iowa communications network fund to the general fund of the state. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year, and for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year. The remaining five hundred thousand dollars shall be repaid in a reasonable period of time thereafter as provided in this subsection. The commission shall conduct a review of the operation of the fund and the extent to which a continued need for funding for cash flow support exists, and shall provide a report summarizing the results of the review to the general assembly by January 1, 2010. The report shall also include a plan regarding repayment of the remaining five hundred thousand dollars in start-up funding in a manner which will not adversely affect network operations, and any other recommendations relating to the fund and the operation of the network deemed appropriate by the commission.~~

Sec. 2. Section 12.77, Code 2016, is amended to read as follows:

12.77 Construction.

Sections 12.71 through 12.76, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect ~~its~~ the purposes of the sections.

Sec. 3. Section 12.86, Code 2016, is amended to read as follows:

12.86 Construction.

Sections 12.81 through 12.85, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect ~~its~~ the purposes of the sections.

Sec. 4. Section 12.90, subsection 2, Code 2016, is amended to read as follows:

2. Sections 12.87 through 12.89, and this section, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect ~~its~~ the purposes of the sections.

Sec. 5. Section 13.7, subsection 1, Code 2016, is amended to read as follows:

1. Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head of an executive department of state government, or to a state board or commission. However, the executive council may authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service. The reasons and action of the executive council shall be entered upon its records. If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This subsection does not affect the general counsel for the utilities board of the department of commerce, the legal counsel of the department of workforce development, or the general counsel for the property assessment appeal board.

Sec. 6. Section 13C.2, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. In lieu of filing the financial disclosure information at the time of registration, the professional commercial fund-raiser may file a statement with its permit application where it agrees to provide, without cost, the financial disclosure information required to be disclosed pursuant to this subsection to a person or ~~government~~ governmental entity

requesting the information within one day of the request. The statement shall include the telephone number, mailing address, and names of persons to be contacted to obtain the financial disclosure information of the fund-raiser. Failure to provide this information upon request shall be a violation of this chapter.

Sec. 7. Section 13C.2, subsection 3, paragraph b, Code 2016, is amended to read as follows:

b. The attorney general may seek an injunction pursuant to section 714.16 prohibiting the professional commercial fund-raiser or charitable organization from soliciting contributions until the required financial information has been disclosed to the attorney general, person, or ~~government~~ governmental entity making the request.

Sec. 8. Section 15.338, subsection 5, Code 2016, is amended to read as follows:

5. In providing financial assistance under this section, the authority shall coordinate with a city to develop a plan for the use of funds that is consistent with the community development, housing, and economic development goals of the city. The terms of the agreement entered into pursuant to subsection 3 4 and the use of financial assistance provided under this section shall reflect the plan developed based on a city's goals.

Sec. 9. Section 15.353, subsection 2, paragraph d, subparagraph (2), subparagraph division (c), Code 2016, is amended to read as follows:

(c) The demand for projects applying under this paragraph "d" compared to the demand for projects applying under paragraphs "a" through "c".

Sec. 10. Section 15H.5, subsection 5, paragraphs b and d, Code 2016, are amended to read as follows:

b. The commission shall manage the Iowa summer youth corps program in a manner to maximize the leveraging of federal, local, and private funding opportunities that increase or amplify program impact and service-learning opportunities. The commission shall also encourage collaboration with, and utilization of, other national, local, and nonprofit programs engaged in community service or addressing the needs of youth

from families with low income.

d. The commission shall include progress information concerning implementation of the Iowa summer youth corps program in the quarterly reports made to the governor and the general assembly in accordance with section 15H.2.

Sec. 11. Section 15H.5, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. If a stipend is provided to a youth participating in the Iowa summer youth corps program, the youth shall be age fourteen through eighteen.

Sec. 12. Section 16.2D, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. The council shall elect a chairperson and vice chairperson from the membership of the council. The chairperson and vice chairperson shall each serve two-year terms. The positions of chairperson and vice chairperson shall not both be held by ~~members who are both~~ either general public members or agency ~~directors~~ director members. The ~~position~~ positions of chairperson and vice chairperson shall rotate between agency director members and general public members.

Sec. 13. Section 17A.17, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Unless required for the disposition of ex parte matters specifically authorized by statute, a presiding officer in a contested case~~7~~ shall not communicate~~7~~ directly or indirectly~~7~~ with any person or party in connection with any issue of fact or law in that contested case, ~~with any person or party~~~~7~~, except upon notice and opportunity for all parties to participate as shall be provided for by agency rules.

Sec. 14. Section 21.5, subsection 1, paragraph g, Code 2016, is amended to read as follows:

g. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations~~7~~ or inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.

Sec. 15. Section 28F.12, subsection 2, Code 2016, is amended to read as follows:

2. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any

combination thereof, it is a governmental entity with respect to projects undertaken pursuant to chapter 418 and may exercise all of the powers of a governmental entity under that chapter in connection with ~~the~~ a flood mitigation project. Unless otherwise provided in chapter 418, if the entity is undertaking a flood mitigation project as a governmental entity under chapter 418, the provisions of chapter 418 shall prevail over any conflicting provision in this chapter.

Sec. 16. Section 48A.26, subsections 4 and 5, Code 2016, are amended to read as follows:

4. If the registrant applied by mail to register to vote and did not answer either "yes" or "no" to the first question in section 48A.11, subsection 3, ~~paragraph "a"~~, the application shall be processed. If the application is complete and proper in all other respects and information on the application is verified, as required by section 48A.25A, the applicant shall be registered to vote and sent an acknowledgment.

5. If the registrant applied by mail to register to vote and answered "no" to the first question in section 48A.11, subsection 3, ~~paragraph "a"~~, the application shall not be processed. The acknowledgment shall advise the applicant that the registration has been rejected because the applicant indicated on the registration form that the applicant is not a citizen of the United States.

Sec. 17. Section 91E.2, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. If a Spanish-speaking interpreter is needed, the employer shall select an interpreter from a list of interpreters developed by the department of workforce development, ~~drawn from the commission of Latino affairs' statewide list of interpreters qualified to serve Iowa courts and administrative agencies.~~

Sec. 18. Section 96.7, subsection 8, paragraph a, subparagraph (4), Code 2016, is amended to read as follows:

(4) The department, in accordance with rules adopted by the department pursuant to chapter 17A, shall notify each nonprofit organization of any determination made by the department of the status of the nonprofit organization as an employer and of the effective date of any election or termination of election. A

determination is subject to appeal and review in accordance with subsections 4 and 5.

Sec. 19. Section 96.13, subsection 2, Code 2016, is amended to read as follows:

2. *Replenishment of lost funds.* If any moneys received after June 30, 1941, from the social security 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 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 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 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. 20. Section 96.19, subsection 41, unnumbered paragraph 1, Code 2016, is amended to read as follows:

"*Wages*" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules prescribed by the department. ~~Wages payable to an individual for insured work performed prior to January 1, 1941, shall, for the~~

~~purposes of sections 96.3, 96.4, and this section, be deemed to be wages paid within the calendar quarter with respect to which such wages were payable.~~

Sec. 21. Section 96.20, subsection 2, paragraph b, Code 2016, is amended to read as follows:

b. Reimbursements so payable shall be deemed to be benefits for the purposes of section 96.3, subsection 5, paragraph "a", and section 96.9, but no reimbursement so payable shall be charged against any employer's account for the purposes of section 96.7, unless wages so transferred are sufficient to establish a valid claim in Iowa, and that such charges shall not exceed the amount that would have been charged on the basis of a valid claim. The department is hereby authorized to make to other state or federal agencies and receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this section. The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and avoiding ~~the~~ duplication in the use of wages and employment by reason of such combining.

Sec. 22. Section 97B.49C, subsection 1, paragraph e, Code 2016, is amended to read as follows:

e. "Sheriff" means a county sheriff as ~~defined~~ described in section ~~39.17~~ 331.651.

Sec. 23. Section 97B.49G, subsection 7, paragraph a, subparagraph (3), subparagraph division (a), Code 2016, is amended to read as follows:

(a) As a county sheriff as ~~defined~~ described in section ~~39.17~~ 331.651.

Sec. 24. Section 99.28, Code 2016, is amended to read as follows:

99.28 Certification and payment of mulct tax.

The clerk of said court shall make and certify a return of the imposition of ~~said~~ the mulct tax forthwith to the county auditor, who shall enter the same as a tax upon the property, and against the persons upon which or whom the lien was imposed, as and when the other taxes are entered, and the same shall be and remain a lien on the land upon which such lien was imposed until fully paid. Any such lien imposed while the tax books are in the hands of the auditor shall be immediately entered ~~therein~~ in the tax books. The payment of ~~said~~ the mulct tax shall not relieve the persons or property from any other penalties provided by law.

Sec. 25. Section 99.29, Code 2016, is amended to read as follows:

99.29 Collection of mulct tax.

The provisions of the law relating to the collection of taxes in this state, the delinquency thereof, and sale of property for taxes shall govern in the collection of the mulct tax ~~herein~~ prescribed in this chapter insofar as ~~the same~~ those provisions are applicable.

Sec. 26. Section 99.30, Code 2016, is amended to read as follows:

99.30 Application of mulct tax.

The mulct tax collected shall be applied toward the deficiency in the payment of costs of the action and abatement which exist after the application of the proceeds of the sale of personal property. The remainder of the tax together with the unexpended portion of the proceeds of the sale of personal property shall be paid to the treasurer of state for deposit in the general fund of the state, except that ten percent of the amount of the whole tax collected and of the whole proceeds of the sale of the personal property, as provided in this chapter, shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment.

Sec. 27. Section 99.31, Code 2016, is amended to read as follows:

99.31 ~~Tax~~ Mulct tax assessed.

When such nuisance has been found to exist under any proceeding in the district court or as in this chapter provided, and the owner or agent of such building or ground whereon the ~~same~~ nuisance has been found to exist was not a party to such proceeding, nor appeared therein, the ~~said~~ mulct tax of three hundred dollars shall, nevertheless, be imposed against the persons served or appearing and against the property as set forth in this chapter ~~set forth~~.

Sec. 28. Section 99B.3, subsection 4, paragraph b, Code 2016, is amended to read as follows:

b. If a request for a hearing is timely received by the department, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before the department and the denial, suspension, or revocation shall be deemed ~~suspended~~ stayed until the department makes a final determination. However, the director may suspend a license prior to a hearing if the director finds that the public integrity of the licensed activity is compromised or there is a risk to public health, safety, or welfare. In addition, at any time during or prior to the hearing the department may rescind the notice of the denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, the determination involved in the notice may be affirmed, modified, or set aside by the department in a written decision.

Sec. 29. Section 99B.55, subsection 3, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) If a request for a hearing is timely received by the department, the applicant or registrant shall be given an opportunity for a prompt and fair hearing before the department and the denial, suspension, or revocation shall be deemed ~~suspended~~ stayed until the department makes a final determination. However, the director of the department may suspend a registration prior to a hearing if the director finds that the public integrity of the registered activity is compromised or there is a risk to public health, safety, or welfare. In addition, at any time during or prior to the hearing, the department may rescind the notice of the denial,

suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, the proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision. The procedure governing hearings authorized by this ~~paragraph~~ subparagraph shall be in accordance with the rules ~~promulgated~~ adopted by the department and chapter 17A.

Sec. 30. Section 99F.15, subsection 6, paragraph a, Code 2016, is amended to read as follows:

a. A person who places, removes, increases, or decreases a bet after acquiring knowledge of the outcome of the gambling game which is the subject of the bet or ~~to aid~~ who aids a person in acquiring the knowledge for the purpose of placing, removing, increasing, or decreasing a bet contingent on that outcome commits the offense of unlawful betting.

Sec. 31. Section 123.9, subsection 5, Code 2016, is amended to read as follows:

5. To grant and issue beer permits, wine permits, special permits, liquor control licenses, and other licenses; and to suspend or revoke all such permits and licenses for cause under this chapter.

Sec. 32. Section 123.48, Code 2016, is amended to read as follows:

123.48 Seizure of false or altered driver's license or ~~nonoperator~~ nonoperator's identification card.

1. If a liquor control licensee or wine or beer permittee or an employee of the licensee or permittee has a reasonable belief based on factual evidence that a driver's license as defined in section 321.1, subsection 20A, or ~~nonoperator~~ nonoperator's identification card issued pursuant to section 321.190 offered by a person who wishes to purchase an alcoholic beverage at the licensed premises is altered or falsified or belongs to another person, the licensee, permittee, or employee may retain the driver's license or ~~nonoperator~~ nonoperator's identification card. Within twenty-four hours, the license or card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the licensed premises is located. When the license or card is delivered

to the appropriate law enforcement agency, the licensee shall file a written report of the circumstances under which the license or card was retained. The local law enforcement agency may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. If an investigation is not initiated or a probable cause is not established by the local law enforcement agency, the driver's license or ~~nonoperator~~ nonoperator's identification card shall be delivered to the person to whom it was issued. The local law enforcement agency may forward the license or card with the report to the department of transportation for investigation, in which case, the department may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. The department of transportation shall return the license or card to the person to whom it was issued if an investigation is not initiated or a probable cause is not established.

2. Upon taking possession of ~~an~~ a driver's license or nonoperator's identification card as provided in subsection 1, a receipt for the license or card with the date and hour of seizure noted shall be provided to the person from whom the license or card was seized.

3. A liquor control licensee or wine or beer permittee or an employee of the licensee or permittee is not subject to criminal prosecution for, or to civil liability for damages alleged to have resulted from, the retention and delivery of a driver's license or a ~~nonoperator~~ nonoperator's identification card which is taken pursuant to subsections 1 and 2. This section shall not be construed to relieve a licensee, permittee, or employee of the licensee or permittee from civil liability for damages resulting from the use of unreasonable force in obtaining the altered or falsified driver's license or nonoperator's identification card or the driver's license or nonoperator's identification card believed to belong to another person.

Sec. 33. Section 123.124, Code 2016, is amended to read as follows:

123.124 Beer permits — classes.

Permits for the manufacture and sale, or sale, of beer shall be divided into six classes, known as class "A", special class

"A", class "AA", special class "AA", class "B", or class "C" beer permits. A class "A" beer permit allows the holder to manufacture and sell beer at wholesale. A holder of a special class "A" beer permit may only manufacture beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit, to be sold to a class "A" beer permittee for resale purposes, and to be sold to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale. A class "AA" beer permit allows the holder to manufacture and sell high alcoholic content beer at wholesale. A holder of a special class "AA" beer permit may only manufacture high alcoholic content beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit, to be sold to a class "AA" beer permittee for resale purposes, and to be sold to distributors outside of the state that are authorized by the laws of that jurisdiction to sell high alcoholic content beer at wholesale. A class "B" beer permit allows the holder to sell beer to consumers at retail for consumption on or off the premises. A class "C" beer permit allows the holder to sell beer to consumers at retail for consumption off the premises.

Sec. 34. Section 123.127, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A class "A", class "AA", special class "A", or special class "AA" beer permit shall be issued by the administrator to any person who:

Sec. 35. Section 123.127, subsection 2, Code 2016, is amended to read as follows:

2. An applicant for a special class "A" or special class "AA" beer permit shall comply with the requirements for a class "A" or class "AA" beer permit, as applicable, and shall also state on the application that the applicant holds or has applied for a class "C" liquor control license or class "B" beer permit.

Sec. 36. Section 123.128, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A class "B" beer permit shall be issued by the administrator to any person who:

Sec. 37. Section 123.129, subsection 1, Code 2016, is amended to read as follows:

1. A class "C" beer permit shall not be issued to any person except the owner or proprietor of a grocery store or pharmacy.

Sec. 38. Section 123.129, subsection 2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A class "C" beer permit shall be issued by the administrator to any person who is the owner or proprietor of a grocery store or pharmacy, who:

Sec. 39. Section 123.130, Code 2016, is amended to read as follows:

123.130 Authority under class "A", class "AA", special class "A", and special class "AA" beer permits.

1. Any person holding a class "A" or class "AA" beer permit issued by the division shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding subsisting class "A", "B", or "C" beer permits, or liquor control licenses issued in accordance with the provisions of this chapter. A class "A", class "AA", special class "A", or special class "AA" beer permit does not grant authority to manufacture wine as defined in section 123.3, subsection 47.

2. All class "A" and class "AA" premises shall be located within the state. All beer received by the holder of a class "A" or class "AA" beer permit from the holder of a certificate of compliance before being resold must first come to rest on the licensed premises of the permit holder, must be inventoried, and is subject to the barrel tax when resold as provided in section 123.136. A class "A" or class "AA" beer permittee shall not store beer overnight except on premises licensed under a class "A" or class "AA" beer permit.

3. All special class "A" and special class "AA" premises shall be located within the state. A person who holds a special class "A" or special class "AA" beer permit for the same location at which the person holds a class "C" liquor control license or class "B" beer permit may manufacture and sell beer to be consumed on the premises, may sell beer to a class "A" or class "AA" beer permittee for resale purposes,

and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.

Sec. 40. Section 123.131, Code 2016, is amended to read as follows:

123.131 Authority under class "B" beer permit.

Subject to the provisions of this chapter, any person holding a class "B" beer permit shall be authorized to sell beer for consumption on or off the premises. However, unless otherwise provided in this chapter, no sale of beer shall be made for consumption on the premises unless the place where such service is made is equipped with tables and seats sufficient to accommodate not less than twenty-five persons at one time.

Sec. 41. Section 123.132, Code 2016, is amended to read as follows:

123.132 Authority under class "C" beer permit.

1. The holder of a class "C" beer permit shall be allowed to sell beer to consumers at retail for consumption off the premises. The sales made pursuant to this section shall be made in original containers except as provided in subsection 2.

2. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The beer is transferred from the original container to the container to be sold on the licensed premises at the time of sale.

b. The person transferring the beer from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer has been tampered with or the sealed container has otherwise been reopened.

3. A container of beer other than the original container that is sold and sealed in compliance with the requirements of subsection 2 and the division's rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

4. The holder of a class "C" beer permit or the permittee's agents or employees shall not sell beer to other retail license or permit holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment.

Sec. 42. Section 123.134, subsections 1 and 2, Code 2016, are amended to read as follows:

1. The annual permit fee for a class "A" or special class "A" beer permit is two hundred fifty dollars.

2. The annual permit fee for a class "AA" or special class "AA" beer permit is five hundred dollars.

Sec. 43. Section 123.134, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The annual permit fee for a class "B" beer permit shall be graduated according to population as follows:

Sec. 44. Section 123.134, subsection 4, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The annual permit fee for a class "C" beer permit shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:

Sec. 45. Section 123.135, subsections 3, 4, and 5, Code 2016, are amended to read as follows:

3. All class "A" and class "AA" beer permit holders shall sell only those brands of beer which are manufactured, brewed, bottled, shipped, or imported by a person holding a current certificate of compliance. Any employee or agent working for or representing the holder of a certificate of compliance within this state shall submit electronically, or in a manner prescribed by the administrator, the employee's or agent's name and address with the division.

4. It shall be unlawful for any holder of a certificate of compliance or the holder's agent, or any class "A" or class

"AA" beer permit holder or the beer permit holder's agent, to grant to any retail beer permit holder, directly or indirectly, any rebates, free goods, or quantity discounts on beer which are not uniformly offered to all retail permittees.

5. Notwithstanding any other penalties provided by this chapter, any holder of a certificate of compliance or any class "A" or class "AA" beer permit holder who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars or suspension of the holder's certificate or permit for a period not to exceed one year, or both such civil penalty and suspension. Civil penalties imposed under this section shall be collected and retained by the division.

Sec. 46. Section 123.136, subsection 1, Code 2016, is amended to read as follows:

1. In addition to the annual permit fee to be paid by all class "A" and class "AA" beer permittees under this chapter there shall be levied and collected from the permittees on all beer manufactured for sale or sold in this state at wholesale and on all beer imported into this state for sale at wholesale and sold in this state at wholesale, and from special class "A" and special class "AA" beer permittees on all beer manufactured for consumption on the premises, a tax of five and eighty-nine hundredths dollars for every barrel containing thirty-one gallons, and at a like rate for any other quantity or for the fractional part of a barrel. However, no tax shall be levied or collected on beer shipped outside this state by a class "A" or class "AA" beer permittee or sold by one class "A" or class "AA" beer permittee to another class "A" or class "AA" beer permittee.

Sec. 47. Section 123.137, subsection 1, Code 2016, is amended to read as follows:

1. A person holding a class "A", class "AA", special class "A", or special class "AA" beer permit shall, on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a beer permit, make a report under oath to the division electronically, or in a manner prescribed by the administrator, showing the exact number of barrels of beer, or fractional

parts of barrels, sold by the beer permit holder during the preceding calendar month. The report shall also state information the administrator requires, and beer permit holders shall at the time of filing a report pay to the division the amount of tax due at the rate fixed in section 123.136.

Sec. 48. Section 123.138, subsection 1, Code 2016, is amended to read as follows:

1. Each class "A", class "AA", special class "A", or special class "AA" beer permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each class "B" beer permittee, class "C" beer permittee, or retail liquor control licensee shall keep proper records showing each purchase of beer made by the permittee or licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee or licensee.

Sec. 49. Section 123.139, Code 2016, is amended to read as follows:

123.139 Separate locations — class "A", class "AA", special class "A", special class "AA".

A class "A", class "AA", special class "A", or special class "AA" beer permittee having more than one place of business is required to have a separate beer permit for each separate place of business maintained by the permittee where beer is stored, warehoused, or sold.

Sec. 50. Section 123.140, Code 2016, is amended to read as follows:

123.140 Separate locations — class "B" or "C".

Every person holding a class "B" or class "C" beer permit having more than one place of business where such beer is sold which places do not constitute a single premises within the meaning of section 123.3, subsection 25 shall be required to have a separate license for each separate place of business, except as otherwise provided by this chapter.

Sec. 51. Section 123.141, Code 2016, is amended to read as follows:

123.141 Keeping liquor where beer is sold.

No alcoholic liquor for beverage purposes shall be used, or kept for any purpose in the place of business of class "B" beer permittees, or on the premises of such class "B" beer permittees, at any time. A violation of any provision of this section shall be grounds for suspension or revocation of the beer permit pursuant to section 123.50, subsection 3. This section shall not apply in any manner or in any way to the premises of any hotel or motel for which a class "B" beer permit has been issued, other than that part of such premises regularly used by the hotel or motel for the principal purpose of selling beer or food to the general public; or to drug stores regularly and continuously employing a registered pharmacist, from having alcohol in stock for medicinal and compounding purposes.

Sec. 52. Section 123.142, Code 2016, is amended to read as follows:

123.142 Unlawful sale and importation.

1. It is unlawful for the holder of a class "B" or class "C" beer permit issued under this chapter to sell beer, except beer brewed on the premises covered by a special class "A" or special class "AA" beer permit or beer purchased from a person holding a class "A" or class "AA" beer permit issued in accordance with this chapter, and on which the tax provided in section 123.136 has been paid. However, this section does not apply to class "D" liquor control licensees as provided in this chapter.

2. It shall be unlawful for any person not holding a class "A" or class "AA" beer permit to import beer into this state for the purpose of sale or resale.

Sec. 53. Section 123.143, subsection 3, Code 2016, is amended to read as follows:

3. Barrel tax revenues collected on beer manufactured in this state from a class "A" or class "AA" beer permittee which owns and operates a brewery located in Iowa shall be credited to the barrel tax fund hereby created in the office of the treasurer of state. Moneys deposited in the barrel tax fund shall not revert to the general fund of the state without a specific appropriation by the general assembly. Moneys in the

barrel tax fund are appropriated to the economic development authority for purposes of section 15E.117.

Sec. 54. Section 123.144, subsection 1, Code 2016, is amended to read as follows:

1. No person shall bottle beer within the state of Iowa, except class "A", special class "A", class "AA", and special class "AA" beer permittees who have complete equipment for bottling beer and who have received the approval of the local board of health as to sanitation. It shall be the duty of local boards of health to inspect the premises and equipment of class "A", special class "A", class "AA", and special class "AA" beer permittees who desire to bottle beer.

Sec. 55. Section 135.175, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, ~~the nurse residency state matching grants program created in section 135.178,~~ and the fulfilling Iowa's need for dentists matching grant program created in section 135.179, ~~the health care professional incentive payment program and Iowa needs nurses now initiative created in sections 261.128 and 261.129,~~ ~~the safety net provider recruitment and retention initiatives program created in section 135.153A,~~ health care workforce shortage national initiatives, ~~and the physician assistant mental health fellowship program created in section 135.177.~~

Sec. 56. Section 135.175, subsection 6, paragraphs a and c, Code 2016, are amended to read as follows:

a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, ~~the nurse residency state matching grants program,~~ the fulfilling Iowa's need for dentists matching grant program, ~~the health care professional incentive payment program,~~ ~~the Iowa needs nurses now initiative,~~ ~~the safety net recruitment and retention~~

~~initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, for the purposes of the Iowa needs nurses now infrastructure account,~~ and to provide funding for state health care workforce shortage programs as provided in this section.

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, ~~twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of the funds shall~~ be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

Sec. 57. Section 135.176, subsection 2, paragraph a, subparagraph (1), Code 2016, is amended to read as follows:

(1) A sponsor shall demonstrate that funds have been budgeted and will be expended by the sponsor in the amount required to provide matching funds for each residency position proposed in the request for state matching funds.

Sec. 58. Section 135.185, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. "Facility" means a food establishment as defined in section 137F.1, a carnival as defined in section 88A.1, a recreational camp, a youth sports facility, or a sports area arena.

Sec. 59. Section 135C.42, subsection 3, Code 2016, is amended to read as follows:

3. ~~The department shall hold the~~ An informal conference, as

required in this section, shall be held concurrently with any informal dispute resolution held pursuant to 42 C.F.R. §488.331 for those health care facilities certified under Medicare or the medical assistance program.

Sec. 60. Section 144D.1, subsection 9, Code 2016, is amended to read as follows:

9. "*Patient*" means an individual who is frail and elderly or who has a chronic, critical medical condition or a terminal illness and for which a physician orders for scope of treatment form is consistent with the individual's goals of care.

Sec. 61. Section 153.33, Code 2016, is amended to read as follows:

153.33 Powers of board.

1. Subject to the provisions of this chapter, any provision of this subtitle to the contrary notwithstanding, the board shall exercise the following powers:

~~1.~~ a. (1) To initiate investigations of and conduct hearings on all matters or complaints relating to the practice of dentistry, dental hygiene, or dental assisting or pertaining to the enforcement of any provision of this chapter, to provide for mediation of disputes between licensees or registrants and their patients when specifically recommended by the board, to revoke or suspend licenses or registrations, or the renewal thereof, issued under this or any prior chapter, to provide for restitution to patients, and to otherwise discipline licensees and registrants.

~~b.~~ (2) Subsequent to an investigation by the board, the board may appoint a disinterested third party to mediate disputes between licensees or registrants and patients. Referral of a matter to mediation shall not preclude the board from taking disciplinary action against the affected licensee or registrant.

~~2.~~ b. To appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene, and persons registered as dental assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. Investigators authorized by the board have the

powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

~~3. All employees needed to administer this chapter except the executive director shall be appointed pursuant to the merit system. The executive director shall serve at the pleasure of the board and shall be exempt from the merit system provisions of chapter 8A, subchapter IV.~~

4. c. To initiate in its own name or cause to be initiated in a proper court appropriate civil proceedings against any person to enforce the provisions of this chapter or this subtitle relating to the practice of dentistry, and the board may have the benefit of counsel in connection therewith. Any such judicial proceeding as may be initiated by the board shall be commenced and prosecuted in the same manner as any other civil action and injunctive relief may be granted therein without proof of actual damage sustained by any person but such injunctive relief shall not relieve the person so enjoined from criminal prosecution by the attorney general or county attorney for violation of any provision of this chapter or this subtitle relating to the practice of dentistry.

d. To adopt rules regarding infection control in dental practice which are consistent with standards of the federal Occupational Safety and Health Act of 1970, 29 U.S.C. §651 - 678, and recommendations of the centers for disease control.

e. To promulgate rules as may be necessary to implement the provisions of this chapter.

2. All employees needed to administer this chapter except the executive director shall be appointed pursuant to the merit system. The executive director shall serve at the pleasure of the board and shall be exempt from the merit system provisions of chapter 8A, subchapter IV.

5- 3. In any investigation made or hearing conducted by the board on its own motion, or upon written complaint filed with the board by any person, pertaining to any alleged violation of this chapter or the accusation against any licensee or registrant, the following procedure and rules so far as material to such investigation or hearing shall obtain:

a. The accusation of such person against any licensee or registrant shall be reduced to writing, verified by some

person familiar with the facts therein stated, and three copies thereof filed with the board.

b. If the board shall deem the charges sufficient, if true, to warrant suspension or revocation of license or registration, it shall make an order fixing the time and place for hearing thereon and requiring the licensee or registrant to appear and answer thereto, such order, together with a copy of the charges so made to be served upon the accused at least twenty days before the date fixed for hearing, either personally or by certified or registered mail, sent to the licensee's or registrant's last known post office address as shown by the records of the board.

c. At the time and place fixed in said notice for said hearing, or at any time and place to which the said hearing shall be adjourned, the board shall hear the matter and may take evidence, administer oaths, take the deposition of witnesses, including the person accused, in the manner provided by law in civil cases, compel the appearance of witnesses before it in person the same as in civil cases by subpoena issued over the signature of the chairperson of the board and in the name of the state of Iowa, require answers to interrogatories and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or relating to the hearing.

d. In all such investigations and hearings pertaining to the suspension or revocation of licenses or registrations, the board and any person affected thereby may have the benefit of counsel, and upon the request of the licensee or registrant or the licensee's or registrant's counsel the board shall issue subpoenas for the attendance of such witnesses in behalf of the licensee or registrant, which subpoenas when issued shall be delivered to the licensee or registrant or the licensee's or registrant's counsel. Such subpoenas for the attendance of witnesses shall be effective if served upon the person named therein anywhere within this state, provided, that at the time of such service the fees now or hereafter provided by law for witnesses in civil cases in district court shall be paid or tendered to such person.

e. In case of disobedience of a subpoena lawfully served

hereunder, the board or any party to such hearing aggrieved thereby may invoke the aid of the district court in the county where such hearing is being conducted to require the attendance and testimony of such witnesses. Such district court of the county within which the hearing is being conducted may, in case of contumacy or refusal to obey such subpoena, issue an order requiring such person to appear before said board, and if so ordered give evidence touching the matter involved in the hearing. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

f. If the licensee or registrant pleads guilty, or after hearing shall be found guilty by the board of any of the charges made, it may suspend for a limited period or revoke the license or registration, and the last renewal thereof, and shall enter the order on its records and notify the accused of the revocation or suspension of the person's license or registration, as the case may be, who shall thereupon forthwith surrender that license or registration to the board. Any such person whose license or registration has been so revoked or suspended shall not thereafter and while such revocation or suspension is in force and effect practice dentistry, dental hygiene, or dental assisting within this state.

g. The findings of fact made by the board acting within its power shall, in the absence of fraud, be conclusive, but the district court shall have power to review questions of law involved in any final decision or determination of the board; provided, that application is made by the aggrieved party within thirty days after such determination by certiorari, mandamus or such other method of review or appeal permitted under the laws of this state, and to make such further orders in respect thereto as justice may require.

h. Pending the review and final disposition thereof by the district court, the action of the board suspending or revoking such license or registration shall not be stayed.

~~6. To adopt rules regarding infection control in dental practice which are consistent with standards of the federal Occupational Safety and Health Act of 1970, 29 U.S.C. §651-678, and recommendations of the centers for disease control.~~

7. 4. An inspector may be appointed by the dental board

pursuant to the provisions of chapter 8A, subchapter IV.

~~8. To promulgate rules as may be necessary to implement the provisions of this chapter.~~

Sec. 62. Section 192.110, subsection 1, Code 2016, is amended to read as follows:

1. The person has a pasteurized milk and milk products sanitation compliance rating of ninety percent or more as calculated according to the rating system as contained in rules adopted by the department incorporating or incorporating by reference the federal publications entitled "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program ~~for Certification of the~~ National Conference on Interstate Milk Shipments" and "Methods of Making Sanitation Ratings of Milk Shippers". A copy of each publication shall be on file with the department or in the office of the person subject to an inspection contract as provided in section 192.108.

Sec. 63. Section 192.118, subsection 1, Code 2016, is amended to read as follows:

1. To ~~insure~~ ensure uniformity in the tests and reporting, an employee certified by the United States public health service of the bacteriological laboratory of the department shall annually certify, in accordance with rules adopted by the department incorporating or incorporating by reference the federal publication entitled "Evaluation of Milk Laboratories", all laboratories doing work in the sanitary quality of milk and dairy products for public report. The approval by the department shall be based on the evaluation of these laboratories as to personnel training, laboratory methods used, and reporting. The results on tests made by approved laboratories shall be reported to the department on request, on forms prescribed by the secretary of agriculture, and such reports may be used by the department.

Sec. 64. Section 206.2, subsection 24, Code 2016, is amended by striking the subsection.

Sec. 65. Section 218.95, subsection 1, paragraph h, Code 2016, is amended by striking the paragraph.

Sec. 66. Section 222.6, Code 2016, is amended to read as follows:

222.6 State districts.

The administrator shall divide the state into two districts in such manner that one of the resource centers shall be located within each of the districts. Such districts may from time to time be changed. After such districts have been established, the administrator shall notify all boards of supervisors, regional administrators ~~of the mental health and disability services regions~~, and clerks of the district courts of the action. Thereafter, unless the administrator otherwise orders, all admissions of persons with an intellectual disability from a district shall be to the resource center located within such district.

Sec. 67. Section 222.12, subsection 2, Code 2016, is amended to read as follows:

2. Notice of the death of the patient, and the cause of death, shall be sent to the regional administrator ~~of the mental health and disability services region of~~ for the patient's county of residence. The fact of death with the time, place, and alleged cause shall be entered upon the docket of the court.

Sec. 68. Section 225.10, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients if a physician authorized to practice medicine or osteopathic medicine in the state of Iowa files information with the regional administrator ~~of~~ for the person's county of residence, stating all of the following:

Sec. 69. Section 225.13, Code 2016, is amended to read as follows:

225.13 Financial condition.

The regional administrator ~~of~~ for the county of residence of a person being admitted to the state psychiatric hospital is responsible for investigating the financial condition of the person and of those legally responsible for the person's support.

Sec. 70. Section 225.15, subsection 2, Code 2016, is amended to read as follows:

2. A proper and competent nurse shall also be assigned to

look after and care for the respondent during observation, treatment, and care. Observation, treatment, and hospital care under this section which are payable in whole or in part by a county shall only be provided as determined through the regional administrator ~~of~~ for the respondent's county of residence.

Sec. 71. Section 225.17, subsection 2, Code 2016, is amended to read as follows:

2. When the respondent arrives at the hospital, the respondent shall receive the same treatment as is provided for committed public patients in section 225.15, in compliance with sections 229.13 to 229.16. However, observation, treatment, and hospital care under this section of a respondent whose expenses are payable in whole or in part by a county shall only be provided as determined through the regional administrator ~~of~~ for the respondent's county of residence.

Sec. 72. Section 225C.14, subsection 1, Code 2016, is amended to read as follows:

1. Except in cases of medical emergency, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation performed through the regional administrator ~~of~~ for the person's county of residence has confirmed that the admission is appropriate to the person's mental health needs, and that no suitable alternative method of providing the needed services in a less restrictive setting or in or nearer to the person's home community is currently available. If provided for through the regional administrator, the evaluation may be performed by a community mental health center or by an alternative diagnostic facility. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections 225C.15, 225C.16, and 225C.17.

Sec. 73. Section 225C.16, subsection 2, Code 2016, is amended to read as follows:

2. The clerk of the district court in that county shall refer a person applying for authorization for voluntary admission, or for authorization for voluntary admission of another person, in accordance with section 229.42, to the regional administrator ~~of~~ for the person's county of residence

under section 225C.14 for the preliminary diagnostic evaluation unless the applicant furnishes a written statement from the appropriate entity which indicates that the evaluation has been performed and that the person's admission to a state mental health institute is appropriate. This subsection does not apply when authorization for voluntary admission is sought under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

Sec. 74. Section 225C.19A, Code 2016, is amended to read as follows:

225C.19A Crisis stabilization programs.

The department shall accredit, certify, or apply standards of review to authorize the operation of crisis stabilization programs, including crisis stabilization programs operating in a psychiatric medical institution for children pursuant to chapter 135H that provide children with mental health, substance abuse, and co-occurring mental health and substance abuse services. In authorizing the operation of a crisis stabilization program, the department shall apply the relevant requirements for an emergency mental health crisis services provider and system under section 225C.19. A program authorized to operate under this section is not required to be licensed under chapter 135B, 135C, ~~or 135G~~, or 135H, or certified under chapter 231C. The commission shall adopt rules to implement this section. The department shall accept accreditation of a crisis stabilization program by a national accrediting organization in lieu of applying the rules adopted in accordance with this section to the program.

Sec. 75. Section 226.9C, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. (1) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been prescreened. The person performing the prescreening shall be either the mental health professional, as defined in section 228.1, who is contracting with the regional administrator for the county's mental health and disability services region to provide the prescreening or a mental health professional with the requisite qualifications. A mental health professional

with the requisite qualifications shall meet all of the following qualifications: ~~is~~

(a) Is a mental health professional as defined in section 228.1, ~~is.~~

(b) Is an alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification, ~~and is.~~

(c) Is employed by or providing services for a facility, as defined in section 125.2.

(2) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been screened through a ~~county's~~ the regional administrator for the county to determine the appropriateness of the treatment.

Sec. 76. Section 227.1, subsection 2, Code 2016, is amended to read as follows:

2. The regulatory requirements for county and private institutions where persons with mental illness or an intellectual disability are admitted, committed, or placed shall be ~~under the supervision of~~ administered by the administrator.

Sec. 77. Section 228.1, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law and is a psychiatrist, an advanced registered nurse practitioner who holds a national certification in psychiatric mental health care and is licensed by the board of nursing, a physician assistant practicing under the supervision of a psychiatrist, or an individual who holds a doctorate degree in psychology and is licensed by the board of psychology.

Sec. 78. Section 229.13, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The court shall order a respondent whose expenses are payable in whole or in part by a mental health and disability services region placed under the care of an appropriate hospital or facility designated through the ~~county's~~ regional administrator for the county on an inpatient or outpatient basis.

Sec. 79. Section 229.14, subsection 2, paragraph a, Code

2016, is amended to read as follows:

a. For a respondent whose expenses are payable in whole or in part by a mental health and disability services region, placement as designated through the ~~county's~~ regional administrator for the county in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or in an appropriate alternative placement.

Sec. 80. Section 229.14A, subsections 7 and 9, Code 2016, are amended to read as follows:

7. If a respondent's expenses are payable in whole or in part by a mental health and disability services region through the ~~county's~~ regional administrator for the county, notice of a placement hearing shall be provided to the county attorney and the regional administrator. At the hearing, the county may present evidence regarding appropriate placement.

9. A placement made pursuant to an order entered under section 229.13 or 229.14 or this section shall be considered to be authorized through the ~~county's~~ regional administrator for the county.

Sec. 81. Section 230.1, subsection 3, Code 2016, is amended to read as follows:

3. A mental health and disability services region or county of residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the ~~county's~~ regional administrator for the county. For the purposes of this chapter, "*regional administrator*" means the same as defined in section 331.388.

Sec. 82. Section 230.3, Code 2016, is amended to read as follows:

230.3 Certification of residence.

If a person's county of residence is determined by the ~~county's~~ regional administrator for a county to be in another county of this state, the regional administrator making the determination shall certify the determination to the superintendent of the hospital to which the person is admitted or committed. The certification shall be accompanied by a copy of the evidence supporting the determination. Upon receiving

the certification, the superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the person, to the regional administrator ~~of~~ for the county determined to be the county of residence.

Sec. 83. Section 232.2, subsection 4, paragraph f, subparagraph (3), Code 2016, is amended to read as follows:

(3) The transition plan shall be developed and reviewed by the department in collaboration with a child-centered transition team. The transition team shall be comprised of the child's caseworker and persons selected by the child, persons who have knowledge of services available to the child, and any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time. If the child is reasonably likely to need or be eligible for adult services, the transition team membership shall include representatives from the adult services system. The adult services system representatives may include but are not limited to the administrator of county general relief under chapter 251 or 252 or the regional administrator of the ~~county~~ county's mental health and disability services region, as defined in section 331.388. The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

Sec. 84. Section 234.6, Code 2016, is amended to read as follows:

234.6 Powers and duties of the administrator.

1. The administrator shall be vested with the authority to administer the family investment program, state supplementary assistance, food programs, child welfare, and emergency relief, family and adult service programs, and any other form of public welfare assistance and institutions that are placed under the administrator's administration. The administrator shall perform duties, formulate and adopt rules as may be necessary; shall outline policies, dictate procedure, and delegate such powers as may be necessary for competent and efficient administration. Subject to restrictions that may be imposed by the director of human services and the council on human services, the administrator may abolish, alter, consolidate,

or establish subdivisions and may abolish or change offices previously created. The administrator may employ necessary personnel and fix their compensation; may allocate or reallocate functions and duties among any subdivisions now existing or later established; and may adopt rules relating to the employment of personnel and the allocation of their functions and duties among the various subdivisions as competent and efficient administration may require. The administrator shall:

1- a. Cooperate with the social security administration created by the Social Security Act and codified at 42 U.S.C. §901, or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the social security administration, from time to time, may require, and to comply with such regulations as such social security administration, from time to time, may find necessary to assure the correctness and verification of such reports.

2- b. Furnish information to acquaint the public generally with the operation of the Acts under the jurisdiction of the administrator.

3- c. With the approval of the director of human services, the governor, the director of the department of management, and the director of the department of administrative services, set up from the funds under the administrator's control and management an administrative fund and from the administrative fund pay the expenses of operating the division.

4- d. Notwithstanding any provisions to the contrary in chapter 239B relating to the consideration of income and resources of claimants for assistance, the administrator, with the consent and approval of the director of human services and the council on human services, shall make such rules as may be necessary to qualify for federal aid in the assistance programs administered by the administrator.

~~5. The department of human services shall have the power and authority to use the funds available to it, to purchase services of all kinds from public or private agencies to provide for the needs of children, including but not limited to~~

~~psychiatric services, supervision, specialized group, foster homes and institutional care.~~

~~6. e.~~ Have authority to use funds available to the department, subject to any limitations placed on the use thereof by the legislation appropriating the funds, to provide to or purchase, for families and individuals eligible therefor, services including but not limited to the following:

~~a.~~ (1) Child care for children or adult day services, in facilities which are licensed or are approved as meeting standards for licensure.

~~b.~~ (2) Foster care, including foster family care, group homes and institutions.

~~c.~~ (3) Family-centered services, as defined in section 232.102, subsection 10, paragraph "b".

~~d.~~ (4) Family planning.

~~e.~~ (5) Protective services.

~~f.~~ (6) Services or support provided to a child with an intellectual disability or other developmental disability or to the child's family.

~~g.~~ (7) Transportation services.

~~h.~~ (8) Any services, not otherwise enumerated in this ~~subsection~~ paragraph "e", authorized by or pursuant to the United States Social Security Act of 1934, as amended.

~~7. f.~~ Administer the food programs authorized by federal law, and recommend rules necessary in the administration of those programs to the director for promulgation pursuant to chapter 17A.

~~8. g.~~ Provide consulting and technical services to the director of the department of education, or the director's designee, upon request, relating to prekindergarten, kindergarten, and before and after school programming and facilities.

~~9. h.~~ Recommend rules for their adoption by the council on human services for before and after school child care programs, conducted within and by or contracted for by school districts, that are appropriate for the ages of the children who receive services under the programs.

2. The department of human services shall have the power and authority to use the funds available to it, to purchase

services of all kinds from public or private agencies to provide for the needs of children, including but not limited to psychiatric services, supervision, specialized group, foster homes, and institutional care.

~~10.~~ 3. In determining the reimbursement rate for services purchased by the department of human services from a person or agency, the department shall not include private moneys contributed to the person or agency unless the moneys are contributed for services provided to a specific individual.

Sec. 85. Section 249K.2, subsection 3, Code 2016, is amended to read as follows:

3. "*Iowa Medicaid enterprise*" means Iowa Medicaid enterprise as defined in section ~~135.154~~ 135D.2.

Sec. 86. Section 257.42, Code 2016, is amended to read as follows:

257.42 Gifted and talented children.

1. Boards of school districts, individually or jointly with the boards of other school districts, shall annually submit program plans for gifted and talented children programs and budget costs to the department of education and to the applicable gifted and talented children advisory council, if an advisory council has been established, as provided in this chapter.

2. The parent or guardian of a pupil may request that a gifted and talented children program be established for pupils who qualify as gifted and talented children under section 257.44, including demonstrated achievement or potential ability in a single subject area.

3. The department of education shall employ one full-time qualified staff member or consultant for gifted and talented children programs.

4. The department of education shall adopt rules under chapter 17A relating to the administration of this section and sections ~~257.42~~ 257.43 through 257.49. The rules shall prescribe the format of program plans submitted under section 257.43 and shall require that programs fulfill specified objectives. The department shall encourage and assist school districts to provide programs for gifted and talented children.

5. The department of education may request that the staff

of the auditor of state conduct an independent program audit to verify that the gifted and talented programs conform to a district's program plans.

Sec. 87. Section 261.113, subsections 2 and 7, Code 2016, are amended to read as follows:

2. *Eligibility.* An individual is eligible to apply to enter into a program agreement with the commission if the individual is enrolled full-time in and receives a recommendation from the state university of Iowa college of medicine or Des Moines university — osteopathic medical center in a curriculum leading to a doctor of medicine degree or a doctor of ~~osteopathy~~ osteopathic medicine degree.

7. *Rules for additional loan repayment.* The commission shall adopt rules to provide, in addition to loan repayment provided to eligible students pursuant to this section and subject to the availability of surplus funds, loan repayment to a physician who received a doctor of medicine or ~~osteopathy~~ doctor of osteopathic medicine degree from an eligible university as provided in subsection 2, obtained a license to practice medicine and surgery or osteopathic medicine and surgery in this state, completed the physician's residency program requirement with an Iowa-based residency program, and is engaged in the full-time practice of medicine and surgery or osteopathic medicine and surgery as specified in subsection 3, paragraph "d".

Sec. 88. Section 261.113, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A program agreement shall be entered into by an eligible student and the commission during the eligible student's final year of study leading to a doctor of medicine or ~~osteopathy~~ doctor of osteopathic medicine degree. Under the agreement, to receive loan repayments pursuant to subsection 5, an eligible student shall agree to and shall fulfill all of the following requirements:

Sec. 89. Section 261.113, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. Receive a doctor of medicine or ~~osteopathy~~ doctor of osteopathic medicine degree from an eligible university and apply for, enter, and complete a residency program approved by

the commission.

Sec. 90. Section 261G.4, subsection 2, Code 2016, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, a participating resident institution shall be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter 261 or 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, 714.21, and 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of the interstate reciprocity agreement require such registration or compliance.

Sec. 91. Section 275.1, subsection 3, Code 2016, is amended to read as follows:

3. If a district is attached, division of assets and liabilities shall be made as provided in sections 275.29 ~~to~~ through 275.31. The area education agency boards shall develop detailed studies and surveys of the school districts within the area education agency and all adjacent territory for the purpose of providing for reorganization of school districts in order to effect more economical operation and the attainment of higher standards of education in the schools. The plans shall be revised periodically to reflect reorganizations which may have taken place in the area education agency and adjacent territory.

Sec. 92. Section 275.28, Code 2016, is amended to read as follows:

275.28 Plan of division of assets and liabilities.

In addition to setting up the territory to comprise the reorganized districts, a reorganization petition shall provide for a division of assets and liabilities of the districts affected among the reorganized districts. However, if territory is excluded from the reorganized district by the petition or by the area education agency board of directors, the division of all assets and liabilities shall be made under the provisions of sections 275.29 ~~to~~ through 275.31.

Sec. 93. Section 307.24, subsection 5, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Construct, reconstruct, improve, and maintain state

institutional roads and state park roads which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as ~~defined~~ described in chapter 173, and the roads and bridges located on property of community colleges as defined in section 260C.2, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the following manner and amounts:

Sec. 94. Section 307.46, subsection 2, Code 2016, is amended to read as follows:

2. On or before June 30 of the fiscal year following the fiscal year in which funds were encumbered under this section, the department shall report to the joint transportation, infrastructure, and capitals appropriations subcommittee, the legislative services agency, the department of management, the general assembly's standing committees on government oversight, and the legislative fiscal ~~and oversight committees~~ committee of the legislative council detailing how the moneys were expended. Moneys shall not be encumbered under this section from an appropriation which received a transfer from another appropriation pursuant to section 8.39.

Sec. 95. Section 307A.2, subsection 4, Code 2016, is amended to read as follows:

4. The Adopt rules pursuant to chapter 17A establishing the criteria to be used by the commission for allocating funds as a result of any long-range planning process ~~shall be adopted in accordance with the provisions of chapter 17A.~~ The commission shall adopt such rules and regulations in accordance with the

provisions of chapter 17A as it may deem necessary to transact its business and for the administration and exercise of its powers and duties.

Sec. 96. Section 310.28, Code 2016, is amended to read as follows:

310.28 Engineering and other expense.

1. Engineering, inspection and administration expense in connection with any farm-to-market road project may be paid from ~~said~~ the county's allotment of the farm-to-market road fund. Any such expense incurred by the department may in the first instance be advanced out of the primary road fund, ~~said~~ and such expense amounts later being shall later be reimbursed to ~~said funds~~ the primary road fund out of the farm-to-market road fund.

2. ~~Provided, that no~~ No part of the salary or expense of the county engineer, any member of the county board of supervisors, any member of the department, the chief engineer, or any department head or district engineer of the department shall be paid out of the farm-to-market road fund.

Sec. 97. Section 313.2, subsection 3, Code 2016, is amended to read as follows:

3. The department may, for the purpose of affording access to cities or state parks, or for the purpose of shortening the direct line of travel on important routes, or to effect connections with interstate roads at the state line, add such road or roads to the primary road system.

Sec. 98. Section 313.12, Code 2016, is amended to read as follows:

313.12 Supervision and inspection.

The department is expressly charged with the duty of supervision, inspection and direction of the work of construction of primary roads on behalf of the state, and of supervising the expenditure of all funds paid on account of such work by the state or the county on the primary road system and it shall do and perform all other matters and things necessary to the faithful completion of the work herein authorized.

Sec. 99. Section 313.64, Code 2016, is amended to read as follows:

313.64 Financial statement annually.

1. If the department accepts the offer of any bridge over a boundary stream and enters into a written agreement in relation to the bridge as provided in sections 313.59 ~~to~~ through 313.63, this section, and section 313.65, the owner or operator of the bridge shall thereafter and until all indebtedness or other obligations against the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to the bridge and bridge approaches.

2. The annual budget of authorized operating and other expenditures for or on behalf of such bridge and approaches shall be approved by the department before becoming effective. Expenditures during the year shall not exceed the approved budget unless an increase in the annual budget be likewise approved by the department.

Sec. 100. Section 313.65, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of sections 313.59 ~~to~~ through 313.64, the proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the tax district:

Sec. 101. Section 321.1, subsections 1A and 20A, Code 2016, are amended to read as follows:

1A. "*Air bag*" ~~or "*airbag*"~~ means a motor vehicle inflatable occupant restraint system that operates in the event of a crash and is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed. "*Air bag*" includes all component parts to a motor vehicle inflatable occupant restraint system, including but not limited to the cover, sensors, controllers, inflators, wiring, and seat belt systems.

20A. "*Driver's license*" means any license or permit issued

to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial learner's ~~permit~~, or temporary permit. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, "driver's license" includes any privilege to operate a motor vehicle.

Sec. 102. Section 321.12, subsection 1, Code 2016, is amended to read as follows:

1. The director may destroy any records of the department which have been maintained on file for three years and which the director deems obsolete and of no further service in carrying out the powers and duties of the department, except as otherwise provided in this section.

Sec. 103. Section 321.69, subsection 10, paragraph a, Code 2016, is amended to read as follows:

a. A person shall not sell, lease, or trade a motor vehicle if the person knows or reasonably should know that the motor vehicle contains a nonoperative ~~airbag~~ air bag that is part of an inflatable restraint system, or that the motor vehicle has had an ~~airbag~~ air bag removed and not replaced, unless the person clearly discloses, in writing, to the person to whom the person is selling, leasing, or trading the vehicle, prior to the sale, lease, or trade, that the ~~airbag~~ air bag is missing or nonoperative. In addition, a lessee who has executed a lease as defined in section 321F.1 shall provide the disclosure statement required in this subsection to the lessor upon termination of the lease.

Sec. 104. Section 321G.1, subsection 10, Code 2016, is amended by striking the subsection.

Sec. 105. Section 321H.2, subsection 4, Code 2016, is amended to read as follows:

4. "National motor vehicle title information system" means the federally mandated motor vehicle title history database established pursuant to 49 U.S.C. §30502 and maintained by the United States department of justice that links the states' motor vehicle title records, including the department's title records, and that requires the reporting of junk and salvage

motor vehicles in order to ensure that states, law enforcement agencies, insurers, and consumers have access to information that enables the verification of a vehicle's history, and the accuracy and legality of a motor vehicle's title, before a purchase or title transfer occurs.

Sec. 106. Section 321I.1, subsection 11, Code 2016, is amended by striking the subsection.

Sec. 107. Section 321M.1, subsections 2, 4, and 8, Code 2016, are amended to read as follows:

2. "*County issuance*" means the system or process of issuing driver's licenses, ~~nonoperator~~ nonoperator's identification cards, and persons with disabilities identification devices, including all related testing, to the same extent that such items are issued by the department.

4. "*Digitized photolicensing equipment*" means the machines and related materials, obtained pursuant to contract, the use of which results in the on-site production of driver's licenses and ~~nonoperator~~ nonoperator's identification cards.

8. ~~"Nonoperator~~ "*Nonoperator's identification card*" means the card issued pursuant to section 321.190 that contains information pertaining to the personal characteristics of the applicant but does not convey to the person issued the card any operating privileges for any motor vehicle.

Sec. 108. Section 321M.2, Code 2016, is amended to read as follows:

321M.2 Relation to other laws.

Notwithstanding provisions of chapter 321 or 321L that grant sole authority to the department for the issuance of driver's licenses, ~~nonoperator~~ nonoperator's identification cards, and persons with disabilities identification devices, certain counties shall be authorized to issue driver's licenses, ~~nonoperator~~ nonoperator's identification cards, and persons with disabilities identification devices, according to the requirements of this chapter.

Sec. 109. Section 321M.3, Code 2016, is amended to read as follows:

321M.3 Authorization to issue licenses.

Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun,

Cass, Cedar, Cherokee, Chickasaw, Clarke, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Warren, Washington, Wayne, Winnebago, Winneshiek, Worth, and Wright counties shall be authorized to issue driver's licenses, ~~nonoperator~~ nonoperator's identification cards, and persons with disabilities identification devices on a permanent basis, provided that such counties continue to meet the department's standards for issuance.

Sec. 110. Section 321M.4, Code 2016, is amended to read as follows:

321M.4 Termination of authorization — failure to meet standards.

1. If a county is subject to termination of its county issuance authorization for failure to meet the department's standards for issuance, the county shall not issue driver's licenses, ~~nonoperator~~ nonoperator's identification cards, or persons with disabilities identification devices until the county has been reauthorized by the department.

2. The department is not obligated to provide service in a county for issuance of driver's licenses, ~~nonoperator~~ nonoperator's identification cards, or persons with disabilities identification devices if the county fails to meet the department's standards for issuance.

Sec. 111. Section 327G.32, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. An officer or employee of a railroad corporation violating a provision of this section is, upon conviction, subject to ~~the a schedule "two" penalty provided in under~~ section 327G.14 327C.5.

Sec. 112. Section 331.557A, subsections 1 and 3, Code 2016, are amended to read as follows:

1. Issue, renew, and replace lost or damaged ~~nonoperator~~

nonoperator's identification cards and driver's licenses, including commercial driver's licenses, according to the provisions of chapter 321M.

3. Collect fees associated with ~~nonoperator~~ nonoperator's identification cards and driver's licenses, including commercial driver's licenses, and pay to the state amounts in excess of the amount the treasurer is permitted to retain for deposit in the county general fund for license issuance.

Sec. 113. Section 331.802, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. Violent death, including ~~homicidal~~ homicide, ~~suicidal~~ suicide, or accidental death.

Sec. 114. Section 331.910, subsection 4, paragraphs a, b, and e, Code 2016, are amended to read as follows:

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75 or 229.6 may be civilly committed and treated in another state pursuant to a contract under this ~~section~~ subsection.

b. A person who is detained, committed, or placed on an involuntary basis under the civil commitment laws of a bordering state substantially similar to section 125.75 or 229.6 may be civilly committed and treated in this state pursuant to a contract under this ~~section~~ subsection.

e. A person who is detained, committed, or placed under the laws of a sending state and who is transferred to a receiving state under this ~~section~~ subsection shall be considered to be in the legal custody of the authority responsible for the person under the laws of the sending state with respect to the involuntary civil commitment of the person due to a mental illness or a substance-related disorder.

Sec. 115. Section 426B.3, subsection 5, Code 2016, is amended by striking the subsection.

Sec. 116. Section 428.35, subsection 1, Code 2016, is amended to read as follows:

1. *Definitions.* ~~"Person" as used herein means individuals, corporations, firms and associations of whatever form.~~
~~"Handling or handled" as used herein means the receiving of grain at or in each elevator, warehouse, mill, processing plant or other facility in this state in which it is received for~~

~~storage, accumulation, sale, processing or for any purpose whatsoever.~~ As used in this section:

a. "Grain" as used herein means wheat, corn, barley, oats, rye, flaxseed, field peas, soybeans, grain sorghums, spelts, and such other products as are usually stored in grain elevators. Such term excludes such seeds after being processed, and the products of such processing when packaged or sacked. ~~The term "processing"~~

b. "Handling or handled" means the receiving of grain at or in each elevator, warehouse, mill, processing plant, or other facility in this state in which it is received for storage, accumulation, sale, processing, or for any purpose whatsoever.

c. "Person" means individuals, corporations, firms, and associations of whatever form.

d. "Processing" shall not include hulling, cleaning, drying, grading, or polishing.

Sec. 117. Section 434.22, Code 2016, is amended to read as follows:

434.22 Levy and collection of tax.

At the first meeting of the board of supervisors held after ~~said~~ the statement of the department of revenue under section 434.17 is received by the county auditor, the board shall cause the same to be entered on its minute book, and make and enter in the minute book an order stating the length of the main track and the assessed value of each railway lying in each city, township, or lesser taxing district in its county, through or into which the railway extends, as fixed by the department of revenue, which shall constitute the taxable value of the property for taxing purposes; and the taxes on the property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of the order to the council or trustees of the city or township.

Sec. 118. Section 437.10, Code 2016, is amended to read as follows:

437.10 Entry of certificate.

At the first meeting of the board of supervisors held after ~~said~~ the statements of the department of revenue under section 437.9 are received by the county auditor, the board shall cause such statement to be entered in its minute book

and make and enter in the minute book an order stating the length of the lines and the assessed value of the property of each of the companies situated in each township or lesser taxing district in each county outside cities, as fixed by the department of revenue, which shall constitute the taxable value of the property for taxing purposes. The county auditor shall transmit a copy of the order to the trustees of each township and to the proper taxing boards in lesser taxing districts into which the line or lines of the company extend in the county. The taxes on the property when collected by the county treasurer shall be disposed of as other taxes on real estate.

Sec. 119. Section 438.15, Code 2016, is amended to read as follows:

438.15 Assessed value in each taxing district — record.

At the first meeting of the board of supervisors held after ~~said~~ the statement of the department of revenue under section 438.14 is received by the county auditor, the board shall cause the same to be entered on its minute book, and make and enter in the minute book an order describing and stating the assessed value of each pipeline lying in each city, township, or lesser taxing district in its county, through or into which the pipeline extends, as fixed by the department of revenue, which shall constitute the assessed value of the property for taxing purposes; and the taxes on the property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of the order to the council of the city, or the trustees of the township, as the case may be.

Sec. 120. Section 440.6, Code 2016, is amended to read as follows:

440.6 Fraudulent withholding — penalty.

In case the property has been fraudulently withheld from assessment, the department of revenue may, in addition to ~~said~~ the ten percent penalty under section 440.5, add any additional percent, not exceeding fifty percent.

Sec. 121. Section 441.21, subsection 7, Code 2016, is amended to read as follows:

7. a. For the purpose of computing the debt limitations for municipalities, political subdivisions and school districts,

the term "actual value" means the "actual value" as determined by subsections 1 ~~to~~ through 3 ~~of this section~~ without application of any percentage reduction and entered opposite each item, and as listed on the tax list as provided in section 443.2 as "actual value".

b. Whenever any board of review or other tribunal changes the assessed value of property, all applicable records of assessment shall be adjusted to reflect such change in both assessed value and actual value of such property.

Sec. 122. Section 445.60, Code 2016, is amended to read as follows:

445.60 Refunding erroneous tax.

The board of supervisors shall direct the county treasurer to refund to the taxpayer any tax or portion of a tax found to have been erroneously or illegally paid, with all interest, fees, and costs actually paid. A refund shall not be ordered or made unless a claim for refund is presented to the board within two years of the date the tax was due, or if appealed to the board of review, the property assessment appeal board, ~~the state board of tax review,~~ or district court, within two years of the final decision.

Sec. 123. Section 453A.45, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. When a licensed distributor sells tobacco products exclusively to the ultimate consumer at the address given in the license, an invoice of those sales is not required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that licensed distributor. All books, records and other papers and documents required by this ~~subdivision~~ subsection to be kept shall be preserved for a period of at least three years after the date of the documents or the date of the entries appearing in the records, unless the director, in writing, authorized their destruction or disposal at an earlier date. At any time during usual business hours, the director, or the director's duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this ~~subdivision~~ subsection, and the tobacco products contained

therein, to determine if all the provisions of this division are being fully complied with. If the director, or any such agent or employee, is denied free access or is hindered or interfered with in making the examination, the license of the distributor at that premises is subject to revocation by the director.

Sec. 124. Section 455B.216, Code 2016, is amended to read as follows:

455B.216 Examinations.

The director shall hold at least one examination each year for the purpose of examining candidates for certification at a time and place designated by the director. Any written examination may be given by the department. All examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible. Those applicants whose competency is acceptable shall be recommended for certification. Applicants who fail the examination shall be allowed to take the examination at the next scheduled time. Thereafter, the applicant shall be allowed to take the examination at the discretion of the ~~board~~ director. An applicant who has failed the examination may request in writing information from the department concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the director administers a uniform, standardized examination, the director is only required to provide the examination grade and the other information concerning the applicant's examination results which is available to the department.

Sec. 125. Section 456A.15, Code 2016, is amended to read as follows:

456A.15 Removal.

The ~~appointees and employees aforesaid~~ persons appointed or employed as provided under sections 456A.13 and 456A.14 may be removed by the ~~said~~ director at any time subject to the approval of the commission.

Sec. 126. Section 456A.38, subsection 1, paragraph a, Code

2016, is amended to read as follows:

a. "Agricultural land", ~~"authority"~~, "beginning farmer", and "farming" mean the same as defined in section 16.58.

Sec. 127. Section 456A.38, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Ob.* "Authority" means the same as defined in section 16.1.

Sec. 128. Section 459A.206, subsection 2, paragraph c, subparagraph (2), Code 2016, is amended to read as follows:

(2) At locations that reflect the continuous soil profile conditions existing within the area of the proposed basin or unformed structure, including conditions found near the corners and the deepest point of the proposed basin or unformed structure. The soil corings shall be taken to a minimum depth of ten feet below the bottom elevation of the basin or unformed structure.

Sec. 129. Section 459A.404, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. An animal truck wash effluent structure shall not be constructed, ~~including expanded,~~ or expanded within one thousand two hundred fifty feet from a residence not owned by the titleholder of the animal truck wash facility, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area, as those terms are defined in section 459.102, and as provided in rules adopted by the commission pursuant to section sections 459.103, ~~and as provided in rules adopted by the commission pursuant to section and~~ 459A.104.

Sec. 130. Section 459A.404, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. An animal truck wash effluent structure shall not be constructed, ~~including~~ or expanded, on land that is part of a one hundred year floodplain as designated by rules adopted by the commission pursuant to section 459A.104. The rules shall correspond to rules adopted pursuant to section 459.310, subsections 2 and 4.

Sec. 131. Section 461A.36, Code 2016, is amended to read as follows:

461A.36 Speed limit.

The maximum speed limit of all vehicles on state park and preserve drives, roads, and highways shall be thirty-five miles per hour. All driving shall be confined to designated roadways. Whenever the commission ~~shall determine~~ determines that ~~the a thirty-five mile per hour speed limit hereinbefore set forth~~ is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of the park roads, drives, or highways, ~~said the~~ the commission shall determine and declare a reasonable and safe speed limit ~~thereat,~~ which shall be effective when appropriate signs giving notice ~~thereof~~ of the changed speed limit are erected at ~~such the~~ the places of congestion or other parts of the park roads, drives, or highways.

Sec. 132. Section 468.149, Code 2016, is amended to read as follows:

468.149 Obstructing or damaging.

1. Any A person or persons willfully diverting, obstructing, impeding, or filling up is guilty of a serious misdemeanor if, without legal authority, the person willfully does any of the following:

a. Diverts, obstructs, impedes, or fills up any ditch, drain, or watercourse or breaking.

b. Breaks down or injuring injures any levee or the bank of any settling basin, established, constructed, and maintained under any provision of law, or obstructing, or engaging.

c. Obstructs or engages in travel or agricultural practices upon the improvement or rights-of-way of a levee or drainage district which the governing body thereof has, by resolution, determined to be injurious to such improvement or to interfere with its proper preservation, operation, or maintenance, and has prohibited, shall be deemed guilty of a serious misdemeanor and any such.

2. Any unlawful act as above described in subsection 1 is hereby declared to be a nuisance and may be abated as such.

3. Said A governing body shall also have the power to repair any ditch, drain, or watercourse, or any levee or bank of any settling basin, damaged by any person or persons in violation of the a resolution of said the governing body, after three days' notice to such person or persons to make such repair, in.

In the event that there is a failure to ~~do so~~ make the repair,
and the expense thereof of the repair shall be assessed to such
the person or persons and shall be certified and collected in
the same manner as other taxes.

Sec. 133. Section 468.207, Code 2016, is amended to read as follows:

468.207 Form of notice.

1. ~~Such~~ The notice under section 468.206 shall be captioned
in the name of the district and shall be directed to the all of
the following:

a. The owners of each tract or lot within said the levee
or drainage district, including railroad companies having
rights-of-way, and lienholders and encumbrancers, and to all.

b. The owners, lienholders, or encumbrancers of lands which
an adoption of the plan would exclude from benefits and.

c. The owners, lienholders, or encumbrancers of lands
outside the district which will benefit therefrom and to all
other persons whom it may concern and, without from the plan.

d. Without naming them, to the occupants of all lands
affected and.

e. All other persons whom the plan may concern.

2. The notice shall set forth that all of the following:

a. That there is on file in the office of the auditor a
plan of construction of the federal agency (naming it) agency,
naming the agency, together with reports of an engineer thereon
on the plan, which the board has tentatively approved, and that
such.

b. That the plan may be amended before final action; also
the.

c. The day and hour set for hearing on the adoption of said
the plan, and that.

d. That all claims for damages, except claims for land
required for right-of-way or construction, and all objections
to the adoption of said the plan for any reason must be made in
writing and filed in the office of the auditor at or before the
time set for hearing.

3. Provisions of this subchapter, parts 1 through 5, for
giving notice, waiver of notice, waiver of objection and
damages and adjournment for service contained in sections

468.15 through 468.20 shall apply.

Sec. 134. Section 468.209, Code 2016, is amended to read as follows:

468.209 Entry of order — effect.

1. If the board, after consideration of the subject matter, including all objections filed to the adoption of the plan and all claims for damages, shall find that the district will be benefited by adoption of the plan or the purposes for which the district was established is furthered by the plan, ~~they~~ the board shall enter an order approving and adopting the final plan. The order shall have the effect of:

~~1.~~ a. Altering the boundaries of the district to conform to the changes effected by the plan adopted.

~~2.~~ b. Canceling all existing awards for damages for property not appropriated for right-of-way or construction and rendered unnecessary by the plan so adopted.

~~3.~~ c. Canceling all awards previously made for damages other than for right-of-way or construction but reinstating the claims for such damages which said claims may be amended by the claimants within ten days thereafter.

~~4.~~ d. Canceling all unpaid assessments for benefits on lands excluded from the district by adoption of the plan. The assessments so canceled shall become part of the costs of the improvement.

~~5.~~ e. Establishing as benefited thereby the lands added to the district by adoption of the plan and rendering same subject to classification and assessment.

~~6.~~ 2. Whenever a plan has been adopted as contemplated by this section, modification and changes can be made therein without further notice or hearing, provided the same do not increase or decrease the estimated cost of the plan to the district by more than twenty-five percent.

Sec. 135. Section 468.375, Code 2016, is amended to read as follows:

468.375 ~~Scope of Act~~ Refunding bonds.

Refunding bonds for the purposes set out in this part may be issued to pay off and take up bonds issued in payment for drainage improvements under prior laws or to refund any part thereof. Bonds thus issued shall substantially conform to the

provisions of the law relating to drainage bonds and the face amount thereof shall be limited to the amount of the unpaid assessments, with interest thereon, applicable to the payment of the bonds so taken up.

Sec. 136. Section 468.540, Code 2016, is amended to read as follows:

468.540 Refunding bonds.

The board of supervisors of any county may extend the time of the payment of any of its outstanding drainage bonds issued in anticipation of the collection of drainage assessments levied upon property within a drainage district, and may extend the time of payment of any unpaid assessment, or any installment or installments thereof. The board may renew or extend the time of payment of such legal bonded indebtedness, or any part thereof, for account of such drainage district, and may refund the same and issue drainage refunding bonds therefor subject to the limitation and in the manner ~~hereinafter~~ provided in this part.

Sec. 137. Section 481A.91, Code 2016, is amended to read as follows:

481A.91 Shooting or spearing.

~~No~~ A person shall not kill with ~~shotgun, or spear~~ any a beaver, mink, otter, or muskrat, ~~or have in possession any of said animals~~ with a shotgun or spear. A person shall not possess a beaver, mink, otter, or muskrat or the carcasses, skins, or parts thereof of any one of those animals that have been killed with a shotgun or spear.

Sec. 138. Section 484B.5, Code 2016, is amended to read as follows:

484B.5 Boundaries signed — fenced.

Upon receipt of a hunting preserve operator's license, the licensee shall promptly sign the licensed property with signs prescribed by the department. A licensee holding and releasing ungulates shall construct and maintain boundary fences prescribed by the department so as to enclose and contain all released ungulates and exclude all ungulates which are property of the state from becoming a part of the hunting preserve enterprise.

Sec. 139. Section 490.1320, subsections 1 and 3, Code 2016,

are amended to read as follows:

1. Where any proposed corporate action specified in section 490.1302, subsection 1, is to be submitted to a vote at a shareholders' meeting, the meeting notice must state that the corporation has concluded that the shareholders are, are not, or may be entitled to assert appraisal rights under this ~~part~~ division. If the corporation concludes that appraisal rights are or may be available, a copy of this ~~part~~ division must accompany the meeting notice sent to those record shareholders entitled to exercise appraisal rights.

3. Where any corporate action specified in section 490.1302, subsection 1, is to be approved by written consent of the shareholders pursuant to section 490.704, all of the following apply:

a. Written notice that appraisal rights are, are not, or may be available must be sent to each record shareholder from whom a consent is solicited at the time consent of such shareholder is first solicited and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this ~~chapter~~ division.

b. Written notice that appraisal rights are, are not, or may be available must be delivered together with the notice to nonconsenting and nonvoting shareholders required by section 490.704, subsections 5 and 6, may include the materials described in section 490.1322 and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this ~~chapter~~ division.

Sec. 140. Section 499B.2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Unless it is plainly evident from the context that a different meaning is intended, as used ~~herein~~ in this chapter:

Sec. 141. Section 504.834, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. Advances pursuant to part 5 of this subchapter.

Sec. 142. Section 505.32, subsection 2, paragraph g, Code 2016, is amended by striking the paragraph.

Sec. 143. Section 505.32, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. The commissioner, ~~in collaboration with the legislative~~

~~health care coverage commission~~, shall develop a plan of operation for the exchange within one hundred eighty days from ~~the effective date of this section~~ July 1, 2010. The plan shall create an information clearinghouse that provides resources where Iowans can obtain information about health care coverage that is available in the state.

Sec. 144. Section 505.32, subsection 4, paragraph a, Code 2016, is amended by striking the paragraph.

Sec. 145. Section 507B.4, subsection 3, paragraph b, subparagraph (3), Code 2016, is amended to read as follows:

(3) *Statement of capital and surplus.*

(a) In the case of a foreign company transacting the business of casualty insurance in the state, or an officer, producer, or representative of such a company, issuing or publishing an advertisement, public announcement, sign, circular, or card that purports to disclose the company's financial standing and fails to exhibit the following: ~~the~~

(i) The capital actually paid in cash, and the amount of net surplus of assets over all the company's liabilities actually held and available for the payment of losses by fire and for the protection of holders of fire policies; ~~and the~~

(ii) The amount of net surplus of assets over all liabilities in the United States actually available for the payment of losses by fire and held in the United States for the protection of holders of fire policies in the United States, including in such liabilities the fund reserved for reinsurance of outstanding risks.

(b) The amounts stated for capital and net surplus shall correspond with the latest verified statement made by the company or association to the commissioner of insurance.

Sec. 146. Section 507B.4C, subsection 5, paragraph b, Code 2016, is amended to read as follows:

b. Exempting an insurer from the death master file comparisons required under subsection 3, paragraph "a", or permitting an insurer to perform such comparisons less frequently than semiannually, upon a demonstration of financial hardship by the insurer.

Sec. 147. Section 511.31, Code 2016, is amended to read as follows:

511.31 Physician's certificate — estoppel.

In any case where the medical examiner, or physician acting as such, of any life insurance company or association doing business in the state shall issue a certificate of health or declare the applicant a fit subject for insurance, or so report to the company or association or its agent under the rules and regulations of ~~such~~ the company or association, ~~it~~ the company or association shall be ~~thereby~~ estopped from setting up in defense of the action on ~~such~~ the policy or certificate that the assured was not in the condition of health required by the policy at the time of the issuance or delivery ~~thereof~~ of the policy or certificate, unless the ~~same~~ policy or certificate was procured by or through the fraud or deceit of the assured.

Sec. 148. Section 515.48, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Insure dwelling houses, stores and all kinds of buildings and household furniture, and other property against direct or indirect or consequential loss or damage, including loss of use or occupancy and the depreciation of property lost or damaged by fire, smoke, smudge, lightning and other electrical disturbances, collision, falls, wind, tornado, cyclone, volcanic eruptions, earthquake, hail, frost, snow, sleet, ice, weather or climatic conditions, including excess or deficiency of moisture, flood, rain, or drought, rising of the waters of the ocean or its tributaries, bombardment invasion, insurrection, riot, strikes, labor disturbances, sabotage, civil war or commotion, military or usurped power, any order of a civil authority made to prevent the spread of a conflagration, epidemic or catastrophe, vandalism or malicious mischief, and by explosion whether fire ensues or not, except explosion on risks specified in subsection 6 ~~of this section~~, provided, however, that there may be insured hereunder the following:

(1) Explosion of pressure vessels ~~(not, not~~ not including steam boilers of more than fifteen pounds ~~pressure)~~ pressure, in buildings designed and used solely for residential purposes by not more than four families;

(2) Explosion of any kind originating outside of the insured building or outside of the building containing the property

insured; and

(3) Explosion of pressure vessels which do not contain steam or which are not operated with steam coils or steam jackets; and ~~also against loss~~

(04) Loss or damage by insects or disease to farm crops or products, and loss of rental value of land used in producing such crops or products; and ~~against accidental~~

(004) Accidental injury to sprinklers, pumps, water pipes, elevator tanks and cylinders, steam pipes and radiators, plumbing and its fixtures, ventilating, refrigerating, heating, lighting or cooking apparatus, or their connections, or conduits or containers of any gas, fluid or other substance; and ~~against loss~~

(0004) Loss or damage to property of the insured caused by the breakage or leakage ~~thereof~~; or by water, hail, rain, sleet, or snow seeping or entering through water pipes, leaks, or openings in buildings; and ~~against loss~~

(00004) Loss of and damage to glass, including lettering and ornamentation thereon, and against loss or damage caused by the breakage of glass; and ~~against loss~~

(000004) Loss or damage caused by railroad equipment, motor vehicles, airplanes, seaplanes, dirigibles, or other aircraft.

(4) Risks under a multiple peril nonassessable policy reasonably related to the ownership, use or occupancy of a private dwelling or dwellings.

Sec. 149. Section 517.3, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. All unallocated liability loss expense payments made in a given calendar year subsequent to the first four years in which an insurer has been issuing liability policies shall be distributed as follows:

(1) Thirty-five percent shall be charged to the policies written in that year.

(2) Forty percent to the policies written in the preceding year.

(3) Ten percent to the policies written in the second year preceding, ~~ten.~~

(4) Ten percent to the policies written in the third year preceding.

(4) (5) Five percent to the policies written in the fourth year preceding.

Sec. 150. Section 519A.1, Code 2016, is amended to read as follows:

519A.1 Intent.

1. The general assembly finds that a critical situation exists because of the high cost and impending unavailability of medical malpractice insurance. The purposes of sections 519A.2 ~~to~~ through 519A.13 are to assure that the public is adequately protected against losses arising out of medical malpractice by providing licensed health care providers with medical malpractice insurance through the requirement that certain liability insurance carriers write medical malpractice insurance for a period of two years upon a finding of an emergency by the commissioner of insurance that either such insurance is not available through normal channels or that it is not available on a reasonable basis because of lack of competition for such insurance, or otherwise; to establish an association to equitably spread the risks for such insurance; and to provide for recoupment of losses resulting from the operation of the association through a stabilization reserve fund contributed to by insureds, a surcharge on future liability insurance policies, or a favorable premium tax treatment.

2. It is the intent of this chapter to provide only an interim solution to the impending unavailability of medical malpractice insurance. It is not anticipated that this chapter will resolve the underlying causes of the unavailability and high cost which extend beyond the insurance mechanism. It is anticipated that future legislation will be required to deal on a more permanent basis with the underlying causes of the current situation.

Sec. 151. Section 519A.2, subsection 1, Code 2016, is amended to read as follows:

1. "*Association*" means the joint underwriting association established pursuant to this section and sections 519A.3 ~~to~~ through 519A.13.

Sec. 152. Section 519A.3, subsection 4, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The association shall, subject to the terms and conditions of ~~sections~~ section 519A.2 to, this section, and sections 519A.4 through 519A.13, have and exercise the following powers on behalf of its members:

Sec. 153. Section 519A.4, subsection 1, Code 2016, is amended to read as follows:

1. a. The association shall submit a plan of operation to the commissioner, together with any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association consistent with sections 519A.2 to, 519A.3, this section, and sections 519A.5 through 519A.13. The plan of operation and any amendments thereto shall become effective only after promulgation of the plan or amendment by the commissioner as a rule pursuant to section 17A.4: Provided that the initial plan may in the discretion of the commissioner become effective immediately upon filing with the secretary of state pursuant to section 17A.5, subsection 2, paragraph "b", subparagraph (1), subparagraph division (a).

b. If the association fails to submit a suitable plan of operation within twenty-five days following the effective date of this chapter or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall adopt rules necessary to effectuate sections 519A.2 to, 519A.3, this section, and sections 519A.5 through 519A.13. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

Sec. 154. Section 519A.5, subsections 1 and 2, Code 2016, are amended to read as follows:

1. The rates, rating plans, rating classifications, and policy forms and endorsements applicable to insurance written by the association and the statistical and experience data relating thereto shall be subject to sections 519A.2 to through 519A.4, this section, and sections 519A.6 through 519A.13 and to the provisions of the general insurance code which are not inconsistent with the purposes and provisions of this chapter.

2. All policies issued by the association shall provide for a continuous period of coverage beginning with their respective effective dates. All policies shall terminate at 12:01 a.m.

two years from the date of finding of an emergency by the commissioner, or earlier in accordance with sections 519A.2 through 519A.4, this section, and sections 519A.6 through 519A.13; or because of failure of the policyholder to pay any premium or stabilization reserve fund charge or portion of either when due. All policies shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by this chapter. No policy form shall be used by the association unless it has been filed with and approved by the commissioner.

Sec. 155. Section 519A.10, subsection 2, Code 2016, is amended to read as follows:

2. All orders of the commissioner made pursuant to sections 519A.2 ~~to~~ through 519A.9, this section, and sections 519A.11 through 519A.13 shall be subject to judicial review as provided in the Iowa administrative procedure Act, chapter 17A.

Sec. 156. Section 519A.13, Code 2016, is amended to read as follows:

519A.13 Privileged communications.

There shall be no liability on the part of, and no cause of action of any nature shall arise against the association, the commissioner, or any other person or organization, for any statements made in good faith by any of them in any report or communication concerning risks insured or to be insured by the association, or during any proceedings within the scope of sections 519A.2 ~~to~~ through 519A.12 and this section.

Sec. 157. Section 521A.5, subsection 4, paragraph d, Code 2016, is amended to read as follows:

d. The board of directors of a domestic insurer shall establish one or more committees comprised solely of directors or other persons appointed by the board, the majority of whom are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and ~~who~~ are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for recommending or nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer,

and recommending to the board of directors the selection and compensation of the principal officers.

Sec. 158. Section 523A.207, subsection 1, Code 2016, is amended to read as follows:

1. A purchase agreement shall not be sold or transferred, as part of the sale of a business or the assets of a business, until an audit has been performed by a certified public accountant and filed with the commissioner that expresses the auditor's opinion of the adequacy of funding related to the purchase agreements to be sold or transferred. If the buyer of a purchase agreement sold or transferred as part of the sale of a business or the assets of a business, fails to file such an audit, the commissioner shall suspend the preneed seller's license of the buyer and the preneed sales license of any sales agent in the employ of the buyer until the audit is filed. In addition, the commissioner shall assess a penalty against the buyer in an amount up to one hundred dollars for each day that the audit remains unfiled. The commissioner shall allow a thirty-day grace period after the date that a purchase agreement is sold or transferred before suspension of a license or assessment of a penalty for failure to file an audit pursuant to this ~~section~~ subsection.

Sec. 159. Section 523A.807, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

If the commissioner finds that a person has violated section 523A.201, 523A.202, 523A.203, 523A.207, 523A.401, 523A.402, 523A.403, 523A.404, 523A.405, 523A.501, or 523A.502, or any rule adopted pursuant thereto, the commissioner may order any or all of the following:

Sec. 160. Section 554.11109, Code 2016, is amended to read as follows:

554.11109 Effect of official comments.

To the extent that they are consistent with the Iowa statutory text, the 1972 Official Comments to the 1972 Official Text of the Uniform Commercial Code are evidence of legislative intent as to the meaning of this chapter as amended by 1974 Iowa Acts, ch. 1249. However, prior drafts of the Official Text and Comments may not be used to ascertain legislative intent.

Sec. 161. Section 558.44, Code 2016, is amended to read as follows:

558.44 Mandatory recordation of conveyances and leases of agricultural land.

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

a. "Agricultural land" means agricultural land as defined in section 9H.1.

b. "Beneficial ownership" includes interests held by a nonresident alien individual directly or indirectly holding or acquiring a ten percent or greater share in the partnership, limited partnership, corporation, or trust, or directly or indirectly through two or more such entities. In addition, "beneficial ownership" shall include interests held by all nonresident alien individuals if the nonresident alien individuals in the aggregate directly or indirectly hold or acquire twenty-five percent or more of the partnership, limited partnership, corporation, or trust.

c. "Conveyance" means all deeds and all contracts for the conveyance of an estate in real property except those contracts to be fulfilled within six months from the date of execution thereof.

d. "Nonresident alien" means:

(1) An individual who is not a citizen of the United States and who is not domiciled in the United States.

(2) A corporation incorporated under the law of any foreign country.

(3) A corporation organized in the United States, beneficial ownership of which is held, directly or indirectly, by nonresident alien individuals.

(4) A trust organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

(5) A partnership or limited partnership organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

~~1.~~ 2. Every conveyance or lease of agricultural land, except leases not to exceed five years in duration with renewals, conveyances or leases made by operation of law, and

distributions made from estates to heirs or devisees shall be recorded by the grantee or lessee with the county recorder not later than one hundred eighty days after the date of conveyance or lease.

~~2.~~ 3. For an instrument of conveyance of agricultural land deposited with an escrow agent, the fact of deposit of that instrument of conveyance with the escrow agent as well as the name and address of the grantor and grantee shall be recorded, by a document executed by the escrow agent, with the county recorder not later than one hundred eighty days from the date of the deposit with the escrow agent. For an instrument of conveyance of agricultural land delivered by an escrow agent, that instrument shall be recorded with the county recorder not later than one hundred eighty days from the date of delivery of the instrument of conveyance by the escrow agent.

~~3.~~ 4. At the time of recordation of the conveyance or lease of agricultural land, except a lease not exceeding five years in duration with renewals, conveyances or leases made by operation of law and distributions made from estates of decedents to heirs or devisees, to a nonresident alien as grantee or lessee, such conveyance or lease shall disclose, in an affidavit to be recorded therewith as a precondition to recordation, the name, address, and citizenship of the nonresident alien. In addition, if the nonresident alien is a partnership, limited partnership, corporation, or trust, the affidavit shall also disclose the names, addresses, and citizenship of the nonresident alien individuals who are the beneficial owners of such entities. However, any partnership, limited partnership, corporation, or trust which has a class of equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934 as amended to January 1, 1978, need only state that fact on the affidavit.

~~4.~~ 5. Failure to record a conveyance or lease of agricultural land required to be recorded by this section by the grantee or lessee within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a conveyance or lease of agricultural land presented

for recording even though not presented within one hundred eighty days after the date of conveyance or lease. The county recorder shall forward to the county attorney a copy of each such conveyance or lease of agricultural land recorded more than one hundred eighty days from the date of conveyance. The county attorney shall initiate action in the district court to enforce the provisions of this section. Failure to timely record shall not invalidate an otherwise valid conveyance or lease.

~~5.~~ 6. If a real estate contract or lease is required to be recorded under this section, the requirement is satisfied by recording either the entire real estate contract or lease or a memorandum of the contract or lease containing at least the names and addresses of all parties named in the contract or lease, a description of all real property and interests therein subject to the contract or lease, the length of the contract or initial term of the lease, and in the case of a lease a statement as to whether any of the named parties have or are subject to renewal rights, and if so, the event or condition upon which renewal occurs, the number of renewal terms and the length of each, and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due. This subsection is effective July 1, 1980, for all contracts and leases of agricultural land made on or after July 1, 1980.

~~6.~~ 7. The provisions of this section, except as otherwise provided, are effective July 1, 1979, for all conveyances and leases of agricultural land made on or after July 1, 1979.

Sec. 162. Section 598.7, subsection 1, Code 2016, is amended to read as follows:

1. The district court may, on its own motion or on the motion of any party, order the parties to participate in mediation in any dissolution of marriage action or other domestic relations action. Mediation performed under this section shall comply with the provisions of chapter 679C. The provisions of this section shall not apply if the action involves a child support or medical support obligation enforced by the child support recovery unit. The provisions of this section shall not apply to actions which involve elder abuse as

~~defined in section 235F.1~~ pursuant to chapter 235F or domestic abuse pursuant to chapter 236. The provisions of this section shall not affect a judicial district's or court's authority to order settlement conferences pursuant to rules of civil procedure. The court shall, on application of a party, grant a waiver from any court-ordered mediation under this section if the party demonstrates that a history of domestic abuse exists as specified in section 598.41, subsection 3, paragraph "j".

Sec. 163. Section 602.8108, subsection 2, Code 2016, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as otherwise provided in subsections 3, 4, 6, 8, 9, 10, 11, and 12 ~~this section~~, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 164. Section 622.28, Code 2016, is amended to read as follows:

622.28 Writing or record — when admissible — absence of record — effect.

1. Any writing or record, whether in the form of an entry in a book, or otherwise, including electronic means and interpretations thereof, offered as memoranda or records of acts, conditions or events to prove the facts stated therein, shall be admissible as evidence if the judge finds that they were made in the regular course of a business at or about the time of the act, condition or event recorded, and that the sources of information from which made and the method and circumstances of their preparation were such as to indicate their trustworthiness, and if the judge finds that they are not excludable as evidence because of any rule of admissibility of evidence other than the hearsay rule.

2. Evidence of the absence of a memorandum or record from

the memoranda or records of a business of an asserted act, event or condition, shall be admissible as evidence to prove the nonoccurrence of the act or event, or the nonexistence of the condition, if the judge finds that it was in the regular course of that business to make such memoranda of all such acts, events or conditions at the time thereof or within a reasonable time thereafter, and to preserve them.

3. The term ~~business~~ "business", as used in this section, includes a business, profession, occupation, ~~and~~ or calling of every kind.

Sec. 165. Section 622.71, Code 2016, is amended to read as follows:

622.71 Peace officer.

~~No~~ A peace officer who receives a regular salary, or any other public ~~official shall, in any case,~~ official, shall not receive fees as a witness in any case for testifying in regard to any matter coming to the officer's or official's knowledge in the discharge of the officer's or official's official duties in ~~such~~ that case in a court in the county of the officer's or official's residence, except ~~police~~ peace officers who are called as witnesses when not on duty.

Sec. 166. Section 626.51, Code 2016, is amended to read as follows:

626.51 Failure to give notice — effect.

Failure to give ~~such~~ notice of ownership or exemption shall not deprive the party of any other remedy.

Sec. 167. Section 626.52, Code 2016, is amended to read as follows:

626.52 Right to release levy.

If after levy the officer receives ~~such~~ notice of ownership or exemption, such officer may release the property unless a bond is given as provided in section 626.54.

Sec. 168. Section 626.53, Code 2016, is amended to read as follows:

626.53 Exemption from liability.

The officer shall be protected from all liability by reason of such levy until the officer receives ~~such~~ written notice of ownership or exemption.

Sec. 169. Section 626.54, Code 2016, is amended to read as

follows:

626.54 Indemnifying bond — sale and return.

When the officer receives ~~such~~ notice of ownership or exemption, the officer may forthwith give the plaintiff, the plaintiff's agent, or attorney, notice that an indemnifying bond is required. Bond may ~~thereupon~~ be given by or for the plaintiff, with one or more sufficient sureties, to be approved by the officer, to the effect that the obligors will indemnify the officer against the damages which the officer may sustain in consequence of the seizure or sale of the property, and will pay to any claimant ~~thereof~~ the damages the claimant may sustain in consequence of the seizure or sale, and will warrant to any purchaser of the property such estate or interest therein as is sold; ~~and thereupon~~. After the bond has been given and approved, the officer shall proceed to subject the property to the execution, and shall return the indemnifying bond to the court from which the execution issued.

Sec. 170. Section 633.230, subsection 1, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

1. In intestate matters, the administrator, as soon as letters are issued, shall cause to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending, and at any time during the pendency of administration that the administrator has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, provide by ordinary mail to each such claimant at the claimant's last known address, a notice of appointment which shall be in substantially the following form:

In the District Court of Iowa
in and for County.

In the Estate of Probate No.
....., Deceased

NOTICE OF APPOINTMENT OF
ADMINISTRATOR AND
NOTICE TO CREDITORS

To All Persons Interested in the Estate of, Deceased,

who died on or about (date):

You are hereby notified that on the day of (month), ... (year), the undersigned was appointed administrator of the estate.

Notice is hereby given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and, unless so filed by the later to occur of four months from the second publication of this notice or one month from the date of the mailing of this notice (unless otherwise allowed or paid), a claim is thereafter forever barred.

Dated this ... day of (month), ... (year)

.....
Administrator of the estate
.....
Address

.....
Attorney for the administrator

.....
Address

Date of second publication
... day of ... (month), ... (year)
(Date to be inserted by publisher)

Sec. 171. Section 633.231, subsection 2, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

2. The notice shall be in substantially the following form:

In the District Court of Iowa
in and for County.

In the Estate of Probate No.
....., Deceased

NOTICE OF OPENING ADMINISTRATION
OF ESTATE, OF APPOINTMENT OF
ADMINISTRATOR, AND NOTICE
TO CREDITOR

To the Department of Human Services Who May Be Interested in the Estate of, Deceased, who died on or about

(date):

You are hereby notified that on the day of (month), ... (year), an intestate estate was opened in the above-named court and that was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is ...-...-..... The name of the spouse is The birthdate of the spouse is and the spouse's social security number is ...-...-....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social security number of ...-...-....., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.53, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.53, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, within six months from the date of sending this notice and, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the administrator with notification stating the department does not have a claim within six months from the date of sending this notice.

Dated this ... day of (month), ... (year)

.....
Administrator of the estate
.....
Address

.....
Attorney for the administrator
.....
Address

Sec. 172. Section 633.295, Code 2016, is amended by striking the section and inserting in lieu thereof the following:

633.295 Testimony of witnesses.

The proof may be made by the oral or written testimony of one or more of the subscribing witnesses to the will. If such testimony is in writing, it shall be substantially in the following form executed and sworn to before or after the death of the decedent:

In the District Court of Iowa
in and for County.

In the Matter of Probate No.
the Estate of TESTIMONY OF SUBSCRIBING
....., Deceased WITNESS ON
State of) PROBATE OF WILL
..... County) ss

I,, being first duly sworn, state:

I reside in the County of, State of; I knew the identity of the testator on the day of (month), ... (year), the date of the instrument, the original or exact reproduction of which is attached hereto, now shown to me, and purporting to be the last will and testament of the said; I am one of the subscribing witnesses to said instrument; at the said date of said instrument, I knew the identity of, the other subscribing witness; that said instrument was exhibited to me and to the other subscribing witness by the testator, who declared the same to be the testator's last will and testament, and was signed by the testator at, in the County of, State of, on the date shown in said instrument, in the presence of myself and the other subscribing witness; and the other subscribing witness and I then and there, at the request of the testator, in the presence of said testator and in the presence of each other, subscribed our names thereto as witnesses.

.....
Name of Witness

.....
Address

Subscribed and sworn to before me this ... day of
(month), ... (year)

.....
Signature of notarial officer

(Stamp)

[.....]
Title of office
[My commission expires:

.....]

Sec. 173. Section 633.304, subsection 3, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

3. The notice shall be substantially in the following form:

In the District Court of Iowa
in and for County.

Probate No.

In the Estate of
....., Deceased

NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of, Deceased, who died on or about (date):

You are hereby notified that on the day of (month), ... (year), the last will and testament of, deceased, bearing the date of the ... day of (month), ... (year), was admitted to probate in the above-named court and that was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and, unless so filed by the later to occur of four months from the date of second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid), a claim is thereafter forever barred.

Dated this ... day of (month), ... (year)

.....
Executor of estate

.....
Address

.....
Attorney for executor

.....
Address

Date of second publication
... day of ... (month), ... (year)
(Date to be inserted by publisher)

Sec. 174. Section 633.304A, subsection 2, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

2. The notice shall be in substantially the following form:

In the District Court of Iowa
in and for County.

Probate No.

In the Estate of
....., Deceased

NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS

To the Department of Human Services, Who May Be Interested in the Estate of, Deceased, who died on or about (date):

You are hereby notified that on the ... day of (month), ... (year), the last will and testament of, deceased, bearing date of the day of (month), ... (year) was admitted to probate in the above-named court and that was appointed executor of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is ...-...-..... The name of the spouse is The birthdate of the spouse is and the spouse's social security number is ...-...-....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social

was admitted to probate in the above-named court and there will be no present administration of the estate. Any action to set aside the will must be brought in the district court of the county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Dated this ... day of (month), ... (year)

.....

Proponent

.....

Attorney for estate

.....

Address

Date of second publication

... day of ... (month), ... (year)

(Date to be inserted by publisher)

Sec. 176. Section 636.26, Code 2016, is amended to read as follows:

636.26 Security subject to court order.

1. When any investment is made pursuant to approval of the court as required by section 636.23 or made or held by and with the consent of the court as provided in section 636.25, such investment shall not be transferred and any security taken to secure such investment shall not be discharged or impaired prior to payment or satisfaction thereof without an order of the court to that effect, unless otherwise authorized by the will, trust agreement or other document under which the fiduciary is acting. Nothing ~~herein~~ contained in this section shall be construed as requiring the approval of any court to release or discharge of record any mortgage or other lien held by any fiduciary upon the payment or satisfaction thereof in full.

2. All releases or discharges of record of mortgages or other liens prior to July 4, 1951, by any fiduciary without an order of court where such order was required by section 682.26, Code 1950, are hereby declared to be valid and effective from the filing or recording thereof without such order of court

being had and obtained, unless within six months after said date a statement is filed under oath by the claimant or on the claimant's behalf if under disability with the county recorder where such release or discharge was filed or recorded setting forth the claim upon which the invalidity of such release or discharge is based. Nothing ~~herein~~ contained in this section shall affect pending litigation.

Sec. 177. Section 654.23, Code 2016, is amended to read as follows:

654.23 No redemption rights after sale.

The mortgagor has no right to redeem after sale. Junior lienholders have no right to redeem after sale. The ~~mortgagor~~ mortgagee or a junior lienholder may purchase at the sale and, if so, acquire the same title as would any other purchaser other than the mortgagor. If the mortgagor at the sale bids an amount equal to the judgment, the property shall be sold to the mortgagor even though other persons may bid an amount which is more than the judgment. If the mortgagor purchases at the sale, the liens of junior lienholders shall not be extinguished. If a person other than the mortgagor purchases at the sale, the liens of junior lienholders are extinguished.

Sec. 178. Section 656.9, Code 2016, is amended to read as follows:

656.9 Defect in forfeiture proceedings — limitation of actions.

An action shall not be commenced by a vendee who is not in possession of the property, or by a party to the forfeiture proceeding who is other than a vendee or vendor, that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section ~~656.6~~ 656.5 has been filed of record for more than ten years.

Sec. 179. Section 725.15, Code 2016, is amended to read as follows:

725.15 Exceptions for legal gambling.

Sections 725.5 ~~to~~ through 725.10 and 725.12 do not apply to a game, activity, ticket, or device when lawfully possessed, used, conducted, or participated in pursuant to chapter 99B,

99F, or 99G.

Sec. 180. Section 805.8A, subsection 5, paragraph b, Code 2016, is amended by striking the paragraph.

Sec. 181. Section 820.22, Code 2016, is amended to read as follows:

820.22 Receiving person extradited.

Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of the person's bail, probation or parole in this state, from the executive authority of any other state, or from the chief ~~justice~~ judge or an associate ~~justice~~ judge of the ~~Supreme Court~~ superior court of the District of Columbia authorized to receive such demand under the laws of the United States, the governor shall issue a warrant under the seal of this state, to some agent, commanding the agent to receive the person so charged if delivered to the agent and convey the person to the proper officer of the county in this state in which the offense was committed.

Sec. 182. Section 901C.1, subsection 1, Code 2016, is amended by striking the subsection.

Sec. 183. Section 901C.1, subsections 4, 5, 6, and 7, Code 2016, are amended to read as follows:

4. This ~~chapter~~ section does not apply to dismissals related to a deferred judgment under section 907.9.

5. This ~~chapter~~ section applies to all public offenses, as defined under section 692.1.

6. The court shall advise the defendant of the provisions of this ~~chapter~~ section upon either the acquittal or the dismissal of all criminal charges in a case.

7. The supreme court may prescribe rules governing the procedures applicable to the expungement of the record of a criminal case under this ~~chapter~~ section.

Sec. 184. NEW SECTION. **901C.1A Definition.**

As used in this chapter, unless the context otherwise requires, "*expunge*" and "*expungement*" mean the same as expunged in section 907.1.

Sec. 185. Section 916.2, subsection 4, Code 2016, is amended to read as follows:

4. A privilege under this section does not apply in matters

of proof concerning the chain of custody of evidence, in matters of proof concerning the physical appearance of the victim at the time of the injury or the advocate's first contact with the victim after the injury, or if the ~~counselor~~ advocate has reason to believe that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed.

Sec. 186. REPEAL. Sections 328.55, 445.6, and 558.43, Code 2016, are repealed.

Sec. 187. REPEAL. 2015 Iowa Acts, chapter 30, sections 220 and 222, are repealed.

Sec. 188. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

a. Section 901C.1 to section 901C.2.

b. Section 901C.1A as enacted in this Act to section 901C.1.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 189. EFFECTIVE DATES.

1. The section of this Act amending section 249K.2, subsection 3, Code 2016, takes effect upon the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities, of the Iowa health information network by the designated entity. The department of public health shall notify the Code editor of the date of such assumption by the designated entity.

2. The section of this Act amending section 445.60, Code 2016, takes effect July 1, 2018.

3. The section of this Act repealing 2015 Iowa Acts, chapter 30, sections 220 and 222, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

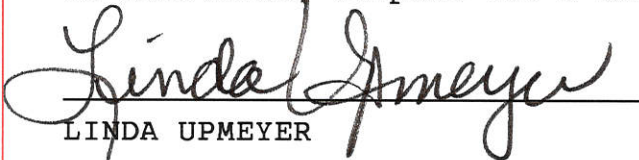
CORRESPONDING CHANGES


Sec. 190. Section 234.38, Code 2016, is amended to read as follows:

234.38 Foster care reimbursement rates.


The department of human services shall make reimbursement payments directly to foster parents for services provided to

children pursuant to section 234.6, subsection ~~6~~ 1, paragraph ~~b~~ e, subparagraph (2), or section 234.35. In any fiscal year, the reimbursement rate shall be based upon sixty-five percent of the United States department of agriculture estimate of the cost to raise a child in the calendar year immediately preceding the fiscal year. The department may pay an additional stipend for a child with special needs.


LINDA UPMEYER
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 2359, Eighty-sixth General Assembly.


CARMINE BOAL
Chief Clerk of the House

Approved April 6, 2016


TERRY E. BRANSTAD
Governor