

House File 2457 - Enrolled

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AN ACT

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

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

Section 1. Section 1.8, Code 2018, is amended to read as follows:

1.8 Applicability of statute.

Section 1.4 shall apply to all lands acquired under sections 1.5 ~~to~~ through 1.7.

Sec. 2. Section 1.13, Code 2018, is amended to read as follows:

1.13 Existing trusts not affected.

Nothing in ~~sections~~ section 1.12 ~~to~~, this section, or section 1.14 or 1.15 shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the

state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

Sec. 3. Section 1.14, Code 2018, is amended to read as follows:

1.14 Tribal ordinances or customs enforced.

Any tribal ordinance or custom heretofore or hereafter adopted by the governing council of the Sac and Fox Indian settlement in Tama county in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the state, be given full force and effect in the determination of civil causes of action pursuant to sections 1.12 to, 1.13, this section, and 1.15.

Sec. 4. Section 6A.22, subsection 2, paragraph a, subparagraph (2), Code 2018, is amended to read as follows:

(2) The acquisition of any interest in property necessary to the function of a public or private utility to the extent such purpose does not include construction of aboveground merchant lines, or necessary to the function of a common carrier, or airport or airport system.

Sec. 5. Section 8B.21, subsection 6, Code 2018, is amended to read as follows:

6. *Annual report.* On an annual basis, the office shall prepare a report to the governor, the department of management, and the general assembly regarding the total spending on technology for the previous fiscal year, the total amount appropriated for the current fiscal year, and an estimate of the amount to be requested for the succeeding fiscal year for all agencies. The report shall include a five-year projection of technology cost savings, an accounting of the level of technology cost savings for the current fiscal year, and a comparison of the level of technology cost savings for the current fiscal year with that of the previous fiscal year. The report shall be filed as soon as possible after the close of a fiscal year, and by no later than the second Monday of January of each year.

Sec. 6. Section 8C.7A, subsection 3, paragraph a, subparagraph (2), subparagraph division (b), Code 2018, is amended to read as follows:

(b) An authority that has adopted a municipal or county code on or before July 1, 2017, which requires an application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility may continue the application or permit requirement subsequent to July 1, 2017.

Sec. 7. Section 12C.5, Code 2018, is amended to read as follows:

12C.5 Refusal of deposits — procedure.

If the approved depositories will not accept the deposits under the conditions prescribed or authorized in [this chapter](#), the funds may be deposited, on the same or better terms as were offered to the depositories, in one or more approved depositories conveniently located within the state.

~~The treasurer of state may invest in any of the investments authorized for the Iowa public employees' retirement system in [section 97B.7A](#) except that investment in common stocks shall not be permitted.~~

Sec. 8. Section 15.293B, subsection 1, paragraph i, Code 2018, is amended to read as follows:

i. An applicant that is unsuccessful in receiving a tax credit award during an annual application period may make additional applications during subsequent annual application periods. Such applicants shall be required to submit a new application ~~and~~, which shall be competitively reviewed and scored in the same manner as other ~~applicants~~ applications in that annual application period.

Sec. 9. Section 16.161, Code 2018, is amended to read as follows:

16.161 Authority to issue ~~E911~~ 911 program bonds and notes.

1. The authority shall assist the program manager, appointed pursuant to [section 34A.2A](#), as provided in chapter 34A, subchapter II, and the authority shall have all of the powers delegated to it by a joint ~~E911~~ 911 service board or the department of public defense in a [chapter 28E](#) agreement with respect to the issuance and securing of bonds or notes and the carrying out of the purposes of [chapter 34A](#).

2. The authority shall provide a mechanism for the pooling of funds of two or more joint ~~E911~~ 911 service boards to be used for the joint purchasing of necessary equipment and

reimbursement of land-line and wireless service providers' costs for upgrades necessary to provide ~~E911~~ 911 service. When two or more joint ~~E911~~ 911 service boards have agreed to pool funds for the purpose of purchasing necessary equipment to be used in providing ~~E911~~ 911 service, the authority shall issue bonds and notes as provided in [sections 34A.20 through 34A.22](#).

Sec. 10. Section 20.3, subsections 3 and 8, Code 2018, are amended to read as follows:

3. a. "Confidential employee" means any public employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in negotiating or who works in a close continuing working relationship with public officers or representatives associated with negotiating on behalf of the public employer.

b. "Confidential employee" also includes the personal secretary of any of the following:

(1) Any elected official or person appointed to fill a vacancy in an elective office, ~~member.~~

(2) A member of any board or commission, ~~the.~~

(3) The administrative officer, director, or chief executive officer of a public employer or major division thereof, ~~or the.~~

(4) The deputy or first assistant of any of the foregoing persons described in subparagraphs (1) through (3).

8. "Professional employee" means any one of the following:

a. Any employee engaged in work to which all of the following apply:

(1) ~~Predominantly~~ The work is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work, ~~.~~

(2) ~~Involving~~ The work involves the consistent exercise of discretion and judgment in its performance, ~~.~~

(3) ~~Of~~ The work is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, ~~and.~~

(4) ~~Requiring~~ The work requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital,

as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

b. Any employee ~~who~~ to whom all of the following apply:

(1) ~~Has~~ The employee has completed the courses of specialized intellectual instruction and study described in paragraph "a", subparagraph 4, ~~of this subsection,~~ and (4).

(2) ~~Is~~ The employee is performing related work under the supervision of a professional person to qualify the employee to become a professional employee as defined in paragraph "a" of ~~this subsection.~~

Sec. 11. Section 22.15, Code 2018, is amended to read as follows:

22.15 Personnel records — discipline — employee notification.

A government body that takes disciplinary action against an employee that may result in information described in section 22.7, subsection 11, paragraph "a", subparagraph (5), being placed in the employee's personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee's personnel file record as a result of the disciplinary action may become a public record.

Sec. 12. Section 29A.27, subsection 5, Code 2018, is amended to read as follows:

5. The provisions ~~herein provided~~ of this section shall apply to all individuals receiving benefits under this section or who subsequently may become entitled to such benefits.

Sec. 13. Section 30.3, subsections 1 and 2, Code 2018, are amended to read as follows:

1. Material safety data sheets or a list of chemicals required to be submitted to the department under section 311 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021, shall be submitted to the department of natural resources. Submission to ~~that~~ the department of natural resources constitutes compliance with the requirement for notification to the department.

2. Emergency and hazardous chemical inventory forms required to be submitted to the department under section 312

of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, shall be submitted to the department of natural resources. Submission to ~~that~~ the department of natural resources constitutes compliance with the requirement for notification to the department.

Sec. 14. Section 30.4, subsection 1, Code 2018, is amended to read as follows:

1. Emergency notifications of releases required to be submitted to the department under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004, shall be submitted to the department of natural resources. Submission to ~~that~~ the department of natural resources constitutes compliance with the requirement for notification to the department.

Sec. 15. Section 34A.3, subsection 1, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) The program manager may order the inclusion of a specific territory not serviced by surrounding 911 service plan areas in an adjoining 911 service plan area ~~to avoid the creation by exclusion of a territory smaller than a single county not serviced by surrounding 911 service plan areas~~ upon request of the joint 911 service board representing the territory to avoid the creation by exclusion of a territory smaller than a single county.

Sec. 16. Section 34A.8, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. The director, program manager, joint 911 service board, local emergency management commission established pursuant to section 29C.9, the designated 911 service provider, and the public safety answering point, and their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing 911 emergency telephone service or providing related mass notification and emergency messaging services as described in [section 29C.17A](#) utilizing only the subscriber's information, and ~~it~~ local exchange service information shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

Sec. 17. Section 35C.5, Code 2018, is amended to read as

follows:

35C.5 Appeals.

1. In addition to the remedy provided in [section 35C.4](#), an appeal may be taken by any person belonging to any of the classes of persons to whom a preference is ~~hereby~~ granted under this chapter, from any refusal to allow ~~said the~~ preference, as provided in [this chapter](#), to the district court of the county in which ~~such the~~ refusal occurs.

2. The appeal shall be made by serving upon the appointing board within twenty days after the date of the refusal of ~~said the~~ appointing officer, board, or persons to allow ~~said the~~ preference, a written notice of ~~such~~ appeal stating the grounds of the appeal; and a demand in writing for a certified transcript of the record; and all papers on file in the office affecting or relating to ~~said the~~ appointment. ~~Thereupon~~ Upon receipt of the notice and demand, ~~said the~~ appointing officer, board, or person shall, within ten days, make, certify, and deliver to the appellant ~~such a the~~ transcript; ~~and the~~. The appellant shall, within five days thereafter, file the ~~same~~ transcript and a copy of the notice of appeal with the clerk of ~~said court, and said.~~

3. The notice of appeal shall stand as the appellant's complaint and ~~thereupon said the~~ cause shall be accorded such preference in its assignment for trial as to assure its prompt disposition. The court shall receive and consider any pertinent evidence, whether oral or documentary, concerning ~~said the~~ appointment from which the appeal is taken; ~~and if.~~ If the court ~~shall find~~ finds that the ~~said~~ applicant is qualified as defined in [section 35C.1](#), to hold the position for which the applicant has applied, ~~said the~~ court shall, by its mandate, specifically direct the ~~said~~ appointing officer, board, or persons as to their further action in the matter.

4. An appeal may be taken from the judgment of the ~~said~~ district court ~~on any such appeal~~ on the same terms as an appeal is taken in civil actions. ~~At their election parties~~ Parties entitled to appeal under [this section](#) may elect, in the alternative, to maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#), if that is otherwise applicable to ~~their the~~

case.

Sec. 18. Section 37.6, Code 2018, is amended to read as follows:

37.6 Bonds.

Bonds issued by a county for the purposes of this chapter shall be issued under sections 331.441 to through 331.449 relating to general county purpose bonds. Bonds issued by a city shall be issued ~~in accordance with provisions of law under~~ sections 384.24 through 384.36 relating to general corporate purpose bonds of a city.

Sec. 19. Section 43.5, Code 2018, is amended to read as follows:

43.5 Applicable statutes.

The provisions of chapters 39, 39A, 47, 48A, 49, 50, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as hereinafter otherwise provided in this chapter.

Sec. 20. Section 43.20, subsection 2, Code 2018, is amended to read as follows:

2. In each of the ~~above~~ cases described in subsection 1, the vote to be taken for the purpose of computing the percentage shall be the vote cast for president of the United States or for governor, as the case may be.

Sec. 21. Section 43.78, subsection 5, paragraphs b and d, Code 2018, are amended to read as follows:

b. In the office of the ~~proper~~ appropriate commissioner, at least sixty-four days before the date of the election.

d. In the office of the ~~proper~~ appropriate commissioner or the state commissioner, as applicable, in case of a special election to fill vacancies, at least twenty-five days before the day of election.

Sec. 22. Section 44.9, subsections 2, 5, and 6, Code 2018, are amended to read as follows:

2. In the office of the ~~proper~~ appropriate commissioner, at least sixty-four days before the date of the election, except as otherwise provided in subsection 6.

5. In the office of the ~~proper~~ appropriate commissioner or school board secretary in case of a special election to fill vacancies, at least twenty-five days before the day of

election.

6. In the office of the ~~proper~~ appropriate commissioner, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before a regularly scheduled or special city election.

Sec. 23. Section 49.11, subsection 3, paragraph d, unnumbered paragraph 1, Code 2018, is amended to read as follows:

~~The commissioner may also consolidate~~ Consolidate precincts for any election under any of the following circumstances:

Sec. 24. Section 59.6, Code 2018, is amended to read as follows:

59.6 Power of general assembly.

Nothing herein contained in this chapter shall be construed to abridge the right of either branch of the general assembly to grant commissions to take depositions, or to send for and examine any witness it may desire to hear on such trial.

Sec. 25. Section 68A.101, Code 2018, is amended to read as follows:

68A.101 Citation and administration.

This chapter may be cited as the "*Campaign Disclosure — ~~Income Tax Checkoff Act~~*". The Iowa ethics and campaign disclosure board shall administer this chapter as provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

Sec. 26. Section 68A.102, subsection 21, Code 2018, is amended by striking the subsection.

Sec. 27. Section 70A.26, Code 2018, is amended to read as follows:

70A.26 Disaster service volunteer leave.

1. An employee of an appointing authority who is a certified disaster service volunteer of the American red cross may be granted leave with pay from work for not more than fifteen working days in any twelve-month period to participate in disaster relief services for the American red cross at the request of the American red cross for the services of that employee and upon the approval of the employee's appointing authority without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage

benefits, or earned overtime accumulation. The appointing authority shall compensate an employee granted leave under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

2. An employee ~~deemed to be on~~ granted leave under this section shall not be deemed to be an employee of the state for purposes of workers' compensation. An employee ~~deemed to be on~~ granted leave under this section shall not be deemed to be an employee of the state for purposes of the Iowa tort claims Act, chapter 669.

3. Leave under this section shall be granted only for services relating to a disaster in the state of Iowa.

Sec. 28. Section 73.2, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. All requests ~~hereafter~~ made for bids and proposals for materials, products, supplies, provisions, and other needed articles to be purchased at public expense, shall be made in general terms and by general specifications and not by brand, trade name, or other individual mark.

Sec. 29. Section 84A.5, subsection 4, Code 2018, is amended to read as follows:

4. The division of labor services is responsible for the administration of the laws of this state under chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and 94A, and section sections 73A.21 and 85.68. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

Sec. 30. Section 85.47, Code 2018, is amended to read as follows:

85.47 Basis of commutation.

When the commutation is ordered, the workers' compensation commissioner shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments capitalized at their present value and upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees. Upon the payment of such amount, the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, ~~upon~~. Upon the filing which of the release,

the liability of the employer under any agreement, award, finding, or judgment shall be discharged of record.

Sec. 31. Section 85.53, Code 2018, is amended to read as follows:

85.53 Notice to consular officer.

If such consular officer, or the officer's duly appointed representative, shall file with the workers' compensation commissioner evidence of the officer's or representative's authority, the workers' compensation commissioner shall notify such consular officer or representative of the death of all employees leaving an alien dependent, or dependents, residing in the country of said consular officer ~~so far as same~~ that shall come to the commissioner's knowledge.

Sec. 32. Section 86.9, Code 2018, is amended to read as follows:

86.9 Reports.

1. The director of the department of workforce development, in consultation with the commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of workers' compensation for the preceding year, the number of claims processed by the division and the disposition of the claims, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in [this chapter](#) and chapters 85, [85A](#), [85B](#), and [87](#), and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

2. The commissioner, after consultation with the director of the department of workforce development, may compile an annual report setting forth the final decisions, rulings, and orders of the division for the preceding year and setting forth other matters or information which the commissioner considers desirable for publication.

3. These annual reports may be distributed by the state on request to public officials as set forth in [chapter 7A](#). Members of the public may obtain ~~the~~ an annual report upon payment of its cost as set by the commissioner.

Sec. 33. Section 88.1, subsection 3, Code 2018, is amended

to read as follows:

3. Authorizing the labor commissioner to set mandatory occupational safety and health standards applicable to businesses, and by ~~creating an~~ providing for an adjudicatory process through the employment appeal board within the department of inspections and appeals for carrying out adjudicatory functions under the chapter.

Sec. 34. Section 92.2, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A person over ten and under sixteen years of age cannot be employed, with or without compensation, in street occupations or migratory labor as ~~defined~~ provided in [section 92.1](#), unless the person holds a work permit issued pursuant to [this chapter](#).

Sec. 35. Section 96.3, subsection 1, Code 2018, is amended to read as follows:

1. *Payment.* Twenty-four months after the date when contributions first accrue under [this chapter](#), benefits shall become payable from the fund; provided, that wages earned for services defined in [section 96.19, subsection 18](#), paragraph "g", subparagraph (3), irrespective of when performed, shall not be included for purposes of determining eligibility, under section 96.4 or full-time weekly wages, under [subsection 4](#) of this section, for the purposes of any benefit year ~~commencing on or after July 1, 1939~~, nor shall any benefits with respect to unemployment ~~occurring on and after July 1, 1939~~, be payable under [subsection 5](#) of [this section](#) on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the department of workforce development may prescribe.

Sec. 36. Section 99F.4, subsection 22, Code 2018, is amended to read as follows:

22. To require licensees to establish a process to allow a person to be voluntarily excluded from the gaming floor of an excursion gambling boat, ~~and~~ and from the wagering area, as defined in [section 99D.2](#), and from the gaming floor of all other licensed facilities under [this chapter](#) and [chapter 99D](#) as provided in [this subsection](#). The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent

request following any five-year period shall be for a period of five years or life. The process established shall require that a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options and shall also require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under [this chapter](#) and [chapter 99D](#). The state and any licensee under [this chapter](#) or [chapter 99D](#) shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be credited to the general fund of the state.

Sec. 37. Section 105.22, subsection 4, Code 2018, is amended to read as follows:

4. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within the profession. A copy of the record ~~or~~ of conviction or plea of guilty shall be conclusive evidence of such conviction.

Sec. 38. Section 123.22, subsection 2, Code 2018, is amended to read as follows:

2. a. ~~No~~ A person, acting individually or through another acting for the person, shall not directly or indirectly, or upon any pretense, or by any device, ~~manufacture~~ do any of the following:

(1) Manufacture, sell, exchange, barter, dispense, give in consideration of the purchase of any property or of any services or in evasion of [this chapter](#), or keep for sale, or have possession of any intoxicating liquor, except as provided in [this chapter](#); ~~or own.~~

(2) Own, keep, or be in any way concerned, engaged, or employed in owning or keeping, any intoxicating liquor with intent to violate any provision of [this chapter](#), or authorize or permit the same to be done; ~~or manufacture.~~

(3) Manufacture, own, sell, or have possession of any manufactured or compounded article, mixture or substance,

not in a liquid form, and containing alcohol which may be converted into a beverage by a process of pressing or straining the alcohol therefrom, or any instrument intended for use and capable of being used in the manufacture of intoxicating liquor; ~~or own.~~

(4) Own or have possession of any material used exclusively in the manufacture of intoxicating liquor; ~~or use.~~

(5) Use or have possession of any material with intent to use it in the manufacture of intoxicating liquors; ~~however.~~

b. However, alcohol may be manufactured for industrial and nonbeverage purposes by persons who have qualified for that purpose as provided by the laws of the United States and the laws of this state. Such alcohol, so manufactured, may be denatured, transported, used, possessed, sold, and bartered and dispensed, subject to the limitations, prohibitions and restrictions imposed by the laws of the United States and this state.

c. Any person may manufacture, sell, or transport ingredients and devices other than alcohol for the making of homemade wine or beer.

Sec. 39. Section 124.401, subsection 5, Code 2018, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

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

Sec. 40. Section 125.34, subsections 3 and 6, Code 2018, are amended to read as follows:

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional as soon as possible after the person arrives at the facility. The person may then be admitted as a patient or referred to another health facility. The referring facility shall arrange for transportation.

6. If the physician and surgeon or osteopathic physician and surgeon in charge of the facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 41. Section 125.75, subsection 2, paragraph c, subparagraph (1), Code 2018, is amended to read as follows:

(1) A written statement of a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional in support of the application.

Sec. 42. Section 125.78, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. Requiring an examination of the respondent, prior to the hearing, by one or more licensed physicians physician and surgeons or osteopathic physician and surgeons or mental health professionals who shall submit a written report of the examination to the court as required by [section 125.80](#).

Sec. 43. Section 125.80, Code 2018, is amended to read as follows:

125.80 Physician's or mental health professional's examination — report — scheduling of hearing.

1. a. An examination of the respondent shall be conducted within a reasonable time and prior to the commitment hearing by one or more licensed physicians physician and surgeons or osteopathic physician and surgeons or mental health professionals as required by the court's order. If the respondent is taken into custody under [section 125.81](#), the examination shall be conducted within twenty-four hours after the respondent is taken into custody. If the respondent desires, the respondent may have a separate examination by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional of the respondent's own choice. The court shall notify the respondent of the right to choose a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional for a separate examination. The reasonable cost of the examinations shall be paid from county funds upon order of the court if the respondent lacks sufficient funds to pay the cost.

b. A licensed physician and surgeon or osteopathic physician and surgeon or mental health professional conducting

an examination pursuant to [this section](#) may consult with or request the participation in the examination of facility personnel, and may include with or attach to the written report of the examination any findings or observations by facility personnel who have been consulted or have participated in the examination.

c. If the respondent is not taken into custody under section 125.81, but the court is subsequently informed that the respondent has declined to be examined by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional pursuant to the court order, the court may order limited detention of the respondent as necessary to facilitate the examination of the respondent by the licensed physician and surgeon or osteopathic physician and surgeon or mental health professional.

2. A written report of the examination by a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional shall be filed with the clerk prior to the hearing date. A written report of an examination by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional chosen by the respondent may be similarly filed. The clerk shall immediately:

a. Cause a report to be shown to the judge who issued the order.

b. Cause the respondent's attorney to receive a copy of the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional.

3. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent is not a person with a substance-related disorder, the court, without taking further action, may terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent is a person with a substance-related disorder, the court shall

schedule a commitment hearing as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays, and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing.

Sec. 44. Section 125.82, subsection 3, Code 2018, is amended to read as follows:

3. The person who filed the application and a licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification who has examined the respondent in connection with the commitment hearing shall be present at the hearing, unless the court for good cause finds that their presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence or telephonic appearance of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor who examined the respondent and agree to submit as evidence the written report of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. "*Good cause*" for finding that the testimony of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor who examined the respondent is not necessary may include, but is not limited to, such a waiver. If the court determines that the testimony of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor is necessary, the court may allow the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor to testify by telephone. The respondent shall be present at the

hearing unless prior to the hearing the respondent's attorney stipulates in writing that the attorney has conversed with the respondent, and that in the attorney's judgment the respondent cannot make a meaningful contribution to the hearing, or that the respondent has waived the right to be present, and the basis for the attorney's conclusions. A stipulation to the respondent's absence shall be reviewed by the court before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by the respondent's absence.

Sec. 45. Section 125.91, subsections 2 and 3, Code 2018, are amended to read as follows:

2. a. A peace officer who has reasonable grounds to believe that the circumstances described in [subsection 1](#) are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph "b" or "c". Such a person with a substance-related disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under [this section](#), the attending physician and surgeon or osteopathic physician and surgeon may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the attending physician and surgeon or osteopathic physician and surgeon. If the person is a peace officer, the peace officer may do so either in person or by written report. If the attending physician and surgeon or osteopathic physician and surgeon has reasonable grounds to believe that the circumstances in [subsection 1](#) are applicable, the attending physician shall at once communicate with the nearest available magistrate as defined in [section 801.4, subsection 10](#). The magistrate shall, based upon the circumstances described by

the attending physician and surgeon or osteopathic physician and surgeon, give the attending physician and surgeon or osteopathic physician and surgeon oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a person with a substance-related disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the attending physician and surgeon or osteopathic physician and surgeon at the facility to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

3. The attending physician and surgeon or osteopathic physician and surgeon shall examine and may detain the person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the attending physician and surgeon or osteopathic physician and surgeon or mental health professional, but shall not otherwise provide treatment to the person without the person's

consent. The person shall be discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to [section 125.75](#). The detention of a person by the procedure in [this section](#), and not in excess of the period of time prescribed by [this section](#), shall not render the peace officer, attending physician and surgeon or osteopathic physician and surgeon, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, attending physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility had reasonable grounds to believe that the circumstances described in [subsection 1](#) were applicable.

Sec. 46. Section 125.92, subsection 4, Code 2018, is amended to read as follows:

4. Enjoy all legal, medical, religious, social, political, personal, and working rights and privileges, which the person would enjoy if not detained, taken into immediate custody, or committed, consistent with the effective treatment of the person and of the other persons in the facility. If the person's rights are restricted, the ~~physician's~~ physician and surgeon's or osteopathic physician and surgeon's or mental health professional's direction to that effect shall be noted in the person's record. The person or the person's next of kin or guardian shall be advised of the person's rights and be provided a written copy upon the person's admission to or arrival at the facility.

Sec. 47. Section 135B.20, unnumbered paragraph 1, Code 2018, is amended to read as follows:

~~Definitions as~~ As used in [this subchapter](#), unless the context otherwise requires:

Sec. 48. Section 135B.32, Code 2018, is amended to read as follows:

135B.32 Construction.

Nothing ~~herein~~ in this subchapter shall deprive any hospital of its tax exempt or nonprofit status.

Sec. 49. Section 135H.6, Code 2018, is amended to read as follows:

135H.6 Inspection — conditions for issuance.

1. The department shall issue a license to an applicant under [this chapter](#) if all the following conditions exist:

~~1.~~ a. The department has ascertained that the applicant's medical facilities and staff are adequate to provide the care and services required of a psychiatric institution.

~~2.~~ b. The proposed psychiatric institution is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the council on accreditation of services for families and children, or by any other recognized accrediting organization with comparable standards acceptable under federal regulation.

~~3.~~ c. The applicant complies with applicable state rules and standards for a psychiatric institution adopted by the department in accordance with federal requirements under 42 C.F.R. §441.150 – 441.156.

~~4.~~ d. The applicant has been awarded a certificate of need pursuant to [chapter 135](#), unless exempt as provided in this section.

~~5.~~ e. The department of human services has submitted written approval of the application based on the department of human services' determination of need. The department of human services shall identify the location and number of children in the state who require the services of a psychiatric medical institution for children. Approval of an application shall be based upon the location of the proposed psychiatric institution relative to the need for services identified by the department of human services and an analysis of the applicant's ability to provide services and support consistent with requirements under chapter 232, particularly regarding community-based treatment. If the proposed psychiatric institution is not freestanding from a facility licensed under [chapter 135B](#) or [135C](#), approval under this ~~subsection~~ paragraph shall not be given unless the department of human services certifies that the proposed psychiatric institution is capable of providing a resident with a living environment similar to the living environment provided by a licensee which is freestanding from a facility licensed under [chapter 135B](#) or [135C](#).

~~6. The department of human services shall not give approval to an application which would cause the total number of beds licensed under [this chapter](#) for services reimbursed by the medical assistance program under [chapter 249A](#) to exceed four hundred thirty beds.~~

~~7. In addition to the beds authorized under [subsection 6](#), the department of human services may establish not more than thirty beds licensed under [this chapter](#) at the state mental health institute at Independence. The beds shall be exempt from the certificate of need requirement under [subsection 4](#).~~

~~8. The department of human services may give approval to conversion of beds approved under [subsection 6](#), to beds which are specialized to provide substance abuse treatment. However, the total number of beds approved under [subsection 6](#) and this subsection shall not exceed four hundred thirty. Conversion of beds under [this subsection](#) shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under [this section](#).~~

9. f. The proposed psychiatric institution is under the direction of an agency which has operated a facility licensed under [section 237.3, subsection 2](#), paragraph "a", as a comprehensive residential facility for children for three years or of an agency which has operated a facility for three years providing psychiatric services exclusively to children or adolescents and the facility meets or exceeds requirements for licensure under [section 237.3, subsection 2](#), paragraph "a", as a comprehensive residential facility for children.

g. If a child has an emotional, behavioral, or mental health disorder, the psychiatric institution does not require court proceedings to be initiated or that a child's parent, guardian, or custodian must terminate parental rights over or transfer legal custody of the child for the purpose of obtaining treatment from the psychiatric institution for the child. Relinquishment of a child's custody shall not be a condition of the child receiving services.

2. The department of human services shall not give approval to an application which would cause the total number of beds licensed under this chapter for services reimbursed by the medical assistance program under chapter 249A to exceed four hundred thirty beds.

3. In addition to the beds authorized under subsection 2, the department of human services may establish not more than thirty beds licensed under this chapter at the state mental health institute at Independence. The beds shall be exempt from the certificate of need requirement under subsection 1, paragraph "d".

4. The department of human services may give approval to conversion of beds approved under subsection 2, to beds which are specialized to provide substance abuse treatment. However, the total number of beds approved under subsection 2 and this subsection shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under this section.

~~10.~~ 5. A psychiatric institution licensed prior to July 1, 1999, may exceed the number of beds authorized under subsection 6 2 if the excess beds are used to provide services funded from a source other than the medical assistance program under chapter 249A. Notwithstanding subsections 4, 5 subsection 1, paragraphs "d" and "e", and 6 subsection 2, the provision of services using those excess beds does not require a certificate of need or a review by the department of human services.

~~11. If a child has an emotional, behavioral, or mental health disorder, the psychiatric institution does not require court proceedings to be initiated or that a child's parent, guardian, or custodian must terminate parental rights over or transfer legal custody of the child for the purpose of obtaining treatment from the psychiatric institution for the child. Relinquishment of a child's custody shall not be a condition of the child receiving services.~~

Sec. 50. Section 136.2, Code 2018, is amended to read as follows:

136.2 Appointment.

1. All members of the state board of health shall be appointed by the governor to three-year staggered terms which shall expire on June 30.

2. ~~The~~ Each year, the governor shall appoint annually successors to the ~~three~~ board members whose terms expire that year. A vacancy occurring on the board shall be filled by the governor for the unexpired term of the vacancy.

Sec. 51. Section 136A.5B, subsection 2, Code 2018, is amended to read as follows:

2. An attending health care provider shall provide to a pregnant woman during the first trimester of the pregnancy the informational materials published under this ~~subsection~~ section. The center for congenital and inherited disorders shall make the informational materials available to attending health care providers upon request.

Sec. 52. Section 151.9, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A ~~entry~~ license or certificate to practice as a chiropractor may be revoked or suspended when the licensee or certificate holder is guilty of the following acts or offenses:

Sec. 53. Section 152.11, Code 2018, is amended to read as follows:

152.11 Investigators for nurses.

The board of nursing may appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law related to those licensed to practice nursing. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. Investigators authorized by the board of nursing have the powers and status of peace officers when enforcing [this chapter](#) and [chapters 147, 152E, and 272C](#).

Sec. 54. Section 154B.1, subsection 2, Code 2018, is amended to read as follows:

2. "*Collaborative practice agreement*" means a written agreement between a prescribing psychologist and a licensed physician that establishes clinical protocols, practice

guidelines, and care plans relevant to the scope of the collaborative practice. The practice guidelines may include limitations on the prescribing of psychotropic medications by psychologists and protocols for prescribing to special populations, including patients who are less than seventeen years of age or over sixty-five years of age, patients who are pregnant, and patients with serious medical conditions including but not limited to heart disease, cancer, stroke, or seizures, and patients with developmental disabilities and intellectual disabilities.

Sec. 55. Section 155A.6A, subsection 2, Code 2018, is amended to read as follows:

2. A person who is or desires to be a pharmacy technician in this state shall apply to the board for registration. The application shall be submitted on a form prescribed by the board. A pharmacy technician must be registered pursuant to rules adopted by the board. Except as provided in subsection 3, ~~beginning July 1, 2010,~~ all applicants for a new pharmacy technician registration or for a pharmacy technician renewal shall provide proof of current certification by a national technician certification authority approved by the board. Notwithstanding [section 272C.2, subsection 1](#), a pharmacy technician registration shall not require continuing education for renewal.

Sec. 56. Section 155A.6A, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who is in the process of acquiring national certification as a pharmacy technician and who is in training to become a pharmacy technician shall register with the board as a pharmacy technician. The registration shall be issued for a period not to exceed one year and shall not be renewable.

Sec. 57. Section 155A.13C, subsection 5, paragraph d, Code 2018, is amended to read as follows:

d. Any violation of [this chapter](#) or [chapter 124](#), ~~124A~~, [124B](#), [126](#), or [205](#), or rule of the board.

Sec. 58. Section 161A.38, Code 2018, is amended to read as follows:

161A.38 New classification.

1. After a subdistrict has been established and the improvements thereof constructed and put in operation, if the governing body shall find that the original assessments are not equitable as a basis for the expenses of any enlargement or extension thereof which may have become necessary, ~~they~~ the governing body shall order a new classification of all lands in said subdistrict by resolution, and appoint three appraisers, which shall meet the same requirements as set forth in section 161A.23.

2. Upon the completion of the reclassification, those affected by such reclassification shall have the right to appeal as ~~hereinabove~~ set forth in this subchapter.

Sec. 59. Section 161A.42, subsection 2, Code 2018, is amended to read as follows:

2. "*Conservation agreement*" means a commitment by the owner or operator of a farm unit to implement a farm unit soil conservation plan or, with the approval of the commissioners of the soil and water conservation district within which the farm unit is located, a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the soil and water conservation district of technical or planning assistance in the establishment of ~~and cost-sharing~~ cost-sharing or other financial assistance for establishment and maintenance of the soil and water conservation practices necessary to implement the plan ~~and~~ or a portion of the plan.

Sec. 60. Section 161A.43, Code 2018, is amended to read as follows:

161A.43 Duty of property owners — liability.

1. To conserve the fertility, general usefulness, and value of the soil and soil resources of this state, and to prevent the injurious effects of soil erosion, it is hereby made the duty of the owners of real property in this state to establish and maintain soil and water conservation practices or erosion control practices, as required by the regulations of the commissioners of the respective soil and water conservation districts. As used in this section, "*owners of real property in this state*" includes each state government agency, each political subdivision of the state, and each agency of such a political subdivision which has under its control publicly

owned land, including but not limited to agricultural land, forests, parks, the grounds of state educational, penal and human service institutions, public highways, roads and streets, and other public rights-of-way.

2. A landowner shall not be liable for a claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent installation, construction, or reconstruction of a soil and water conservation practice or an erosion control practice that was installed, constructed, or reconstructed in accordance with generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A soil and water conservation practice or an erosion control practice installed, constructed, or reconstructed in compliance with rules adopted by the division and currently in effect shall be deemed to be installed, constructed, or reconstructed according to generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A claim shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing soil and water conservation practice or erosion control practice to a new, changed, or altered design standard. This ~~paragraph~~ subsection does not apply to a claim based on a failure of a landowner to upgrade, improve, or alter a soil and water conservation practice or erosion control practice in violation of law. This ~~paragraph~~ subsection does not apply to claims based upon gross negligence.

Sec. 61. Section 166A.2, subsection 2, Code 2018, is amended to read as follows:

2. For good and sufficient grounds the department may refuse to grant a license to any applicant, ~~and it.~~ The department may also revoke a license obtained by a dealer for a violation of any provision of [this chapter](#), or for the refusal or failure of a dealer to obey the lawful directions of the department.

Sec. 62. Section 166D.7, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. Before being added to the herd, new swine, including swine returning to the herd after contact with nonherd swine,

shall be isolated until the new swine react negatively to a test conducted thirty days or more after the swine has been placed in isolation. Swine from a herd of unknown status must react negatively to a test not more than thirty days prior to movement from the herd of unknown status and retested in isolation at least thirty days after movement onto the premises where the qualified negative herd is located.

Sec. 63. Section 194.2, Code 2018, is amended to read as follows:

194.2 Enforcement — rules.

1. The secretary of agriculture shall enforce the provisions hereof of this chapter, and to this end may adopt such rules and regulations pursuant to chapter 17A as may appear necessary, but not inconsistent ~~herewith~~ with this chapter.

2. The secretary may adopt by rule requirements recommended by the United States Department of Agriculture for the production and processing of milk for manufacturing purposes, including ~~7~~ but not limited to ~~7~~ requirements for the inspection and certification of grade "B" dairy farms and grade "B" dairy plants.

Sec. 64. Section 194.4, subsection 2, Code 2018, is amended to read as follows:

2. Any raw milk ~~that~~ which shows an abnormal condition including ~~7~~ but not limited to ~~7~~ curdled, ropy, clotted, and bloody, ~~or that;~~ which contains extraneous matter ~~or;~~ which shows significant bacterial deterioration, ~~or;~~ which contains matter evidencing production from a mastitic cow; or which contains chemicals, medicines, or radioactive agents deleterious to health is unlawful milk and shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products for human consumption.

Sec. 65. Section 208.7, Code 2018, is amended to read as follows:

208.7 Mining license — fees and expiration.

An operator shall not engage in mining as defined by section 208.2 without first obtaining a license from the division. A license shall be issued and renewed upon approval by the

division following the submission of a completed application by the operator. An application shall be submitted on a form provided by the division and shall be accompanied by a license fee of fifty dollars. Each applicant shall be required to furnish on the form information necessary to identify the applicant. The initial license shall expire on December 31 of the year of issue. An initial license shall be renewed by the division as required by the division. The renewed license shall expire the last day of the second December following the date of issue. The division shall renew a license upon approving an application submitted within thirty days prior to the expiration date. The application for a renewed license must be accompanied by a fee of twenty dollars. ~~However, a~~ A political subdivision shall not be required to pay a license fee.

Sec. 66. Section 212.3, Code 2018, is amended to read as follows:

212.3 Disposition of delivery tickets.

One duplicate delivery ticket described in section ~~212.3~~ 212.2 shall be delivered to the vendee and the other duplicative delivery ticket shall be returned to the vendor or retained electronically by the vendor if approval from the department has previously been granted. Upon demand of the department the person in charge of the load shall surrender one of the duplicate delivery tickets to the person making such demand. If the duplicative delivery ticket is retained, an official weight slip shall be delivered by the department to the vendee or the vendee's agent.

Sec. 67. Section 216.6, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of

that occupation shall not be the basis for exception to the unfair or ~~discriminating~~ discriminatory practices prohibited by this subsection.

Sec. 68. Section 216.6, subsection 1, paragraph c, subparagraph (1), Code 2018, is amended to read as follows:

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or ~~discriminating~~ discriminatory practices prohibited by this subsection.

Sec. 69. Section 216.13, subsection 1, Code 2018, is amended to read as follows:

1. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. ~~This paragraph subsection does not prohibit the following:~~

~~a.~~ The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policymaking position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Pub. L. No. 95-256, section 3.

~~b.~~ ~~The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.~~

Sec. 70. Section 225.30, Code 2018, is amended to read as follows:

225.30 Blanks — audit.

The medical faculty of the university of Iowa college of medicine shall prepare blanks containing such questions and requiring such information as may be necessary and proper to be obtained by the physician or mental health professional who examines a person or respondent whose referral to the state

psychiatric hospital is contemplated. A judge may request that a physician or mental health professional who examines a respondent as required by [section 229.10](#) complete such blanks in duplicate in the course of the examination. A physician who proposes to file information under [section 225.10](#) shall obtain and complete such blanks in duplicate and file them with the information. The blanks shall be printed by the state and a supply of the blanks shall be made available to counties. The director of the department of administrative services shall audit, allow, and pay the cost of the blanks as other bills for public printing are allowed and paid.

Sec. 71. Section 235B.3A, subsection 3, Code 2018, is amended to read as follows:

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of the~~ following written statement of rights; requesting the dependent adult to read the ~~card~~ document; and asking the dependent adult whether the dependent adult understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping the alleged perpetrator away from you, your home, and your place of work.

[b] The right to stay at your home without interference from the alleged perpetrator.

[c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.

[2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

Sec. 72. Section 235E.3, subsection 3, Code 2018, is amended

to read as follows:

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of~~ the following written statement of rights; requesting the dependent adult to read the ~~card~~ document; and asking the dependent adult whether the dependent adult understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping the alleged perpetrator away from you, your home, your facility, and your place of work.

[b] The right to stay at your home or facility without interference from the alleged perpetrator.

[c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.

[2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

Sec. 73. Section 236.12, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of~~ the following statement of rights written in English and Spanish; asking the person to read the ~~card~~ document; and asking whether the person understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping your attacker away from you, your home and your

place of work.

[b] The right to stay at your home without interference from your attacker.

[c] Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.

[d] Professional counseling for you, the children who are members of the household, and the defendant.

[2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

[3] You have the right to file criminal charges for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to yourself or your property.

[5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

Sec. 74. Section 236A.13, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of~~ the following statement of rights written in English and Spanish; asking the person to read the ~~ear~~ document; and asking whether the person understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

~~{1}~~ [a] Keeping your attacker away from you, your home, and your place of work.

~~[2]~~ [b] The right to stay at your home without interference from your attacker.

[2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

[3] You have the right to file criminal complaints for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to yourself or your property.

[5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected persons can leave or until safety is otherwise ensured.

Sec. 75. Section 256I.7, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. The early childhood Iowa initiative functions for an area shall be performed under the authority of an early childhood Iowa area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from education, health, human services, business, and faith interests, and at least one parent, grandparent, or guardian of a child from zero through age five. However, not more than one member shall represent the same entity or interest.

Sec. 76. Section 256I.8, subsection 1, paragraph b, Code 2018, is amended to read as follows:

b. Administer early childhood Iowa grant moneys available from the state to the area board as provided by law and other federal, state, local, and private moneys made available to the area board. Eligibility for receipt of early childhood Iowa grant moneys shall be limited to those early childhood Iowa area boards that have developed an approved community

plan in accordance with [this chapter](#). An early childhood Iowa area board may apply to the state board for any private moneys received by the early childhood Iowa initiative outside of a state appropriation.

Sec. 77. Section 256I.8, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. Submit an annual report on the effectiveness of the community plan in addressing school readiness and children's health and safety needs to the state board and to the local government bodies in the area. The annual report shall indicate the effectiveness of the area board in addressing state and locally determined goals and the progress on each of the community-wide indicators identified by the area board under paragraph "c", subparagraph (5). The report shall include an annual budget developed for the following fiscal year for the area's comprehensive school ready children grant for providing services for children from ~~birth~~ zero through age five years of age, and provide other information specified by the state board, including budget amendments, as needed. In addition, each area board must comply with reporting provisions and other requirements adopted by the state board in implementing [section 256I.9](#).

Sec. 78. Section 256I.12, subsection 1, Code 2018, is amended to read as follows:

1. *Alliance created.* An early childhood stakeholders alliance is created to support the state board in addressing the early care, health, and education systems that affect children ~~ages~~ zero through age five in Iowa.

Sec. 79. Section 260C.22, subsection 1, paragraph e, Code 2018, is amended to read as follows:

e. This ~~law~~ subsection shall be construed as supplemental and in addition to existing statutory authority and as providing an independent method of financing the cost of acquiring school facilities for which a tax has been voted under [this section](#) and for the borrowing of money and execution of loan agreements in connection therewith and shall not be construed as subject to the provisions of any other law. The fact that a merged area may have previously borrowed money and entered into loan agreements under authority herein contained

shall not prevent such merged area from borrowing additional money and entering into further loan agreements provided that the aggregate of the amount payable under all of such loan agreements does not exceed the proceeds of the voted tax. All acts and proceedings heretofore taken by the board of directors or by any official of any merged area for the exercise of any of the powers granted by [this section](#) are hereby legalized and validated in all respects.

Sec. 80. Section 261.9, unnumbered paragraph 1, Code 2018, is amended to read as follows:

When used in [this part subchapter](#), unless the context otherwise requires:

Sec. 81. Section 262.21, Code 2018, is amended to read as follows:

262.21 Annuity contracts.

1. As used in this section, unless the context otherwise requires, "annuity contract" includes any custodial account which meets the requirements of section 403(b)(7) of the Internal Revenue Code, as defined in section 422.3.

2. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its employees, which annuity contracts are issued by a nonprofit corporation issuing retirement annuities exclusively for educational institutions and their employees or are purchased from any company the employee chooses that is authorized to do business in this state or through an Iowa-licensed salesperson that the employee selects, on a group or individual basis, for retirement or other purposes, and may make payroll deductions in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits under section 403(b) of the Internal Revenue Code, as defined in [section 422.3](#). The employee's rights under the annuity contract are nonforfeitable except for the failure to pay premiums. ~~As used in this section, unless the context otherwise requires, "annuity contract" includes any custodial account which meets the requirements of section 403(b)(7) of the Internal Revenue Code,~~

~~as defined in [section 422.3](#).~~

3. Whenever an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall submit a letter of intent to the company being replaced, to the commissioner of insurance, and to the agent's or representative's own company at least thirty days prior to any action. Each required letter of intent shall be sent by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 82. Section 262.56, Code 2018, is amended to read as follows:

262.56 Authorization — contracts — title.

Subject to and in accordance with the provisions of this subchapter the state board of regents is hereby authorized to undertake and carry out any project as ~~hereinbefore~~ defined in section 262.55 at the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa and to operate, control, maintain and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of [section 262.34](#). The title to all real estate acquired under the provisions of this subchapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests and employees of said institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of [this subchapter](#).

Sec. 83. Section 263.2, Code 2018, is amended to read as follows:

263.2 Degrees.

1. ~~No one~~ A person shall not be admitted to courses of instruction in the university ~~who~~ if the person has not completed the elementary instruction in such branches as are taught in the ~~common~~ public or accredited nonpublic schools throughout the state.

2. Graduates of the university shall receive degrees or diplomas, or other evidences of distinction such as are usually conferred and granted by universities and are authorized by the state board of regents.

Sec. 84. Section 263.10, Code 2018, is amended to read as follows:

263.10 Persons admitted.

Every resident of the state who is not more than twenty-one years of age, who has such severe disabilities as to be unable to acquire an education in the ~~common~~ public or accredited nonpublic schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the university of Iowa hospitals and clinics center for disabilities and development, and nonresidents similarly situated may be entitled to an education and care at the center upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of a director of a division of the department of human services who have severe disabilities may be transferred to the center upon such terms as may be agreed upon by the state board of regents and the director.

Sec. 85. Section 270.6, Code 2018, is amended to read as follows:

270.6 ~~Certification~~ Certificate to auditor — collection.

The superintendent shall, at the time of sending the certificate to the director of the department of administrative services, send a duplicate copy to the auditor of the county of the pupil's residence, who shall, when ordered by the board of supervisors, proceed to collect the ~~same~~ amounts due by action if necessary, in the name of the county, and when so collected,

shall pay the same amounts into the county treasury.

Sec. 86. Section 270.7, subsection 2, Code 2018, is amended to read as follows:

2. If a county fails to pay these bills within sixty days from the date of the certificate from the superintendent, the director of the department of administrative services shall charge the delinquent county a penalty of three-fourths of one percent per month on and after sixty days from the date of the certificate until paid. The penalties shall be credited to the general fund of the state.

Sec. 87. Section 272.2, subsection 20, Code 2018, is amended to read as follows:

20. ~~Establish by rule~~ Adopt rules pursuant to chapter 17A establishing endorsements and authorizations for computer science instruction, including traditional and nontraditional pathways for obtaining such endorsements or authorizations.

Sec. 88. Section 274.2, Code 2018, is amended to read as follows:

274.2 General applicability.

The provisions of law relative to ~~common~~ public or accredited nonpublic schools shall apply alike to all districts, except when otherwise clearly stated, and the powers given to one form of corporation, or to a board in one kind of corporation, shall be exercised by the other in the same manner, as nearly as practicable. But school boards shall not incur original indebtedness by the issuance of bonds until authorized by the voters of the school corporation.

Sec. 89. Section 274.39, Code 2018, is amended to read as follows:

274.39 Sale of land to government.

Whenever the federal government, or any agency or department thereof ~~shall have heretofore located or shall hereafter locate~~ of the federal government, locates in any county an ordnance plant or other project which may be deemed desirable for the development of the national defense or for the purpose of flood control, and for the purpose of so locating such plant or project ~~shall have heretofore determined, or shall hereafter determine,~~ determines that real property and improvements ~~thereon~~ on the property owned by school districts ~~is~~ are

required, the board of directors of such school districts by resolution is hereby authorized to sell and convey ~~such~~ the property at a price and upon terms as may be agreed upon, ~~any such.~~ The instruments of conveyance ~~to~~ shall be executed on behalf of ~~such~~ the school districts by the president of ~~such~~ each district.

Sec. 90. Section 275.4, subsection 1, paragraph a, Code 2018, is amended to read as follows:

a. In developing studies and surveys the area education agency board shall consult with the officials of school districts in the area and other citizens, ~~and~~ shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

Sec. 91. Section 275.9, subsection 1, Code 2018, is amended to read as follows:

1. When any school district is enlarged, reorganized, or changes its boundaries pursuant to the plans ~~hereinabove~~ provided for under sections 275.2 through 275.8, such enlargement, reorganization, or boundary change shall be accomplished by the method ~~hereinafter~~ provided in this subchapter.

Sec. 92. Section 275.13, Code 2018, is amended to read as follows:

275.13 Affidavit — presumption.

Such petition shall be accompanied by an affidavit showing the number of registered voters living in each affected district or portion thereof described in the petition and signed by a registered voter residing in the territory, and if parts of the territory described in the petition are situated in different area education agencies, the affidavit shall show separately as to each agency, the number of registered voters in the part of the agency included in the territory described. The affidavit shall be taken as true unless objections to it are filed on or before the time fixed for filing objections as provided in [section 275.14](#) hereof.

Sec. 93. Section 275.27, Code 2018, is amended to read as follows:

275.27 Community school districts — part of area education agency.

School districts created or enlarged under [this chapter](#) are community school districts and are part of the area education agency in which the greatest number of registered voters of the district reside at the time of the special election called for in [section 275.18](#), and sections of the Code applicable to ~~the~~ common public or accredited nonpublic schools generally are applicable to these districts in addition to the powers and privileges conferred by [this chapter](#). If a school district, created or enlarged under [this chapter](#) and assigned to an area education agency under [this section](#), can demonstrate that students in the district were utilizing a service or program prior to the formation of the new or enlarged district that is unavailable from the area education agency to which the new or enlarged district is assigned, the district may be reassigned to the area education agency which formerly provided the service or program, upon an affirmative majority vote of the boards of the affected area education agencies to permit the change.

Sec. 94. Section 275.33, subsection 1, Code 2018, is amended to read as follows:

1. The terms of employment of superintendents, principals, and teachers, for the school year following the effective date of the formation of the new district shall not be affected by the formation of the new district, except in accordance with the provisions of [sections 279.15 ~~to~~ through 279.18](#) and [279.24](#) and the authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to [sections 279.12, 279.13, 279.15 ~~to~~ through 279.21, 279.23,](#) and [279.24](#) for the school year beginning with the effective date of the reorganization shall be transferred from the boards of the existing districts to the board of the new district on the third Tuesday of January prior to the school year the reorganization is effective.

Sec. 95. Section 277.32, Code 2018, is amended to read as follows:

277.32 Penalties.

Any school officer willfully violating any law relative to

~~common~~ public or accredited nonpublic schools, or willfully failing or refusing to perform any duty imposed by law, shall forfeit and pay into the treasury of the particular school corporation in which the violation occurs the sum of twenty-five dollars, action to recover which shall be brought in the name of the proper school corporation, and be applied to the use of the schools therein.

Sec. 96. Section 279.16, subsection 3, Code 2018, is amended to read as follows:

3. The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but it shall hold the hearing in such manner as is best suited to ascertain and conserve the substantial rights of the parties. Process and procedure under sections 279.13 ~~to~~ through 279.19 shall be as summary as reasonably may be.

Sec. 97. Section 279.36, Code 2018, is amended to read as follows:

279.36 Publication procedures and fee.

1. The requirements of section 279.35 are satisfied by publication in at least one newspaper published in the district or, if there is none, in at least one newspaper having general circulation within the district.

2. ~~For the fiscal year beginning July 1, 1987, the fee for publications required under section 279.35 shall not exceed three-fifths of the legal publication fee provided by statute for the publication of legal notices. For the fiscal year beginning July 1, 1988, the fee for the publications shall not exceed three-fourths of that legal publication fee. For the fiscal year beginning July 1, 1989, and each fiscal year thereafter, the fee for the publications shall be the legal publication fee provided by statute.~~

Sec. 98. Section 280.2, Code 2018, is amended to read as follows:

280.2 Definitions.

~~The term "public school" means any school directly supported in whole or in part by taxation. The term "nonpublic~~

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

1. "Nonpublic school" means any other school, other than a

public school, which is accredited pursuant to [section 256.11](#).

2. "Public school" means any school directly supported in whole or in part by taxation.

Sec. 99. Section 282.18, subsection 11, Code 2018, is amended to read as follows:

11. a. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the ~~district except that~~ the district. However, a pupil may participate immediately in a varsity interscholastic sport if under any of the following circumstances:

(1) If the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, ~~if.~~

(2) If the district of residence and the other school district jointly participate in the sport, ~~if.~~

(3) If the sport in which the pupil wishes to participate is not offered in the district of residence, ~~if.~~

(4) If the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, ~~if.~~

(5) If the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, ~~if.~~

(6) If the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services, ~~or if.~~

(7) If the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in [section 280.28](#) while attending school in the district of residence.

b. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under [this section](#), but only as a member of a team from the district that pupil had attended.

c. For purposes of [this subsection](#), "school days of enrollment" does not include enrollment in summer school. For purposes of [this subsection](#), "varsity" means the same as defined in [section 256.46](#).

Sec. 100. Section 284.1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A student achievement and teacher quality program is established to promote high student achievement. The program shall consist of the following ~~four~~ major elements:

Sec. 101. Section 284.3A, subsection 3, Code 2018, is amended to read as follows:

3. A school district or area education agency shall not be required to maintain a separate account within its budget based on source of funds for payments received and expenditures made pursuant to [this section](#). The school district or area education agency shall annually certify to the department of ~~education~~ that funding received pursuant to [sections 257.10](#) and [257.37A](#) was expended on salaries for qualified teachers.

Sec. 102. Section 284.6, subsection 9, Code 2018, is amended to read as follows:

9. Moneys received pursuant to [section 257.10](#), subsection 10, or [section 257.37A, subsection 2](#), shall be maintained as a separate listing within a school district's or area education agency's budget for funds received and expenditures made pursuant to [this subsection](#). The department shall not require a school district or area education agency to allocate a specific amount or percentage of moneys received pursuant to [section 257.10](#), subsection 10, or [section 257.37A, subsection 2](#), for professional development related to implementation of the core curriculum under [section 256.7, subsection 26](#). A school district shall certify to the department ~~of education~~ how the school district allocated the funds and that moneys

received under [this subsection](#) were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available. For budget years beginning on or after July 1, 2017, all or a portion of the moneys received pursuant to [section 257.10, subsection 10](#), that remain unexpended and unobligated at the end of a fiscal year may, pursuant to [section 257.10, subsection 10](#), paragraph “d”, be transferred for deposit in the school district’s flexibility account established under [section 298A.2, subsection 2](#).

Sec. 103. Section 284.13, subsection 1, paragraph d, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

For the following years, to the department of ~~education~~, for purposes of teacher leadership supplemental aid payments to school districts for implementing the career paths, leadership roles, and compensation framework or comparable system approved in accordance with [section 284.15, subsection 6](#), the following amounts:

Sec. 104. Section 284.13, subsection 1, paragraph g, Code 2018, is amended to read as follows:

g. For the fiscal year beginning July 1, 2018, and for each subsequent fiscal year, to the department of ~~education~~, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of [section 284.11](#). Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

Sec. 105. Section 294.1, Code 2018, is amended to read as follows:

294.1 Qualifications — compensation prohibited.

1. ~~No~~ A person shall not be employed as a teacher in a ~~common~~ public or accredited nonpublic school without having a certificate issued by some officer duly authorized by law.

2. ~~No compensation~~ Compensation shall not be recovered by a teacher for services rendered while without such certificate.

Sec. 106. Section 303.8, Code 2018, is amended to read as follows:

303.8 Powers and duties of board and division department.

1. The state historical society board of trustees shall:
 - a. Recommend to the state historical society a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.
 - b. Make recommendations to the division administrator on historically related matters.
 - c. Review and recommend to the director or the director's designee policy decisions regarding the division.
 - d. Recommend to the state historic preservation officer for approval the state preservation plan.
 - e. Perform other functions prescribed by law to further historically related matters in the state.

2. The department shall:

- a. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.
- b. Maintain research centers in Des Moines and Iowa City.

Sec. 107. Section 303.18, subsection 1, Code 2018, is amended to read as follows:

1. The state historic preservation officer shall only recommend that a rural electric cooperative or a municipal utility constructing electric distribution and transmission facilities for which it is receiving federal funding conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, the state historic preservation officer has determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, Pub. L. No. 89-665, as amended and codified at 16 U.S.C. §470 et seq., is likely to exist within the proposed route.

Sec. 108. Section 314.21, subsection 1, paragraph a, Code 2018, is amended to read as follows:

- a. The living roadway trust fund is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of integrated roadside vegetation plans. Except as provided

in [subsections 2 and 3](#), the moneys shall only be expended for areas on or adjacent to road, street, and highway right-of-ways. The state department of transportation in consultation with the department of natural resources shall establish standards relating to the type of projects available for assistance. ~~For the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys in the fund shall be expended as follows: fifty six percent on state department of transportation projects; thirty percent on county projects; and fourteen percent on city projects.~~

Sec. 109. Section 321.105, subsection 5, Code 2018, is amended to read as follows:

5. Seriously disabled veterans who have been provided with an automobile or other vehicle by the United States government under the provisions of ~~§1901 — 1903, Tit. 38 of the United States Code, 38 U.S.C. §1901 et seq. (1970)~~ §3901 — 3904, shall be exempt from payment of the registration fee provided in this chapter for that vehicle, and shall be provided, without fee, with one set of regular registration plates or one set of any type of special registration plates associated with service in the United States armed forces for which the disabled veteran qualifies under [section 321.34](#). The disabled veteran, to be able to claim the benefit, must be a resident of the state of Iowa. In lieu of the set of regular or special military registration plates available without fee, the disabled veteran may obtain a set of nonmilitary special registration plates or personalized plates issued under [section 321.34](#) by paying the additional fees associated with those plates.

Sec. 110. Section 321.145, subsection 2, paragraph a, subparagraph (3), Code 2018, is amended to read as follows:

(3) The amounts required to be transferred pursuant to section 321.34 from revenues available under [this subsection](#) shall be transferred and credited as provided in section 321.34, ~~subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, and 26~~ for the various purposes specified in those subsections that section.

Sec. 111. Section 321.237, Code 2018, is amended to read as follows:

321.237 Signs — requirement — notice.

1. A traffic ordinance or regulation enacted under section 321.236, subsection 4, 5, 6, 8, 12, or 13, shall not be effective until signs, giving notice of such local traffic regulations as specified in the department manual on uniform traffic-control devices, are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate and shall be erected at the expense of the local authority.

2. When a city has adopted an ordinance as authorized in [section 321.236, subsection 12](#), or an ordinance which prohibits standing or parking of vehicles upon a street or streets during any time when snow-removal operations are in progress and before such operations have resulted in the removal or clearance of snow from such street or streets, signs as specified in the ~~above~~ department manual on uniform traffic-control devices, posted as ~~hereinabove~~ provided in subsection 1, shall be deemed sufficient notice of the existence of such restrictions.

Sec. 112. Section 321.278, Code 2018, is amended to read as follows:

321.278 Drag racing prohibited.

1. a. ~~No~~ A person shall engage not do any of the following:

(1) Engage in any motor vehicle speed contest or exhibition of speed on any street or highway of this state ~~and no person shall aid.~~

(2) Aid or abet any motor vehicle speed contest or speed exhibition of speed on any street or highway of this state, ~~except that a.~~

b. A passenger shall not be considered as aiding and abetting. ~~Motor vehicle speed contest~~

c. As used in this section, "motor vehicle speed contest" or ~~exhibition of speed~~ are defined as "exhibition of speed" means one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets or highways.

2. Any person who violates the provisions of [this section](#) shall be guilty of a simple misdemeanor.

Sec. 113. Section 321.290, Code 2018, is amended to read as follows:

321.290 Special restrictions.

1. Whenever the department shall determine upon the basis of an engineering and traffic investigation that any speed limit ~~hereinbefore~~ set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the primary road system or upon any part of a primary road extension, ~~said~~ the department shall determine and declare a reasonable and safe speed limit ~~thereat~~ which shall be effective when appropriate signs giving notice ~~thereof~~ of the speed limit are erected at such intersection or other place or part of the highway.

2. Whenever the council in any city shall determine upon the basis of an engineering and traffic investigation that any speed limit ~~hereinbefore~~ set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system, except primary road extensions, said council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe ~~thereat~~. Such speed limit shall be effective when proper and appropriate signs giving notice ~~thereof~~ of the speed limit are erected at such intersections or other place or part of the street.

Sec. 114. Section 321E.12, subsection 3, Code 2018, is amended to read as follows:

3. Vehicles, while being used for the transportation of buildings other than mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under [section 321.122](#) per mile of travel. Fees shall not be prorated for fractions of miles. This ~~provision~~ subsection does not exempt these vehicles from any other provision of [this chapter](#).

Sec. 115. Section 321G.13, subsection 2, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) ~~If a~~ A person may operate or ride on a snowmobile with a loaded pistol or revolver, whether concealed or not, if the person is operating or riding a the snowmobile on land that is not owned or possessed by the person, ~~the person may operate or ride the snowmobile with a loaded pistol or revolver, whether~~

~~concealed or not~~, and the person's conduct is otherwise lawful.

Sec. 116. Section 321I.14, subsection 2, paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) ~~If a~~ A person may operate or ride on an all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, if the person is operating or riding an the all-terrain vehicle on land that is not owned or possessed by the person, ~~the person may operate or ride the all-terrain vehicle with a loaded pistol or revolver, whether concealed or not~~, and the person's conduct is otherwise lawful.

Sec. 117. Section 321J.20, subsection 3, Code 2018, is amended to read as follows:

3. ~~If a~~ In addition to other penalties provided by law, a person's temporary restricted license shall be revoked if the person is required to install an ignition interlock device or participate in a program established pursuant to [chapter 901D](#) operates and the person does any of the following:

a. Operates a motor vehicle which does not have an approved ignition interlock device or.

b. Operates a motor vehicle while not in compliance with the program, or if the person tampers.

c. Tampers with or circumvents an ignition interlock device, ~~in addition to other penalties provided, the person's temporary restricted license shall be revoked.~~

Sec. 118. Section 321L.2, subsection 5, Code 2018, is amended to read as follows:

5. A seriously disabled veteran who has been provided with an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. ~~§1901 et seq. (1970)~~ §3901 - 3904 is not required to apply for a persons with disabilities parking permit under [this section](#) unless the veteran has been issued special registration plates or personalized plates for the vehicle. The regular registration plates issued for the disabled veteran's vehicle without fee pursuant to section 321.105 entitle the disabled veteran to all of the rights and privileges associated with persons with disabilities parking permits under [this chapter](#).

Sec. 119. Section 327G.79, subsection 1, Code 2018, is amended to read as follows:

1. The department of inspections and appeals' determination and order shall be just and equitable and, in the case of the determination of the fair market value of the property, shall be based in part upon at least three independent appraisals prepared by certified appraisers. Each party shall select one appraiser and each appraisal shall be paid for by the party for whom the appraisal is prepared. The two appraisers shall select a third appraiser and the costs of this appraisal shall be divided equally between the parties. If the appraisers selected by the parties cannot agree on selection of a third appraiser, the state department of transportation shall appoint a third appraiser and the costs of this appraisal shall be divided equally between the parties.

Sec. 120. Section 350.10, Code 2018, is amended to read as follows:

350.10 Statutes applicable.

Sections 461A.35 through 461A.57 apply to all lands and waters under the control of a county conservation board, in the same manner as if the lands and waters were state parks, lands, or waters. As used in [sections 461A.35 through 461A.57](#), "*natural resource commission*" includes a county conservation board, and "*director*" includes a county conservation board or its director, with respect to lands or waters under the control of a county conservation board. However, sections 461A.35 through 461A.57 may be modified or superseded by rules regulations adopted as provided in [section 350.5](#).

Sec. 121. Section 351.36, Code 2018, is amended to read as follows:

351.36 Enforcement.

Local health and law enforcement officials shall enforce the provisions of sections 351.33 ~~to~~, 351.35, this section, and sections 351.37 through 351.43 relating to vaccination and impoundment of dogs. Such public officials shall not be responsible for any accident or disease of a dog resulting from the enforcement of the provisions of said sections.

Sec. 122. Section 351.42, Code 2018, is amended to read as follows:

351.42 Exempt dogs.

Dogs that are under the control of the owner or handlers and

which are in transit, or are to be exhibited shall be exempt from the vaccination provisions of these sections if they are within the state for less than thirty days. Dogs assigned to a research institution or a like facility shall be exempt from the provisions of sections 351.33 ~~to~~ and 351.35, sections 351.36 through 351.41, this section, and section 351.43.

Sec. 123. Section 351.43, Code 2018, is amended to read as follows:

351.43 Penalty.

Any person refusing to comply with the provisions of ~~sections~~ section 351.33 to, or sections 351.35 through 351.42 or violating any of their provisions, shall be deemed guilty of a simple misdemeanor.

Sec. 124. Section 358.11, Code 2018, is amended to read as follows:

358.11 Sanitary district to be a body corporate.

1. Each sanitary district organized under this chapter shall be a body corporate and politic, with the name and style under which it was organized, and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and exercise all the powers conferred in this chapter.

2. All courts of this state shall take judicial notice of the existence of sanitary districts organized ~~hereunder~~ under this chapter.

Sec. 125. Section 400.21, Code 2018, is amended to read as follows:

400.21 Notice of appeal.

If the appeal be taken by the person removed, discharged, demoted, or suspended, notice ~~thereof~~ of the appeal, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of the commission; ~~if.~~ If the appeal is taken by the person making such removal, discharge, demotion, or suspension, such notice shall also be served upon the person removed, discharged, demoted, or suspended.

Sec. 126. Section 400.27, subsection 4, Code 2018, is amended to read as follows:

4. The appeal to the district court shall be perfected by filing a notice of appeal with the clerk of the district court within the time prescribed in [this section](#) and by serving notice of appeal on the clerk of the civil service commission, from whose ruling or decision the appeal is taken.

Sec. 127. Section 411.6C, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. The eligible member's selection of a plan termination date. The plan termination date shall be either three, four, or five years after the date the eligible member commences membership in the plan. However, for the two-year period beginning ~~with the first of the month following the implementation date of [this section](#)~~ April 1, 2007, an eligible member between sixty-two and sixty-four years of age may also select a plan termination date that is one or two years after the date the eligible member commences membership in the plan.

Sec. 128. Section 420.207, Code 2018, is amended to read as follows:

420.207 Taxation in general.

Sections 426A.11 through 426A.15, [427.1](#), 427.8 ~~to~~ through 427.11, [428.4](#), [428.20](#), [428.22](#), [428.23](#), [437.1](#), [437.3](#), [441.21](#), 443.1 ~~to~~ through 443.3, [444.2 through 444.4](#), and 447.9 ~~to~~ through 447.13, so far as applicable, apply to cities acting under special charters.

Sec. 129. Section 422.7, subsection 2, paragraph i, Code 2018, is amended to read as follows:

i. Iowa finance authority ~~E911~~ 911 program bonds pursuant to section 34A.20, subsection 6.

Sec. 130. Section 422.32, subsection 2, Code 2018, is amended to read as follows:

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

Sec. 131. Section 422D.3, Code 2018, is amended to read as follows:

422D.3 Administration.

1. A local income surtax shall be imposed January 1 of

the fiscal year in which the favorable election was held for tax years beginning on or after January 1, and is repealed as provided in [section 422D.1, subsection 4](#), as of December 31 for tax years beginning after December 31.

2. The director of revenue shall administer the local income surtax as nearly as possible in conjunction with the administration of state income tax laws. The director shall provide on the regular state tax forms for reporting local income surtax.

3. An ordinance imposing a local income surtax shall adopt by reference the applicable provisions of the appropriate sections of [chapter 422, division II](#). All powers and requirements of the director in administering the state income tax law apply to the administration of a local income surtax, including but not limited to, the provisions of [sections 422.4, 422.20](#) ~~to~~ through [422.31, 422.68, 422.70, and 422.72](#) ~~to~~ through [422.75](#). Local officials shall confer with the director of revenue for assistance in drafting the ordinance imposing a local income surtax. A certified copy of the ordinance shall be filed with the director as soon as possible after passage.

4. The director, in consultation with local officials, shall collect and account for a local income surtax and any interest and penalties. The director shall credit local income surtax receipts and any interest and penalties collected from returns filed on or before November 1 of the calendar year following the tax year for which the local income surtax is imposed to a ~~"local local income surtax fund"~~ fund established in the department of revenue. All local income surtax receipts and any interest and penalties received or refunded from returns filed after November 1 of the calendar year following the tax year for which the local income surtax is imposed shall be deposited in or withdrawn from the state general fund and shall be considered part of the cost of administering the local income surtax.

Sec. 132. Section 423.3, subsection 47A, Code 2018, is amended to read as follows:

47A. ~~a. Subject to paragraph "b",~~ The sales price from the sale or rental of central office equipment or transmission equipment primarily used by local exchange carriers and

competitive local exchange service providers as defined in section 476.96; by franchised cable television operators, mutual companies, municipal utilities, cooperatives, and companies furnishing communications services that are not subject to rate regulation as provided in chapter 476; by long distance companies as defined in section 477.10; or for a commercial mobile radio service as defined in 47 C.F.R. §20.3 in the furnishing of telecommunications services on a commercial basis. For the purposes of this subsection, "central office equipment" means equipment utilized in the initiating, processing, amplifying, switching, or monitoring of telecommunications services. "Transmission equipment" means equipment utilized in the process of sending information from one location to another location. "Central office equipment" and "transmission equipment" also include ancillary equipment and apparatus which support, regulate, control, repair, test, or enable such equipment to accomplish its function.

~~b. The exemption in this subsection shall be phased in by means of tax refunds as follows:~~

~~(1) If the sale or rental occurs on or after July 1, 2006, through June 30, 2007, one-seventh of the state tax on the sales price shall be refunded.~~

~~(2) If the sale or rental occurs on or after July 1, 2007, through June 30, 2008, two-sevenths of the state tax on the sales price shall be refunded.~~

~~(3) If the sale or rental occurs on or after July 1, 2008, through June 30, 2009, three-sevenths of the state tax on the sales price shall be refunded.~~

~~(4) If the sale or rental occurs on or after July 1, 2009, through June 30, 2010, four-sevenths of the state tax on the sales price shall be refunded.~~

~~(5) If the sale or rental occurs on or after July 1, 2010, through June 30, 2011, five-sevenths of the state tax on the sales price shall be refunded.~~

~~(6) If the sale or rental occurs on or after July 1, 2011, through June 30, 2012, six-sevenths of the state tax on the sales price shall be refunded.~~

~~(7) If the sale or rental occurs on or after July 1, 2012, the sales price is exempt and no payment of tax and subsequent~~

~~refund are required.~~

~~c. For sales or rentals occurring on or after July 1, 2006, through June 30, 2012, a refund of the tax paid as provided in paragraph "b", subparagraph (1), (2), (3), (4), (5), or (6), must be applied for, not later than six months after the month in which the sale or rental occurred, in the manner and on the forms provided by the department. Refunds shall only be of the state tax collected. Refunds authorized shall accrue interest at the rate in effect under [section 421.7](#) from the first day of the second calendar month following the date the refund claim is received by the department.~~

Sec. 133. Section 423.3, subsection 69A, Code 2018, is amended to read as follows:

69A. The sales price from surcharges paid for ~~E911~~ 911 service and wireless ~~E911~~ 911 service pursuant to [chapter 34A](#).

Sec. 134. Section 423.8, Code 2018, is amended to read as follows:

423.8 Legislative finding and intent.

1. The general assembly finds that Iowa should enter into an agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce.

2. It is the intent of the general assembly that entering into this agreement will lead to simplification and modernization of the sales and use tax law and not to the imposition of new taxes or an increase or decrease in the existing number of exemptions, unless such a result is unavoidable under the terms of the agreement. Entering into this agreement should not cause businesses to sustain additional administrative burden.

3. It is the intent of the general assembly to provide Iowa sellers impacted by the agreement with the assistance necessary to alleviate administrative burdens that result in participation in the agreement. ~~The director and the Iowa streamlined sales tax advisory council shall provide recommendations to address the new administrative burden identified in the Iowa streamlined sales tax advisory council 2005 report submitted to the Iowa general assembly. The~~

~~recommendations must be submitted to the general assembly by January 1, 2007, and shall include the expenses associated and all relevant data including but not limited to the number of intrastate sellers impacted by the agreement.~~

Sec. 135. Section 425.9, Code 2018, is amended to read as follows:

425.9 Credits in excess of tax — appeals — refunds.

1. If the amount of credit apportioned to any homestead under the provisions of [this chapter](#) in any year shall exceed the total tax, exclusive of any special assessments levied against said homestead, then such excess shall be remitted by the county treasurer to the department of revenue to be redeposited in the homestead credit fund and be reallocated the following year by the department as provided ~~hereunder~~ in this chapter.

2. If any claim for credit made hereunder has been denied by the board of supervisors, and such action is subsequently reversed on appeal, the credit shall be allowed on the homestead involved in said appeal, and the director of revenue, the county auditor, and the county treasurer shall make such credit and change their books and records accordingly.

3. In the event the appealing taxpayer has paid one or both of the installments of the tax payable in the year or years in question on such homestead valuation, remittance shall be made to such taxpayer of the amount of such credit.

4. The amount of such credit shall be allocated and paid from the surplus redeposited in the homestead credit fund provided for in ~~the first paragraph of [this section](#)~~ subsection 1.

Sec. 136. Section 425.10, Code 2018, is amended to read as follows:

425.10 Reversal of allowed claim.

In the event any claim is allowed, and subsequently reversed on appeal, any credit made thereunder shall be void, and the amount of such credit shall be charged against the property in question, and the director of revenue, the county auditor, and the county treasurer are authorized and directed to correct their books and records accordingly. The amount of such erroneous credit, when collected, shall be returned by the

county treasurer to the homestead credit fund to be reallocated the following year as provided ~~herein~~ in this chapter.

Sec. 137. Section 426A.13, subsection 1, Code 2018, is amended to read as follows:

1. A person named in [section 426A.11](#), who is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption, to be made from any property owned by the person or owned by a family farm corporation of which the person is a shareholder and occupant of the property and so designated by proceeding as provided in ~~the~~ this section. To be eligible to receive the exemption, the person claiming it shall have recorded in the office of the county recorder of the county in which is located the property designated for the exemption, evidence of property ownership by that person or the family farm corporation of which the person is a shareholder and the military certificate of satisfactory service, order transferring to inactive status, reserve, retirement, order of separation from service, honorable discharge or a copy of any of these documents of the person claiming or through whom is claimed the exemption. In the case of a person claiming the exemption as a veteran described in [section 35.1, subsection 2](#), paragraph "b", subparagraph (6) or (7), the person shall file the statement required by [section 35.2](#).

Sec. 138. Section 427.1, subsection 21A, Code 2018, is amended to read as follows:

21A. *Dwelling unit property owned by community housing development organization.* Dwelling unit property owned and managed by a community housing development organization, as recognized by the state of Iowa and the federal government pursuant to criteria for community housing development organization designation contained in the HOME program of the federal National Affordable Housing Act of 1990, if the organization is also a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code and owns and manages more than one hundred fifty dwelling units that are located in a city with a population of more than one hundred ten thousand. ~~For the 2005 and 2006 assessment years, an application is not required to be filed to receive the exemption.~~ For the 2007 and subsequent assessment

years, an application for exemption must be filed with the assessing authority not later than February 1 of the assessment year for which the exemption is sought. Upon the filing and allowance of the claim, the claim shall be allowed on the property for successive years without further filing as long as the property continues to qualify for the exemption.

Sec. 139. Section 427B.17, subsections 5 and 8, Code 2018, are amended to read as follows:

5. Property assessed pursuant to [this section](#) shall not be eligible to receive a partial exemption under sections 427B.1 ~~to 427B.6~~ through 427B.5.

8. *a.* [This section](#) shall not apply to property assessed by the department of revenue pursuant to sections 428.24 ~~to through 428.29~~, or [chapters 433, 434, 437, 437A, 437B](#), and 438, and such property shall not receive the benefits of this section.

b. Any electric power generating plant which operated during the preceding assessment year at a net capacity factor of more than twenty percent, shall not receive the benefits of this section or of [section 15.332](#).

Sec. 140. Section 453A.47A, subsection 6, Code 2018, is amended to read as follows:

6. *Issuance.* Cities may issue retail permits to retailers located within their respective limits. County boards of supervisors may issue retail permits to retailers located in their respective counties, outside of the corporate limits of cities. The city or county shall submit a duplicate of any application for a retail permit to the alcoholic beverages division of the department of commerce within thirty days of issuance of a permit. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the last day of each quarter of a state fiscal year.

Sec. 141. Section 455A.9, Code 2018, is amended to read as follows:

455A.9 Fees — publications.

1. The department may establish a schedule of fees for subscriptions to publications produced by the department, including periodicals. However, this ~~subsection~~ section does

not apply to application forms and materials intended for general distribution which explain departmental programs or duties.

2. Fees shall be based on the amount required to recover the reasonable costs of producing a publication, including costs relating to preparing, printing, publishing, and distributing the publication.

Sec. 142. Section 455G.31, subsection 3, Code 2018, is amended to read as follows:

3. a. A retail dealer may use a dispenser that does not satisfy the requirement in subsection 2 to dispense ethanol blended gasoline classified as higher than E-10 if ~~any of the following applies:~~

~~a. Reserved.~~

~~b. (1) The~~ the dispenser's manufacturer has submitted the dispenser to an independent testing laboratory to be listed as compatible for use with E-85 gasoline. In addition, the retail dealer must install an under-dispenser containment system with electronic monitoring. The under-dispenser containment system shall comply with applicable rules adopted by the department of natural resources and the state fire marshal.

~~(2) b.~~ If within ten years from the date that a dispenser described in ~~subparagraph (1) paragraph "a"~~ paragraph "a" is installed, the same model of dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory, the dispenser shall be deemed as compatible for use with ethanol blended gasoline classified as E-9 or higher up to and including E-85 by the department of natural resources and the state fire marshal. However, if after that time, the same model of dispenser is not listed as compatible for use with E-85 gasoline by an independent testing laboratory, ~~subparagraph (1) paragraph "a"~~ paragraph "a" no longer applies, and the retail dealer must ~~do any of the following:~~

~~(a) Upgrade~~ upgrade or replace the dispenser as necessary to be listed as compatible for use with E-85 gasoline.

~~(b) Comply with the requirements in paragraph "a".~~

Sec. 143. Section 465C.3, Code 2018, is amended to read as follows:

465C.3 Membership.

1. The board shall be composed of seven members, six of which shall be appointed by the governor. The commission, the conservation committee of the Iowa academy of science, and the state historical society shall submit to the governor a list of possible appointments. Members shall be selected from persons with a demonstrated interest in the preservation of natural lands and waters, and historic sites. The director shall serve as one member of the board. Any vacancies on the board shall be filled, for the remainder of the term vacated, by appointment by the governor provided by [this chapter](#).

~~2. The first members appointed after the effective date of [this chapter](#) shall serve as follows: Two members to serve until July 1, 1968; two members to serve until July 1, 1969; two members to serve until July 1, 1970, and the director shall serve as long as the director is director. Members shall serve until their successors are appointed and qualified. The director shall serve as long as the director is director. As terms of members ~~so appointed~~ expire, their successors shall be appointed for terms to expire three years thereafter. Any member who has served two consecutive full terms will not be eligible for reappointment for a period of one year following the expiration of the member's second term.~~

Sec. 144. Section 466B.31, subsection 3, paragraph c, Code 2018, is amended to read as follows:

c. Facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal Water Pollution Control Act. This paragraph shall not be construed to obviate the requirement to develop a total maximum daily load for waters that do not meet water quality standards as required by section 303(d) of the federal Water Pollution Control Act or to delay implementation of a total maximum daily load that has been approved by the department of natural resources and the director.

Sec. 145. Section 476.44, subsection 2, paragraph a, Code 2018, is amended to read as follows:

a. An electric utility subject to [this subchapter](#), except a utility that elects rate regulation pursuant to section 476.1A, shall not be required to own or purchase, at any one

time, more than its share of one hundred five megawatts of power from ~~alternative~~ alternate energy production facilities or small hydro facilities at the rates established pursuant to section 476.43. The board shall allocate the one hundred five megawatts based upon each utility's percentage of the total Iowa retail peak demand, for the year beginning January 1, 1990, of all utilities subject to [this section](#). If a utility undergoes reorganization as defined in [section 476.76](#), the board shall combine the allocated purchases of power for each utility involved in the reorganization.

Sec. 146. Section 476.46, subsection 2, paragraph d, subparagraph (1), Code 2018, is amended to read as follows:

(1) A gas or electric utility that is not required to be rate-regulated shall not be eligible for a loan under this section. However, gas and electric utilities not required to be rate-regulated shall be eligible for loans from moneys remitted to the fund ~~except as provided in [subsection 3](#)~~. Such loans shall be limited to a maximum of five hundred thousand dollars per applicant and shall be limited to one loan every two years.

Sec. 147. Section 478.19, Code 2018, is amended to read as follows:

478.19 Manner of construction.

1. ~~Such~~ Transmission lines shall be built of strong and proper wires attached to strong and sufficient supports properly insulated at all points of attachment; all wires, poles, and other devices which by ordinary wear or other causes are no longer safe shall be removed and replaced by new wires, poles, or other devices, as the case may be, and all abandoned wires, poles, or other devices shall be at once removed. Where wires carrying current are carried across, either above or below wires used for other service, the said transmission line shall be constructed in such manner as to eliminate, so far as practicable, damages to persons or property by reason of said crossing. There shall also be installed sufficient devices to automatically shut off electric current through said transmission line whenever connection is made whereby current is transmitted from the wires of said transmission line to the ground, and there shall also be provided a safe and

modern improved device for the protection of said line against lightning. The utilities board shall have power to make and enforce such further and additional rules relating to location, construction, operation and maintenance of ~~said~~ transmission ~~line~~ lines as may be reasonable.

2. All transmission lines, wires or cables outside of cities for the transmission, distribution or sale of electric current at any voltage shall be constructed and maintained in accordance with standards adopted by rule by the utilities board.

Sec. 148. Section 479.7, Code 2018, is amended to read as follows:

479.7 Hearing — notice.

1. Upon the filing of ~~said~~ the petition, the board shall fix a date for hearing ~~thereon~~ on the petition and shall cause notice ~~thereof~~ of hearing to be published in some newspaper of general circulation in each county through which ~~said~~ the proposed line or lines or gas storage facilities will extend, ~~said~~. The notice ~~to~~ shall be published for two consecutive weeks.

2. Where a petition seeks the use of the right of eminent domain over specific parcels of real property, the board shall prescribe the notice to be served upon the owners of record and parties in possession of the property over which the use of the right of eminent domain is sought. The notice shall include the statement of individual rights required pursuant to section 6B.2A.

Sec. 149. Section 480.4, subsection 1, paragraph c, subparagraph (8), Code 2018, is amended to read as follows:

(8) If known, the quarter section, ~~E911~~ 911 address and global positioning system coordinate, name of property owner, name of housing development with street address or block and lot numbers, or both.

Sec. 150. Section 481A.32, Code 2018, is amended to read as follows:

481A.32 Violations — penalties.

1. ~~Whoever shall take, catch, kill, injure, destroy, have~~ A person who does any of the following is guilty of a simple misdemeanor and shall be assessed a minimum fine of twenty

dollars for each offense for which no other punishment is provided:

a. Takes, catches, kills, injures, destroys, has in possession, buy, sell, ship, or transport buys, sells, ships, or transports any frogs, fish, mussels, birds, their nests, eggs, or plumage, fowls, game, or animals or their fur or raw pelt in violation of the provisions of this chapter or of administrative rules of the commission or whoever shall use.

b. Uses any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same.

c. Uses any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means at a time, place, or in a manner or for a purpose prohibited, or do.

d. Does any other act in violation of the provisions of this chapter or of administrative rules of the commission for which no other punishment is provided, is guilty of a simple misdemeanor and shall be assessed a minimum fine of twenty dollars for each offense.

2. Each fish, fowl, bird, bird's nest, egg, or plumage, and animal unlawfully caught, taken, killed, injured, destroyed, possessed, bought, sold, or shipped shall be a separate offense.

3. A person convicted of taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon as defined by rules of the department, is subject to a fine of one hundred dollars for each offense committed while taking the animal with the prohibited weapon.

Sec. 151. Section 481A.47, Code 2018, is amended to read as follows:

481A.47 Importing fish and game — permits.

1. It shall be unlawful except as otherwise provided for any Unless application is first made in writing to the commission for a permit and a permit is granted, a person, firm, or corporation, to shall not, except as otherwise provided, bring into the state of Iowa for the purpose of propagating or introducing, or to place or introduce into any of the inland or

boundary waters of the state, any fish or spawn thereof that are not native to such waters, or introduce or stock any bird or animal ~~unless application is first made in writing to the commission for a permit therefor and such permit granted.~~

2. ~~Such~~ A permit shall be granted only after the commission has made such investigation or inspection of the fish, birds, or animals as ~~it~~ the commission may deem necessary to determine whether or not such fish, birds, or animals are free from disease and whether or not such introduction will be beneficial or detrimental to the native wildlife and the people of the state, and may or may not approve such planting, releasing, or introduction according to its findings.

3. Nothing in ~~the above~~ this section shall prohibit licensed game breeders from securing native or exotic birds or animals from outside the state and bringing them into the state and ~~they~~ a game breeder shall not be required to have a permit as provided ~~above~~ in this section when such birds or animals are not released to the wild but are held on the game breeder's premises as breeding stock.

Sec. 152. Section 481A.59, Code 2018, is amended to read as follows:

481A.59 Pigeons — interference prohibited.

1. It shall be unlawful for any person or persons, except the owner or the owner's representatives, to shoot, kill, maim, injure, steal, capture, detain, or to interfere with any homing pigeon, commonly called "carrier pigeon", which shall at the time, have the name, initials, or other identification of its owner, stamped, marked, or attached thereon; or to remove any mark, band, or other means of identification from such pigeon which has the name, initials, or emblem of the owner stamped or marked upon it.

2. ~~Whoever shall violate~~ A person who violates the provisions of this section shall be punished as is provided in section 481A.32.

Sec. 153. Section 488.1205, Code 2018, is amended to read as follows:

488.1205 Savings clause.

This chapter does not affect an action commenced, proceeding brought, or right accrued before ~~this chapter~~ takes effect

January 1, 2005.

Sec. 154. Section 496C.10, Code 2018, is amended to read as follows:

496C.10 Issuance of shares.

1. Shares of a professional corporation may be issued, and treasury shares may be disposed of, only to individuals who are licensed to practice in this state, or in any other state or territory of the United States or in the District of Columbia, a profession which the corporation is authorized to practice.

2. Unless otherwise provided in the articles of incorporation or bylaws, the affirmative vote or consent in writing of all of the outstanding shareholders entitled to vote, or such lesser proportion as may be provided in the articles or bylaws, is necessary in order to authorize the issuance of any shares or the disposal of any treasury shares, and to fix the consideration for shares or treasury shares.

3. No shares of a professional corporation shall at any time be issued in, transferred into, or held in joint tenancy, tenancy in common, or any other form of joint ownership or co-ownership.

4. The Iowa securities law, chapter 502, shall not be applicable to nor govern any transaction relating to any shares of a professional corporation.

Sec. 155. Section 496C.20, Code 2018, is amended to read as follows:

496C.20 Foreign professional corporation.

1. A foreign professional corporation may practice a profession in this state if it complies with the provisions of the Iowa business corporation Act, [chapter 490](#), on foreign corporations. The secretary of state may prescribe forms for such purpose.

2. A foreign professional corporation may practice a profession in this state only through shareholders, directors, officers, employees, and agents who are licensed to practice the profession in this state. The provisions of [this chapter](#) with respect to the practice of a profession by a professional corporation apply to a foreign professional corporation.

3. The certificate of authority of a foreign professional corporation may be revoked by the secretary of state as

provided in the Iowa business corporation Act, [chapter 490](#), if the foreign professional corporation fails to comply with any provision of [this chapter](#).

4. [This chapter](#) shall not be construed to prohibit the practice of a profession in this state by an individual who is a shareholder, director, officer, employee, or agent of a foreign professional corporation if the individual could lawfully practice the profession in this state in the absence of any relationship to a foreign professional corporation. ~~The preceding sentence~~ This subsection shall apply regardless of whether or not the foreign professional corporation is authorized to practice a profession in this state.

Sec. 156. Section 508.29, Code 2018, is amended to read as follows:

508.29 Authority to write other insurance.

1. Any life insurance company organized on the stock or mutual plan and authorized by its charter or articles of incorporation so to do, may in addition to such life insurance, insure, either individually or on the group plan, the health of persons and against personal injuries, disablement or death, resulting from traveling or general accidents by land or water, and insure employers against loss in consequence of accidents or casualties of any kind to employees or other persons, or to property resulting from any act of the employee or any accident or casualty to persons or property, or both, occurring in or connected with the transaction of their business, or from the operation of any machinery connected therewith, but nothing ~~herein~~ contained in this section shall be construed to authorize any life insurance company to insure against loss or injury to person, or property, or both, growing out of explosion or rupture of steam boilers. An insurer may contract with health care service providers and offer different levels of benefits to policyholders based upon the provider contracts.

2. A company insuring risks authorized by [this section](#) shall invest or hold in cash, funds equal to seventy-five percent of the aggregate reserves and policy and contract claims for such risks. Investments required by this ~~paragraph~~ subsection shall only be made in securities enumerated in [section 511.8](#), and are subject to the same limitations as provided for the investment

of legal reserve, and are subject to section 511.8, subsections 16, 17, and 21.

Sec. 157. Section 514C.14, subsections 1 and 3, Code 2018, are amended to read as follows:

1. Except as provided under [subsection 2 or 3](#), a carrier, as defined in [section 513B.2](#), or a plan established pursuant to [chapter 509A](#) for public employees, ~~which~~ that terminates its contract with a participating health care provider, shall continue to provide coverage under the contract to a covered person in the second or third trimester of pregnancy for continued care from such health care provider. Such persons may continue to receive such treatment or care through postpartum care related to the child birth and delivery. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

3. A carrier or a plan established under [chapter 509A](#), ~~which~~ that terminates the contract of a participating health care provider for cause shall not be liable to pay for health care services provided by the health care provider to a covered person following the date of termination.

Sec. 158. Section 543B.16, subsection 1, Code 2018, is amended to read as follows:

1. Every applicant for a ~~real-estate~~ license shall apply in writing upon blanks prepared or furnished by the real estate commission. The real estate commission shall not require that a recent photograph of the applicant be attached to the application. The real estate commission shall only require an applicant to disclose on the application criminal convictions for crimes classified as indictable offenses.

Sec. 159. Section 543B.43, Code 2018, is amended to read as follows:

543B.43 Penalties.

Any person found guilty of violating a provision of sections 543B.1 ~~to~~ through 543B.24 and sections 543B.27 through 543B.41 in a first offense shall be guilty of a simple misdemeanor.

Sec. 160. Section 543B.46, subsection 4, Code 2018, is amended to read as follows:

4. Each broker required to maintain a trust account pursuant to [this section](#) shall only deposit trust funds as directed by

the principal of a transaction constituting dealing in real estate as ~~defined~~ described in [section 543B.6](#) in the common trust account and shall not commingle the broker's personal funds or other funds in the trust account with the exception that a broker may deposit and keep a sum not to exceed one thousand dollars in the account from the broker's personal funds, which sum shall be specifically identified and deposited to cover bank service charges relating to the trust account.

Sec. 161. Section 544A.5, Code 2018, is amended to read as follows:

544A.5 Duties.

The architectural examining board shall enforce this chapter, shall ~~make~~ adopt rules pursuant to chapter 17A for the examination of applicants for the license provided by [this chapter](#), and shall, after due public notice, hold meetings each year for the purpose of examining applicants for licensure and the transaction of business pertaining to the affairs of the board. Examinations shall be given as often as deemed necessary, but not less than annually. Action at a meeting shall not be taken without the affirmative votes of a majority of the members of the board. The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce shall hire and provide staff to assist the board with implementing [this chapter](#).

Sec. 162. Section 544A.16, subsection 11, Code 2018, is amended to read as follows:

11. "*Professional consultant*" means a person who is required by the laws of this state to hold a current and valid certificate of registration or license in the field of the person's professional practice, and who is employed by the architect to perform, or who offers to perform professional services as a consultant to the architect, in connection with the design, preparation of construction documents or other technical submissions, or construction of one or more buildings or structures, and the space within and surrounding the buildings or structures.

Sec. 163. Section 556F.18, Code 2018, is amended to read as follows:

556F.18 Failure to comply.

If any person shall take up any boat or vessel, or any logs or lumber, or shall find any goods, money, bank notes, or other things, and shall fail to comply with the requirements of this chapter, the person shall forfeit and pay the sum of twenty dollars, to be recovered in an action by any person who will sue for the same, one half for the use of the person suing and the other half to be deposited in the county treasury for the use of the ~~common schools~~ school districts; but nothing herein contained shall prevent the owner from having and maintaining an action for the recovery of any damage the owner may sustain.

Sec. 164. Section 559.1, Code 2018, is amended to read as follows:

559.1 Release by donee of power.

1. A power to appoint which is exercisable by deed, by will, by deed or will, or otherwise, in whole or to any extent in favor of the donee of the power, the donee's estate, the donee's creditors, the creditors of the donee's estate, or others, is releasable, either with or without consideration, by written instrument executed by the donee. If such instrument shall be executed and acknowledged in the manner provided for the execution and acknowledgment of instruments affecting real estate and recorded with the county recorder in the county in which the donee of the power resides or the county of last residence of the donor of the power or the county in which any real estate which may be subject to the power is located, such recording shall be deemed a sufficient delivery of such release.

2. A power to appoint described ~~herein~~ in this section is releasable with respect to the whole or any part of the property subject to such power and is also releasable in such manner as to reduce or limit the persons or objects, or classes of persons or objects in whose favor such power would otherwise be exercisable.

3. It is hereby declared that such releases are in accordance with the public policy of this state and are valid and effectual ~~whether heretofore or hereafter~~ when made.

Sec. 165. Section 587.12, subsection 1, Code 2018, is amended to read as follows:

1. In all actions or in proceedings in probate where an

order, judgment, or decree has been entered prior to July 1, 1970, based upon service of notice by publication as provided by **rule 60 of the Iowa rules of civil procedure**, ~~Iowa court rules, third edition Code 1966~~, or any statute authorizing publication of notice or upon service of notice by publication or posting pursuant to authorization or direction of any court of competent jurisdiction in the state of Iowa, all such orders, judgments, or decrees are hereby declared valid and of full force and effect, unless an action shall be commenced within the time provided in **subsection 2** hereof to question such order, judgment, or decree, or any right or status created, confirmed, or existing thereunder.

Sec. 166. Section 602.1610, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. The mandatory retirement age is seventy-two years for all district associate judges, associate juvenile judges, associate probate judges, and judicial magistrates. ~~However, the mandatory retirement age does not apply to an associate juvenile judge or associate probate judge who is seventy-two years of age or older on July 1, 1996.~~

Sec. 167. Section 602.6404, subsection 3, Code 2018, is amended to read as follows:

3. A magistrate shall be an attorney licensed to practice law in this state. ~~However, a magistrate not admitted to the practice of law in this state and who is holding office on April 1, 2009, shall be eligible to be reappointed as a magistrate in the same county for a term commencing August 1, 2009, and subsequent successive terms.~~

Sec. 168. Section 607A.35, Code 2018, is amended to read as follows:

607A.35 Notice to report.

After the ~~list or lists~~ jurors have been ~~drawn~~ identified in the manner provided in **section 607A.33**, and immediately upon the request of the court, the clerk shall issue a notice to report, by regular mail, to the persons identified to appear at the courthouse at times as the court prescribes, for service as petit or grand jurors.

Sec. 169. Section 607A.41, Code 2018, is amended to read as follows:

607A.41 Method of subsequent drawing.

The names of the new or additional jurors shall be drawn from the jurors identified under [sections 607A.39](#) and [607A.40](#) ~~shall be drawn~~ by the electronic data processing system that was used to draw the original jury pool or panel.

Sec. 170. Section 704.2A, subsection 1, paragraph a, subparagraph (1), Code 2018, is amended to read as follows:

(1) Unlawfully entering by force or stealth the dwelling, place of business or employment, or occupied vehicle of the person using force ~~by force or stealth~~, or has unlawfully entered by force or stealth and remains within the dwelling, place of business or employment, or occupied vehicle of the person using force.

Sec. 171. Section 707.11, subsection 5, paragraph b, Code 2018, is amended to read as follows:

b. For purposes of determining the category of sentence under [section 903A.2](#), the fact finder shall determine whether the attempt to commit murder was committed against a peace officer, with the knowledge that the person against whom the attempt to commit murder was committed was a peace officer acting in the officer's official capacity.

Sec. 172. Section 709.22, subsection 1, paragraph c, Code 2018, is amended to read as follows:

c. Providing a victim with immediate and adequate notice of the victim's rights. The notice shall consist of handing the victim a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains ~~a copy of~~ the following statement of rights written in English and Spanish; asking the victim to read the ~~statement~~ document; and asking whether the victim understands the rights:

[1] You have the right to ask the court for help with any of the following on a temporary basis:

[a] Keeping your attacker away from you, your home, and your place of work.

[b] The right to stay at your home without interference from your attacker.

[c] The right to seek a no-contact order under [section 664A.3](#) or [915.22](#), if your attacker is arrested for sexual assault.

[2] You have the right to register as a victim with the county attorney under [section 915.12](#).

[3] You have the right to file a complaint for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to you or your property.

[5] You have the right to apply for victim compensation.

[6] You have the right to contact the county attorney or local law enforcement to determine the status of your case.

[7] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[8] You have the right to a sexual assault examination performed at state expense.

[9] You have the right to request the presence of a victim counselor, as defined in [section 915.20A](#), at any proceeding related to an assault including a medical examination.

[10] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

Sec. 173. Section 714.19, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The provisions of sections 714.17 ~~to~~ and 714.18, this section, and sections 714.20 and 714.21 shall not apply to the following:

Sec. 174. Section 716.7, subsection 2, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2018, is amended to read as follows:

Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property. A person has ~~received notice~~ been notified to abstain from entering or remaining upon or in property within the meaning of this

subparagraph (2) if any of the following is applicable:

Sec. 175. Section 716.8, subsection 7, Code 2018, is amended to read as follows:

7. Any person who ~~intentionally trespasses~~ commits a trespass as defined in [section 716.7, subsection 2](#), paragraph "a", subparagraph (7), commits a serious misdemeanor.

Sec. 176. Section 724.3, Code 2018, is amended to read as follows:

724.3 Unauthorized possession of offensive weapons.

Any person, other than a person authorized ~~herein~~ in this chapter, who knowingly possesses an offensive weapon commits a class "D" felony.

Sec. 177. Section 724.5, subsection 2, Code 2018, is amended to read as follows:

2. A person charged with a violation of [subsection 1](#) who produces to the clerk of the district court prior to the date of the person's court appearance proof that the person possesses a valid permit to carry weapons which was valid at the time of the alleged offense, shall not be convicted of a violation of [subsection 1](#) and the charge shall be dismissed by the court. Upon dismissal, the court shall assess the costs of the action against the person named on the ~~indictment or information~~ complaint.

Sec. 178. Section 730.5, subsection 11, paragraph f, Code 2018, is amended to read as follows:

f. Testing or taking action against an ~~individual~~ employee or prospective employee with a confirmed positive test result due to the ~~individual's~~ employee's or prospective employee's use of medical cannabidiol as authorized under [chapter 124E](#).

Sec. 179. Section 805.8A, subsection 5, paragraph b, Code 2018, is amended to read as follows:

b. Excessive speed ~~in whatever amount~~ by a school bus is ~~not a scheduled violation under any section listed in this~~ punishable as provided in subsection 10.

Sec. 180. REPEAL. Sections 15.106E, 96.7A, 105.31, and 105.32, Code 2018, are repealed.

Sec. 181. 2017 Iowa Acts, chapter 136, is amended by adding the following new section:

NEW SECTION. SEC. 15A. Section 34A.15, subsection 4, Code 2017, is amended to read as follows:

4. The council may provide grants, subject to available moneys in the ~~E911~~ 911 emergency communications fund, to public safety answering points agreeing to consolidate pursuant to section 34A.7A, subsection 2, paragraph "h".

Sec. 182. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2017:

1. The section of this Act amending section 124.401.
2. The sections of this Act amending section 155A.6A.
3. The section of this Act amending 2017 Iowa Acts, chapter 136.

LINDA UPMEYER
Speaker of the House

JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2457, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2018

KIM REYNOLDS
Governor