

**Senate Study Bill 3141 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON SODDERS)

**A BILL FOR**

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities, and  
6 including effective date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MISCELLANEOUS CHANGES

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

**8D.14 Iowa communications network fund.**

~~1.~~ There is created in the office of the treasurer of state a fund to be known as the Iowa communications network fund under the control of the Iowa telecommunications and technology commission. There shall be deposited into the Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 8D.13, funds received from leases pursuant to section 8D.11, and other moneys by law credited to or designated by a person for deposit into the fund. Amounts deposited into the fund are appropriated to and for the use of the commission. Notwithstanding [section 12C.7](#), interest earned on amounts deposited in the fund shall be credited to the fund. Notwithstanding [section 8.33](#), moneys deposited into and appropriated from the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

~~2. The commission shall be required to repay one million dollars of start-up funding from the Iowa communications network fund to the general fund of the state. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year, and for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year. The remaining five hundred thousand dollars shall be repaid in a reasonable period of time thereafter as provided in this subsection. The commission shall conduct a review of the operation of the fund and the extent to which a continued~~

~~1 need for funding for cash flow support exists, and shall  
2 provide a report summarizing the results of the review to  
3 the general assembly by January 1, 2010. The report shall  
4 also include a plan regarding repayment of the remaining five  
5 hundred thousand dollars in start-up funding in a manner which  
6 will not adversely affect network operations, and any other  
7 recommendations relating to the fund and the operation of the  
8 network deemed appropriate by the commission.~~

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

11 **12.77 Construction.**

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

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

17 **12.86 Construction.**

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

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

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

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

29 1. Compensation shall not be allowed to any person for  
30 services as an attorney or counselor to an executive department  
31 of the state government, or the head of an executive department  
32 of state government, or to a state board or commission.  
33 However, the executive council may authorize employment of  
34 legal assistance, at a reasonable compensation, in a pending  
35 action or proceeding to protect the interests of the state,

1 but only upon a sufficient showing, in writing, made by the  
2 attorney general, that the department of justice cannot for  
3 reasons stated by the attorney general perform the service.  
4 The reasons and action of the executive council shall be  
5 entered upon its records. If the attorney general determines  
6 that the department of justice cannot perform legal service  
7 in an action or proceeding, the executive council shall  
8 request the department involved in the action or proceeding  
9 to recommend legal counsel to represent the department. If  
10 the attorney general concurs with the department that the  
11 person recommended is qualified and suitable to represent the  
12 department, the person recommended shall be employed. If the  
13 attorney general does not concur in the recommendation, the  
14 department shall submit a new recommendation. **This subsection**  
15 does not affect the general counsel for the utilities board of  
16 the department of commerce, the legal counsel of the department  
17 of workforce development, or the general counsel for the  
18 property assessment appeal board.

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

21 c. In lieu of filing the financial disclosure information  
22 at the time of registration, the professional commercial  
23 fund-raiser may file a statement with its permit application  
24 where it agrees to provide, without cost, the financial  
25 disclosure information required to be disclosed pursuant to  
26 this subsection to a person or ~~government~~ governmental entity  
27 requesting the information within one day of the request. The  
28 statement shall include the telephone number, mailing address,  
29 and names of persons to be contacted to obtain the financial  
30 disclosure information of the fund-raiser. Failure to provide  
31 this information upon request shall be a violation of this  
32 chapter.

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

35 b. The attorney general may seek an injunction pursuant

1 to [section 714.16](#) prohibiting the professional commercial  
2 fund-raiser or charitable organization from soliciting  
3 contributions until the required financial information has  
4 been disclosed to the attorney general, person, or ~~government~~  
5 governmental entity making the request.

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

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

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

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

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

24 *b.* The commission shall manage the Iowa summer youth corps  
25 program in a manner to maximize the leveraging of federal,  
26 local, and private funding opportunities that increase or  
27 amplify program impact and service-learning opportunities.  
28 The commission shall also encourage collaboration with, and  
29 utilization of, other national, local, and nonprofit programs  
30 engaged in community service or addressing the needs of youth  
31 from families with low income.

32 *d.* The commission shall include progress information  
33 concerning implementation of the Iowa summer youth corps  
34 program in the quarterly reports made to the governor and the  
35 general assembly in accordance with [section 15H.2](#).

1     Sec. 11. Section 15H.5, subsection 6, paragraph b, Code  
2 2016, is amended to read as follows:

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

6     Sec. 12. Section 16.2D, subsection 6, paragraph b, Code  
7 2016, is amended to read as follows:

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

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

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

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

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

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

33     2. If the entity is comprised solely of cities, counties,  
34 and sanitary districts established under chapter 358, or any  
35 combination thereof, it is a governmental entity with respect

1 to projects undertaken pursuant to [chapter 418](#) and may exercise  
2 all of the powers of a governmental entity under that chapter  
3 in connection with ~~the~~ a flood mitigation project. Unless  
4 otherwise provided in [chapter 418](#), if the entity is undertaking  
5 a flood mitigation project as a governmental entity under  
6 chapter 418, the provisions of [chapter 418](#) shall prevail over  
7 any conflicting provision in [this chapter](#).

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

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

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

24 Sec. 17. Section 91E.2, subsection 1, paragraph b, Code  
25 2016, is amended to read as follows:

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

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

34 (4) The department, in accordance with rules adopted by the  
35 department pursuant to chapter 17A, shall notify each nonprofit

1 organization of any determination made by the department of the  
2 status of the nonprofit organization as an employer and of the  
3 effective date of any election or termination of election. A  
4 determination is subject to appeal and review in accordance  
5 with [subsections 4 and 5](#).

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

8 2. *Replenishment of lost funds.* If any moneys received  
9 after June 30, 1941, from the social security administration  
10 under Tit. III of the Social Security Act, or any unencumbered  
11 balances in the unemployment compensation administration fund  
12 as of that date, or any moneys granted after that date to this  
13 state pursuant to the provisions of the Wagner-Peyser Act,  
14 or any moneys made available by this state or its political  
15 subdivisions and matched by such moneys granted to this state  
16 pursuant to the provisions of the Wagner-Peyser Act, are  
17 found by the social security administration, because of any  
18 action or contingency, to have been lost or been expended for  
19 purposes other than or in amounts in excess of, those found  
20 necessary by the social security administration for the proper  
21 administration of [this chapter](#), it is the policy of this state  
22 that such moneys shall be replaced by moneys appropriated  
23 for such purpose from the general funds of this state to the  
24 unemployment compensation administration fund for expenditure  
25 as provided in [subsection 1 of ~~this section~~](#). Upon receipt of  
26 notice of such a finding by the social security administration,  
27 the department shall promptly report the amount required for  
28 such replacement to the governor and the governor shall at  
29 the earliest opportunity, submit to the legislature a request  
30 for the appropriation of such amount. ~~This subsection shall~~  
31 ~~not be construed to relieve this state of its obligation with~~  
32 ~~respect to funds received prior to July 1, 1941, pursuant to~~  
33 ~~the provisions of Tit. III of the Social Security Act.~~

34 Sec. 20. Section 96.19, subsection 41, unnumbered paragraph  
35 1, Code 2016, is amended to read as follows:



1     *“Wages”* means all remuneration for personal services,  
2 including commissions and bonuses and the cash value of all  
3 remuneration in any medium other than cash. The reasonable  
4 cash value of remuneration in any medium other than cash, shall  
5 be estimated and determined in accordance with rules prescribed  
6 by the department. ~~Wages payable to an individual for insured~~  
7 ~~work performed prior to January 1, 1941, shall, for the~~  
8 ~~purposes of sections 96.3, 96.4, and this section, be deemed to~~  
9 ~~be wages paid within the calendar quarter with respect to which~~  
10 ~~such wages were payable.~~

11     Sec. 21. Section 96.20, subsection 2, paragraph b, Code  
12 2016, is amended to read as follows:

13     b. Reimbursements so payable shall be deemed to be benefits  
14 for the purposes of section 96.3, subsection 5, paragraph “a”,  
15 and section 96.9, but no reimbursement so payable shall be  
16 charged against any employer’s account for the purposes of  
17 section 96.7, unless wages so transferred are sufficient to  
18 establish a valid claim in Iowa, and that such charges shall  
19 not exceed the amount that would have been charged on the  
20 basis of a valid claim. The department is hereby authorized  
21 to make to other state or federal agencies and receive from  
22 such other state or federal agencies, reimbursements from  
23 or to the fund, in accordance with arrangements pursuant  
24 to this section. The department shall participate in any  
25 arrangements for the payment of compensation on the basis of  
26 combining an individual’s wages and employment covered under  
27 this chapter with the individual’s wages and employment covered  
28 under the unemployment compensation laws of other states  
29 which are approved by the United States secretary of labor in  
30 consultation with the state unemployment compensation agencies  
31 as reasonably calculated to assure the prompt and full payment  
32 of compensation in such situations and which include provisions  
33 for applying the base period of a single state law to a claim  
34 involving the combining of an individual’s wages and employment  
35 covered under two or more state unemployment compensation laws,

1 and avoiding ~~the~~ duplication in the use of wages and employment  
2 by reason of such combining.

3 Sec. 22. Section 97B.49C, subsection 1, paragraph e, Code  
4 2016, is amended to read as follows:

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

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

10 (a) As a county sheriff as ~~defined~~ described in section  
11 ~~39.17~~ 331.651.

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

14 **99.28 Certification and payment of mulct tax.**

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

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

28 **99.29 Collection of mulct tax.**

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

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

1     **99.30 Application of mulct tax.**

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

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

15     **99.31 ~~Tax~~ Mulct tax assessed.**

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

24     Sec. 28. Section 99B.3, subsection 4, paragraph b, Code  
25 2016, is amended to read as follows:

26     *b.* If a request for a hearing is timely received by  
27 the department, the applicant or licensee shall be given  
28 an opportunity for a prompt and fair hearing before the  
29 department and the denial, suspension, or revocation shall be  
30 deemed ~~suspended~~ stayed until the department makes a final  
31 determination. However, the director may suspend a license  
32 prior to a hearing if the director finds that the public  
33 integrity of the licensed activity is compromised or there is a  
34 risk to public health, safety, or welfare. In addition, at any  
35 time during or prior to the hearing the department may rescind

1 the notice of the denial, suspension, or revocation upon being  
2 satisfied that the reasons for the denial, suspension, or  
3 revocation have been or will be removed. On the basis of any  
4 such hearing, the determination involved in the notice may be  
5 affirmed, modified, or set aside by the department in a written  
6 decision.

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

9 (2) If a request for a hearing is timely received by  
10 the department, the applicant or registrant shall be given  
11 an opportunity for a prompt and fair hearing before the  
12 department and the denial, suspension, or revocation shall be  
13 deemed ~~suspended~~ stayed until the department makes a final  
14 determination. However, the director of the department may  
15 suspend a registration prior to a hearing if the director  
16 finds that the public integrity of the registered activity  
17 is compromised or there is a risk to public health, safety,  
18 or welfare. In addition, at any time during or prior to the  
19 hearing, the department may rescind the notice of the denial,  
20 suspension, or revocation upon being satisfied that the reasons  
21 for the denial, suspension, or revocation have been or will  
22 be removed. On the basis of any such hearing, the proposed  
23 action in the notice may be affirmed, modified, or set aside by  
24 the department in a written decision. The procedure governing  
25 hearings authorized by this ~~paragraph~~ subparagraph shall be in  
26 accordance with the rules ~~promulgated~~ adopted by the department  
27 and chapter 17A.

28 Sec. 30. Section 99F.15, subsection 6, paragraph a, Code  
29 2016, is amended to read as follows:

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

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

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

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

9     **123.48 Seizure of false or altered driver's license or**  
10 **~~nonoperator~~ nonoperator's identification card.**

11     1. If a liquor control licensee or wine or beer permittee  
12 or an employee of the licensee or permittee has a reasonable  
13 belief based on factual evidence that a driver's license as  
14 defined in [section 321.1, subsection 20A](#), or ~~nonoperator~~  
15 nonoperator's identification card issued pursuant to section  
16 321.190 offered by a person who wishes to purchase an alcoholic  
17 beverage at the licensed premises is altered or falsified or  
18 belongs to another person, the licensee, permittee, or employee  
19 may retain the driver's license or ~~nonoperator~~ nonoperator's  
20 identification card. Within twenty-four hours, the license or  
21 card shall be delivered to the appropriate city or county law  
22 enforcement agency of the jurisdiction in which the licensed  
23 premises is located. When the license or card is delivered  
24 to the appropriate law enforcement agency, the licensee shall  
25 file a written report of the circumstances under which the  
26 license or card was retained. The local law enforcement  
27 agency may investigate whether a violation of [section 321.216](#),  
28 321.216A, or [321.216B](#) has occurred. If an investigation is not  
29 initiated or a probable cause is not established by the local  
30 law enforcement agency, the driver's license or ~~nonoperator~~  
31 nonoperator's identification card shall be delivered to the  
32 person to whom it was issued. The local law enforcement  
33 agency may forward the license or card with the report to the  
34 department of transportation for investigation, in which case,  
35 the department may investigate whether a violation of section

1 321.216, 321.216A, or 321.216B has occurred. The department of  
2 transportation shall return the license or card to the person  
3 to whom it was issued if an investigation is not initiated or a  
4 probable cause is not established.

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

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

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

25 **123.124 Beer permits — classes.**

26 Permits for the manufacture and sale, or sale, of beer shall  
27 be divided into six classes, known as class "A", special class  
28 "A", class "AA", special class "AA", class "B", or class "C"  
29 beer permits. A class "A" beer permit allows the holder to  
30 manufacture and sell beer at wholesale. A holder of a special  
31 class "A" beer permit may only manufacture beer to be consumed  
32 on the licensed premises for which the person also holds a  
33 class "C" liquor control license or class "B" beer permit, to  
34 be sold to a class "A" beer permittee for resale purposes,  
35 and to be sold to distributors outside of the state that are

1 authorized by the laws of that jurisdiction to sell beer at  
2 wholesale. A class "AA" beer permit allows the holder to  
3 manufacture and sell high alcoholic content beer at wholesale.  
4 A holder of a special class "AA" beer permit may only  
5 manufacture high alcoholic content beer to be consumed on the  
6 licensed premises for which the person also holds a class "C"  
7 liquor control license or class "B" beer permit, to be sold to  
8 a class "AA" beer permittee for resale purposes, and to be sold  
9 to distributors outside of the state that are authorized by the  
10 laws of that jurisdiction to sell high alcoholic content beer  
11 at wholesale. A class "B" beer permit allows the holder to  
12 sell beer to consumers at retail for consumption on or off the  
13 premises. A class "C" beer permit allows the holder to sell  
14 beer to consumers at retail for consumption off the premises.

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

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

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

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

28 Sec. 36. Section 123.128, unnumbered paragraph 1, Code  
29 2016, is amended to read as follows:

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

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

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

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

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

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

8     **123.130 Authority under class "A", class "AA", special class  
9 "A", and special class "AA" beer permits.**

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

20     2. All class "A" and class "AA" premises shall be located  
21 within the state. All beer received by the holder of a  
22 class "A" or class "AA" beer permit from the holder of a  
23 certificate of compliance before being resold must first come  
24 to rest on the licensed premises of the permit holder, must be  
25 inventoried, and is subject to the barrel tax when resold as  
26 provided in [section 123.136](#). A class "A" or class "AA" beer  
27 permittee shall not store beer overnight except on premises  
28 licensed under a class "A" or class "AA" beer permit.

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



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

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

6 **123.131 Authority under class "B" beer permit.**

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

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

17 **123.132 Authority under class "C" beer permit.**

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

22 2. Subject to the rules of the division, sales made pursuant  
23 to [this section](#) may be made in a container other than the  
24 original container only if all of the following requirements  
25 are met:

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

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

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

34 *d.* The container to be sold shall be securely sealed by a  
35 method authorized by the division that is designed so that if

1 the sealed container is reopened or the seal tampered with, it  
2 is visibly apparent that the seal on the container of beer has  
3 been tampered with or the sealed container has otherwise been  
4 reopened.

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

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

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

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

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

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

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

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

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

32 Sec. 45. Section 123.135, subsections 3, 4, and 5, Code  
33 2016, are amended to read as follows:

34 3. All class "A" and class "AA" beer permit holders shall  
35 sell only those brands of beer which are manufactured, brewed,

1 bottled, shipped, or imported by a person holding a current  
2 certificate of compliance. Any employee or agent working for  
3 or representing the holder of a certificate of compliance  
4 within this state shall submit electronically, or in a manner  
5 prescribed by the administrator, the employee's or agent's name  
6 and address with the division.

7 4. It shall be unlawful for any holder of a certificate of  
8 compliance or the holder's agent, or any class "A" or class  
9 "AA" beer permit holder or the beer permit holder's agent, to  
10 grant to any retail beer permit holder, directly or indirectly,  
11 any rebates, free goods, or quantity discounts on beer which  
12 are not uniformly offered to all retail permittees.

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

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

24 1. In addition to the annual permit fee to be paid by all  
25 class "A" and class "AA" beer permittees under [this chapter](#)  
26 there shall be levied and collected from the permittees on all  
27 beer manufactured for sale or sold in this state at wholesale  
28 and on all beer imported into this state for sale at wholesale  
29 and sold in this state at wholesale, and from special class "A"  
30 and special class "AA" beer permittees on all beer manufactured  
31 for consumption on the premises, a tax of five and eighty-nine  
32 hundredths dollars for every barrel containing thirty-one  
33 gallons, and at a like rate for any other quantity or for the  
34 fractional part of a barrel. However, no tax shall be levied  
35 or collected on beer shipped outside this state by a class "A"

1 or class "AA" beer permittee or sold by one class "A" or class  
2 "AA" beer permittee to another class "A" or class "AA" beer  
3 permittee.

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

6 1. A person holding a class "A", class "AA", special class  
7 "A", or special class "AA" beer permit shall, on or before the  
8 tenth day of each calendar month commencing on the tenth day of  
9 the calendar month following the month in which the person is  
10 issued a beer permit, make a report under oath to the division  
11 electronically, or in a manner prescribed by the administrator,  
12 showing the exact number of barrels of beer, or fractional  
13 parts of barrels, sold by the beer permit holder during  
14 the preceding calendar month. The report shall also state  
15 information the administrator requires, and beer permit holders  
16 shall at the time of filing a report pay to the division the  
17 amount of tax due at the rate fixed in [section 123.136](#).

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

20 1. Each class "A", class "AA", special class "A", or special  
21 class "AA" beer permittee shall keep proper records showing the  
22 amount of beer sold by the permittee, and these records shall  
23 be at all times open to inspection by the administrator and to  
24 other persons pursuant to [section 123.30, subsection 1](#). Each  
25 class "B" beer permittee, class "C" beer permittee, or retail  
26 liquor control licensee shall keep proper records showing each  
27 purchase of beer made by the permittee or licensee, and the  
28 date and the amount of each purchase and the name of the person  
29 from whom each purchase was made, which records shall be open  
30 to inspection pursuant to [section 123.30, subsection 1](#), during  
31 normal business hours of the permittee or licensee.

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

34 **123.139 Separate locations — class "A", class "AA", special**  
35 **class "A", special class "AA".**

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

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

8 **123.140 Separate locations — class "B" or "C".**

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

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

17 **123.141 Keeping liquor where beer is sold.**

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

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

34 **123.142 Unlawful sale and importation.**

35 1. It is unlawful for the holder of a class "B" or class

1 "C" beer permit issued under [this chapter](#) to sell beer, except  
2 beer brewed on the premises covered by a special class "A"  
3 or special class "AA" beer permit or beer purchased from a  
4 person holding a class "A" or class "AA" beer permit issued in  
5 accordance with [this chapter](#), and on which the tax provided in  
6 section 123.136 has been paid. However, [this section](#) does not  
7 apply to class "D" liquor control licensees as provided in this  
8 chapter.

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

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

14 3. Barrel tax revenues collected on beer manufactured in  
15 this state from a class "A" or class "AA" beer permittee which  
16 owns and operates a brewery located in Iowa shall be credited  
17 to the barrel tax fund hereby created in the office of the  
18 treasurer of state. Moneys deposited in the barrel tax fund  
19 shall not revert to the general fund of the state without a  
20 specific appropriation by the general assembly. Moneys in the  
21 barrel tax fund are appropriated to the economic development  
22 authority for purposes of [section 15E.117](#).

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

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

33 Sec. 55. Section 135.175, subsection 1, paragraph a, Code  
34 2016, is amended to read as follows:

35 a. A health care workforce support initiative is established

1 to provide for the coordination and support of various efforts  
2 to address the health care workforce shortage in this state.  
3 This initiative shall include the medical residency training  
4 state matching grants program created in [section 135.176](#),  
5 ~~the nurse residency state matching grants program created in~~  
6 ~~[section 135.178](#)~~, and the fulfilling Iowa's need for dentists  
7 matching grant program created in [section 135.179](#), ~~the health~~  
8 ~~care professional incentive payment program and Iowa needs~~  
9 ~~nurses now initiative created in sections [261.128](#) and [261.129](#),~~  
10 ~~the safety net provider recruitment and retention initiatives~~  
11 ~~program created in [section 135.153A](#), health care workforce~~  
12 ~~shortage national initiatives, and the physician assistant~~  
13 ~~mental health fellowship program created in [section 135.177](#).~~

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

16 *a.* Moneys in the fund and the accounts in the fund  
17 shall only be appropriated in a manner consistent with the  
18 principles specified and the strategic plan developed pursuant  
19 to sections [135.163](#) and [135.164](#) to support the medical  
20 residency training state matching grants program, ~~the nurse~~  
21 ~~residency state matching grants program~~, the fulfilling Iowa's  
22 need for dentists matching grant program, ~~the health care~~  
23 ~~professional incentive payment program, the Iowa needs nurses~~  
24 ~~now initiative, the safety net recruitment and retention~~  
25 ~~initiatives program, for national health care workforce~~  
26 ~~shortage initiatives, for the physician assistant mental health~~  
27 ~~fellowship program, for the purposes of the Iowa needs nurses~~  
28 ~~now infrastructure account~~, and to provide funding for state  
29 health care workforce shortage programs as provided in this  
30 section.

31 *c.* State appropriations to the fund shall be allocated in  
32 equal amounts to each of the accounts within the fund, unless  
33 otherwise specified in the appropriation or allocation. Any  
34 federal funding received for the purposes of addressing state  
35 health care workforce shortages shall be deposited in the

1 health care workforce shortage national initiatives account,  
2 unless otherwise specified by the source of the funds, and  
3 shall be used as required by the source of the funds. If  
4 use of the federal funding is not designated, ~~twenty-five~~  
5 ~~percent of such funding shall be deposited in the safety net~~  
6 ~~provider network workforce shortage account to be used for the~~  
7 ~~purposes of the account and the remainder of the funds shall~~  
8 be used in accordance with the strategic plan developed by the  
9 department of public health in accordance with sections 135.163  
10 and 135.164, or to address workforce shortages as otherwise  
11 designated by the department of public health. Other sources  
12 of funding shall be deposited in the fund or account and used  
13 as specified by the source of the funding.

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

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

20 Sec. 58. Section 135.185, subsection 1, paragraph b, Code  
21 2016, is amended to read as follows:

22 *b. "Facility"* means a food establishment as defined in  
23 section 137F.1, a carnival as defined in [section 88A.1](#), a  
24 recreational camp, a youth sports facility, or a sports area  
25 arena.

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

28 3. ~~The department shall hold the~~ An informal conference, as  
29 required in [this section](#), shall be held concurrently with any  
30 informal dispute resolution held pursuant to 42 C.F.R. §488.331  
31 for those health care facilities certified under Medicare or  
32 the medical assistance program.

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

35 9. "*Patient*" means an individual who is frail and elderly



1 or who has a chronic, critical medical condition or a terminal  
2 illness and for which a physician orders for scope of treatment  
3 form is consistent with the individual's goals of care.

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

6 **153.33 Powers of board.**

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

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

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

26 ~~2.~~ b. To appoint investigators, who shall not be members  
27 of the board, to administer and aid in the enforcement of  
28 the provisions of law relating to those persons licensed to  
29 practice dentistry and dental hygiene, and persons registered  
30 as dental assistants. The amount of compensation for the  
31 investigators shall be determined pursuant to chapter 8A,  
32 subchapter IV. Investigators authorized by the board have the  
33 powers and status of peace officers when enforcing **this chapter**  
34 and **chapters 147 and 272C**.

35 ~~3.~~ ~~All employees needed to administer **this chapter** except~~

1 ~~the executive director shall be appointed pursuant to the merit~~  
2 ~~system. The executive director shall serve at the pleasure of~~  
3 ~~the board and shall be exempt from the merit system provisions~~  
4 ~~of chapter 8A, subchapter IV.~~

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

18 d. To adopt rules regarding infection control in dental  
19 practice which are consistent with standards of the federal  
20 Occupational Safety and Health Act of 1970, 29 U.S.C. §651 -  
21 678, and recommendations of the centers for disease control.

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

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

29 ~~5.~~ 3. In any investigation made or hearing conducted by the  
30 board on its own motion, or upon written complaint filed with  
31 the board by any person, pertaining to any alleged violation  
32 of **this chapter** or the accusation against any licensee or  
33 registrant, the following procedure and rules so far as  
34 material to such investigation or hearing shall obtain:

35 a. The accusation of such person against any licensee

1 or registrant shall be reduced to writing, verified by some  
2 person familiar with the facts therein stated, and three copies  
3 thereof filed with the board.

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

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

26 *d.* In all such investigations and hearings pertaining to  
27 the suspension or revocation of licenses or registrations, the  
28 board and any person affected thereby may have the benefit of  
29 counsel, and upon the request of the licensee or registrant or  
30 the licensee's or registrant's counsel the board shall issue  
31 subpoenas for the attendance of such witnesses in behalf of the  
32 licensee or registrant, which subpoenas when issued shall be  
33 delivered to the licensee or registrant or the licensee's or  
34 registrant's counsel. Such subpoenas for the attendance of  
35 witnesses shall be effective if served upon the person named

1 therein anywhere within this state, provided, that at the time  
2 of such service the fees now or hereafter provided by law for  
3 witnesses in civil cases in district court shall be paid or  
4 tendered to such person.

5 *e.* In case of disobedience of a subpoena lawfully served  
6 hereunder, the board or any party to such hearing aggrieved  
7 thereby may invoke the aid of the district court in the county  
8 where such hearing is being conducted to require the attendance  
9 and testimony of such witnesses. Such district court of the  
10 county within which the hearing is being conducted may, in  
11 case of contumacy or refusal to obey such subpoena, issue an  
12 order requiring such person to appear before said board, and if  
13 so ordered give evidence touching the matter involved in the  
14 hearing. Any failure to obey such order of the court may be  
15 punished by such court as a contempt thereof.

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

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

1 in respect thereto as justice may require.

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

5 ~~6. To adopt rules regarding infection control in dental  
6 practice which are consistent with standards of the federal  
7 Occupational Safety and Health Act of 1970, 29 U.S.C. §651—  
8 678, and recommendations of the centers for disease control.~~

9 ~~7.~~ 4. An inspector may be appointed by the dental board  
10 pursuant to the provisions of [chapter 8A, subchapter IV](#).

11 ~~8. To promulgate rules as may be necessary to implement the  
12 provisions of [this chapter](#).~~

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

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

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

29 1. To ~~insure~~ ensure uniformity in the tests and reporting,  
30 an employee certified by the United States public health  
31 service of the bacteriological laboratory of the department  
32 shall annually certify, in accordance with rules adopted by  
33 the department incorporating or incorporating by reference the  
34 federal publication entitled "Evaluation of Milk Laboratories",  
35 all laboratories doing work in the sanitary quality of

1 milk and dairy products for public report. The approval by  
2 the department shall be based on the evaluation of these  
3 laboratories as to personnel training, laboratory methods  
4 used, and reporting. The results on tests made by approved  
5 laboratories shall be reported to the department on request,  
6 on forms prescribed by the secretary of agriculture, and such  
7 reports may be used by the department.

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

10 Sec. 65. Section 218.95, subsection 1, paragraph h, Code  
11 2016, is amended by striking the paragraph.

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

14 **222.6 State districts.**

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

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

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

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

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

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

9 **225.13 Financial condition.**

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

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

17 2. A proper and competent nurse shall also be assigned to  
18 look after and care for the respondent during observation,  
19 treatment, and care. Observation, treatment, and hospital  
20 care under **this section** which are payable in whole or in part  
21 by a county shall only be provided as determined through the  
22 regional administrator ~~of~~ for the respondent's county of  
23 residence.

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

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

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

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

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

17 2. The clerk of the district court in that county shall  
18 refer a person applying for authorization for voluntary  
19 admission, or for authorization for voluntary admission of  
20 another person, in accordance with **section 229.42**, to the  
21 regional administrator ~~of~~ for the person's county of residence  
22 under **section 225C.14** for the preliminary diagnostic evaluation  
23 unless the applicant furnishes a written statement from the  
24 appropriate entity which indicates that the evaluation has been  
25 performed and that the person's admission to a state mental  
26 health institute is appropriate. **This subsection** does not  
27 apply when authorization for voluntary admission is sought  
28 under circumstances which, in the opinion of the chief medical  
29 officer or that officer's physician designee, constitute a  
30 medical emergency.

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

33 **225C.19A Crisis stabilization programs.**

34 The department shall accredit, certify, or apply standards  
35 of review to authorize the operation of crisis stabilization



1 programs, including crisis stabilization programs operating  
2 in a psychiatric medical institution for children pursuant  
3 to [chapter 135H](#) that provide children with mental health,  
4 substance abuse, and co-occurring mental health and substance  
5 abuse services. In authorizing the operation of a crisis  
6 stabilization program, the department shall apply the  
7 relevant requirements for an emergency mental health crisis  
8 services provider and system under [section 225C.19](#). A program  
9 authorized to operate under [this section](#) is not required to  
10 be licensed under [chapter 135B](#), [135C](#), ~~[or 135G](#)~~, [or 135H](#), or  
11 certified under [chapter 231C](#). The commission shall adopt  
12 rules to implement [this section](#). The department shall accept  
13 accreditation of a crisis stabilization program by a national  
14 accrediting organization in lieu of applying the rules adopted  
15 in accordance with [this section](#) to the program.

16 Sec. 75. Section 226.9C, subsection 2, paragraph c, Code  
17 2016, is amended to read as follows:

18 c. (1) Prior to an individual's admission for dual  
19 diagnosis treatment, the individual shall have been  
20 prescreened. The person performing the prescreening shall be  
21 either the mental health professional, as defined in section  
22 228.1, who is contracting with the regional administrator for  
23 the county's mental health and disability services region to  
24 provide the prescreening or a mental health professional with  
25 the requisite qualifications. A mental health professional  
26 with the requisite qualifications shall meet all of the  
27 following qualifications: ~~is~~

28 (a) Is a mental health professional as defined in section  
29 228.1, ~~is~~.

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

33 (c) Is employed by or providing services for a facility, as  
34 defined in [section 125.2](#).

35 (2) Prior to an individual's admission for dual diagnosis

1 treatment, the individual shall have been screened through a  
2 ~~county's~~ the regional administrator for the county to determine  
3 the appropriateness of the treatment.

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

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

11 Sec. 77. Section 228.1, subsection 6, paragraph b, Code  
12 2016, is amended to read as follows:

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

21 Sec. 78. Section 229.13, subsection 1, paragraph a, Code  
22 2016, is amended to read as follows:

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

29 Sec. 79. Section 229.14, subsection 2, paragraph a, Code  
30 2016, is amended to read as follows:

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

1 other appropriate treatment, or in an appropriate alternative  
2 placement.

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

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

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

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

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

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

26 **230.3 Certification of residence.**

27 If a person's county of residence is determined by the  
28 ~~county's~~ regional administrator for a county to be in another  
29 county of this state, the regional administrator making  
30 the determination shall certify the determination to the  
31 superintendent of the hospital to which the person is admitted  
32 or committed. The certification shall be accompanied by a copy  
33 of the evidence supporting the determination. Upon receiving  
34 the certification, the superintendent shall charge the expenses  
35 already incurred and unadjusted, and all future expenses of

1 the person, to the regional administrator ~~of~~ for the county  
2 determined to be the county of residence.

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

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

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

25 **234.6 Powers and duties of the administrator.**

26 1. The administrator shall be vested with the authority to  
27 administer the family investment program, state supplementary  
28 assistance, food programs, child welfare, and emergency relief,  
29 family and adult service programs, and any other form of public  
30 welfare assistance and institutions that are placed under  
31 the administrator's administration. The administrator shall  
32 perform duties, formulate and adopt rules as may be necessary;  
33 shall outline policies, dictate procedure, and delegate  
34 such powers as may be necessary for competent and efficient  
35 administration. Subject to restrictions that may be imposed

1 by the director of human services and the council on human  
2 services, the administrator may abolish, alter, consolidate,  
3 or establish subdivisions and may abolish or change offices  
4 previously created. The administrator may employ necessary  
5 personnel and fix their compensation; may allocate or  
6 reallocate functions and duties among any subdivisions now  
7 existing or later established; and may adopt rules relating  
8 to the employment of personnel and the allocation of their  
9 functions and duties among the various subdivisions as  
10 competent and efficient administration may require. The  
11 administrator shall:

12 ~~1.~~ a. Cooperate with the social security administration  
13 created by the Social Security Act and codified at 42 U.S.C.  
14 §901, or other agency of the federal government for public  
15 welfare assistance, in such reasonable manner as may be  
16 necessary to qualify for federal aid, including the making of  
17 such reports in such form and containing such information as  
18 the social security administration, from time to time, may  
19 require, and to comply with such regulations as such social  
20 security administration, from time to time, may find necessary  
21 to assure the correctness and verification of such reports.

22 ~~2.~~ b. Furnish information to acquaint the public generally  
23 with the operation of the Acts under the jurisdiction of the  
24 administrator.

25 ~~3.~~ c. With the approval of the director of human services,  
26 the governor, the director of the department of management,  
27 and the director of the department of administrative services,  
28 set up from the funds under the administrator's control and  
29 management an administrative fund and from the administrative  
30 fund pay the expenses of operating the division.

31 ~~4.~~ d. Notwithstanding any provisions to the contrary  
32 in [chapter 239B](#) relating to the consideration of income and  
33 resources of claimants for assistance, the administrator, with  
34 the consent and approval of the director of human services and  
35 the council on human services, shall make such rules as may be

1 necessary to qualify for federal aid in the assistance programs  
2 administered by the administrator.

3 ~~5. The department of human services shall have the power  
4 and authority to use the funds available to it, to purchase  
5 services of all kinds from public or private agencies to  
6 provide for the needs of children, including but not limited to  
7 psychiatric services, supervision, specialized group, foster  
8 homes and institutional care.~~

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

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

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

19 ~~c.~~ (3) Family-centered services, as defined in section  
20 232.102, subsection 10, paragraph "b".

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

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

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

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

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

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

34 ~~8. g.~~ Provide consulting and technical services to the  
35 director of the department of education, or the director's

1 designee, upon request, relating to prekindergarten,  
2 kindergarten, and before and after school programming and  
3 facilities.

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

9 2. The department of human services shall have the power  
10 and authority to use the funds available to it, to purchase  
11 services of all kinds from public or private agencies to  
12 provide for the needs of children, including but not limited to  
13 psychiatric services, supervision, specialized group, foster  
14 homes, and institutional care.

15 ~~10.~~ 3. In determining the reimbursement rate for services  
16 purchased by the department of human services from a person  
17 or agency, the department shall not include private moneys  
18 contributed to the person or agency unless the moneys are  
19 contributed for services provided to a specific individual.

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

22 3. "*Iowa Medicaid enterprise*" means Iowa Medicaid enterprise  
23 as defined in [section 135.154 135D.2](#).

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

26 **257.42 Gifted and talented children.**

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

34 2. The parent or guardian of a pupil may request that a  
35 gifted and talented children program be established for pupils

1 who qualify as gifted and talented children under section  
2 257.44, including demonstrated achievement or potential ability  
3 in a single subject area.

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

7 4. The department of education shall adopt rules under  
8 chapter 17A relating to the administration of this section  
9 and sections 257.42 257.43 through 257.49. The rules shall  
10 prescribe the format of program plans submitted under section  
11 257.43 and shall require that programs fulfill specified  
12 objectives. The department shall encourage and assist school  
13 districts to provide programs for gifted and talented children.

14 5. The department of education may request that the staff  
15 of the auditor of state conduct an independent program audit  
16 to verify that the gifted and talented programs conform to a  
17 district's program plans.

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

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

27 *7. Rules for additional loan repayment.* The commission  
28 shall adopt rules to provide, in addition to loan repayment  
29 provided to eligible students pursuant to this section and  
30 subject to the availability of surplus funds, loan repayment  
31 to a physician who received a doctor of medicine or ~~osteopathy~~  
32 doctor of osteopathic medicine degree from an eligible  
33 university as provided in subsection 2, obtained a license  
34 to practice medicine and surgery or osteopathic medicine and  
35 surgery in this state, completed the physician's residency



1 program requirement with an Iowa-based residency program, and  
2 is engaged in the full-time practice of medicine and surgery  
3 or osteopathic medicine and surgery as specified in subsection  
4 3, paragraph "d".

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

7 A program agreement shall be entered into by an eligible  
8 student and the commission during the eligible student's final  
9 year of study leading to a doctor of medicine or ~~osteopathy~~  
10 doctor of osteopathic medicine degree. Under the agreement, to  
11 receive loan repayments pursuant to [subsection 5](#), an eligible  
12 student shall agree to and shall fulfill all of the following  
13 requirements:

14 Sec. 89. Section 261.113, subsection 3, paragraph a, Code  
15 2016, is amended to read as follows:

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

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

22 2. Notwithstanding any other provision of law to the  
23 contrary, a participating resident institution shall be  
24 required to register under [chapter 261B](#) or to comply with the  
25 registration and disclosure requirements of [chapter 261](#) or [261B](#)  
26 or [section 714.17](#), [subsections 2 and 3](#), or sections [714.18](#),  
27 [714.20](#), [714.21](#), and [714.23](#), or section [714.24](#), subsections 1,  
28 2, 3, 4, and 5, or [section 714.25](#), if the provisions of the  
29 interstate reciprocity agreement require such registration or  
30 compliance.

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

33 3. If a district is attached, division of assets and  
34 liabilities shall be made as provided in sections 275.29 ~~to~~  
35 through 275.31. The area education agency boards shall develop

1 detailed studies and surveys of the school districts within  
2 the area education agency and all adjacent territory for the  
3 purpose of providing for reorganization of school districts in  
4 order to effect more economical operation and the attainment  
5 of higher standards of education in the schools. The plans  
6 shall be revised periodically to reflect reorganizations which  
7 may have taken place in the area education agency and adjacent  
8 territory.

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

11     **275.28 Plan of division of assets and liabilities.**

12     In addition to setting up the territory to comprise the  
13 reorganized districts, a reorganization petition shall provide  
14 for a division of assets and liabilities of the districts  
15 affected among the reorganized districts. However, if  
16 territory is excluded from the reorganized district by the  
17 petition or by the area education agency board of directors,  
18 the division of all assets and liabilities shall be made under  
19 the provisions of [sections 275.29 to through 275.31](#).

20     Sec. 93. Section 307.24, subsection 5, unnumbered paragraph  
21 1, Code 2016, is amended to read as follows:

22     Construct, reconstruct, improve, and maintain state  
23 institutional roads and state park roads which are part of the  
24 state park, state institution, and other state land road system  
25 as defined in [section 306.3](#), and bridges on such roads, roads  
26 located on state fairgrounds as ~~defined~~ described in chapter  
27 173, and the roads and bridges located on property of community  
28 colleges as defined in [section 260C.2](#), upon the request of the  
29 state board, department, or commission which has jurisdiction  
30 over such roads. This shall be done in such manner as may be  
31 agreed upon by the state transportation commission and the  
32 state board, department, or commission which has jurisdiction.  
33 The commission may contract with any county or municipality for  
34 the construction, reconstruction, improvement, or maintenance  
35 of such roads and bridges. Any state park road which is an

1 extension of either a primary or secondary highway which both  
2 enters and exits from a state park at separate points shall  
3 be constructed, reconstructed, improved, and maintained as  
4 provided in [section 306.4](#). Funds allocated from the road  
5 use tax fund for the purposes of [this subsection](#) shall be  
6 apportioned in the following manner and amounts:

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

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

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

22     4. ~~The Adopt rules pursuant to chapter 17A establishing the~~  
23 ~~criteria to be used by the commission for allocating funds as a~~  
24 ~~result of any long-range planning process shall be adopted in~~  
25 ~~accordance with the provisions of [chapter 17A](#).~~ The commission  
26 shall adopt such rules and regulations in accordance with the  
27 provisions of [chapter 17A](#) as it may deem necessary to transact  
28 its business and for the administration and exercise of its  
29 powers and duties.

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

32     **310.28 Engineering and other expense.**

33     1. Engineering, inspection and administration expense in  
34 connection with any farm-to-market road project may be paid  
35 from ~~said~~ the county's allotment of the farm-to-market road

1 fund. Any such expense incurred by the department may in the  
2 first instance be advanced out of the primary road fund, ~~said~~  
3 and such expense amounts later being shall later be reimbursed  
4 to ~~said funds~~ the primary road fund out of the farm-to-market  
5 road fund.

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

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

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

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

20 **313.12 Supervision and inspection.**

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

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

31 **313.64 Financial statement annually.**

32 1. If the department accepts the offer of any bridge over a  
33 boundary stream and enters into a written agreement in relation  
34 to the bridge as provided in sections 313.59 to through 313.63,  
35 this section, and section 313.65, the owner or operator of the

1 bridge shall thereafter and until all indebtedness or other  
2 obligations against the bridge have been paid and discharged  
3 annually file with the department a sworn statement of its  
4 financial condition. The statement shall show funds on  
5 hand and indebtedness at the beginning and end of the year,  
6 receipts, disbursements, indebtedness retired during the year  
7 and any other information required by the department to show  
8 the true and complete condition of the finances with respect to  
9 the bridge and bridge approaches.

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

16 Sec. 100. Section 313.65, unnumbered paragraph 1, Code  
17 2016, is amended to read as follows:

18 Before any bridge owned by any individual or private  
19 corporation shall be accepted by the department under the  
20 provisions of [sections 313.59 to through 313.64](#), the proposal  
21 and acceptance shall first be approved by the following  
22 tax levying and tax certifying bodies located in the tax  
23 district:

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

26 1A. "Air bag" or "~~airbag~~" means a motor vehicle inflatable  
27 occupant restraint system that operates in the event of a crash  
28 and is designed in accordance with federal motor vehicle safety  
29 standards for the specific make, model, and year of the motor  
30 vehicle in which it is or will be installed. "Air bag" includes  
31 all component parts to a motor vehicle inflatable occupant  
32 restraint system, including but not limited to the cover,  
33 sensors, controllers, inflators, wiring, and seat belt systems.

34 20A. "Driver's license" means any license or permit issued  
35 to a person to operate a motor vehicle on the highways of this

1 state, including but not limited to a temporary restricted or  
2 temporary license and an instruction, chauffeur's instruction,  
3 commercial learner's ~~permit~~, or temporary permit. For purposes  
4 of license suspension, revocation, bar, disqualification,  
5 cancellation, or denial under [this chapter](#) and chapters [321A](#),  
6 [321C](#), and [321J](#), "driver's license" includes any privilege to  
7 operate a motor vehicle.

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

10 1. The director may destroy any records of the department  
11 which have been maintained on file for three years and which  
12 the director deems obsolete and of no further service in  
13 carrying out the powers and duties of the department, except as  
14 otherwise provided in [this section](#).

15 Sec. 103. Section 321.69, subsection 10, paragraph a, Code  
16 2016, is amended to read as follows:

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

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

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

33 4. "*National motor vehicle title information system*" means  
34 the federally mandated motor vehicle title history database  
35 established pursuant to 49 U.S.C. §30502 and maintained by the

1 United States department of justice that links the states'  
2 motor vehicle title records, including the department's title  
3 records, and that requires the reporting of junk and salvage  
4 motor vehicles in order to ensure that states, law enforcement  
5 agencies, insurers, and consumers have access to information  
6 that enables the verification of a vehicle's history, and the  
7 accuracy and legality of a motor vehicle's title, before a  
8 purchase or title transfer occurs.

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

11 Sec. 107. Section 321M.1, subsections 2, 4, and 8, Code  
12 2016, are amended to read as follows:

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

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

22 8. "~~Nonoperator~~ Nonoperator's identification card" means  
23 the card issued pursuant to [section 321.190](#) that contains  
24 information pertaining to the personal characteristics of the  
25 applicant but does not convey to the person issued the card any  
26 operating privileges for any motor vehicle.

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

29 **321M.2 Relation to other laws.**

30 Notwithstanding provisions of [chapter 321](#) or [321L](#) that grant  
31 sole authority to the department for the issuance of driver's  
32 licenses, ~~nonoperator~~ nonoperator's identification cards, and  
33 persons with disabilities identification devices, certain  
34 counties shall be authorized to issue driver's licenses,  
35 ~~nonoperator~~ nonoperator's identification cards, and persons

1 with disabilities identification devices, according to the  
2 requirements of [this chapter](#).

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

5 **321M.3 Authorization to issue licenses.**

6 Adair, Adams, Allamakee, Appanoose, Audubon, Benton,  
7 Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun,  
8 Cass, Cedar, Cherokee, Chickasaw, Clarke, Clayton, Crawford,  
9 Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette,  
10 Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton,  
11 Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida,  
12 Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth,  
13 Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills,  
14 Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola,  
15 Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold,  
16 Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Warren,  
17 Washington, Wayne, Winnebago, Winneshiek, Worth, and Wright  
18 counties shall be authorized to issue driver's licenses,  
19 ~~nonoperator~~ nonoperator's identification cards, and persons  
20 with disabilities identification devices on a permanent basis,  
21 provided that such counties continue to meet the department's  
22 standards for issuance.

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

25 **321M.4 Termination of authorization — failure to meet**  
26 **standards.**

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

33 2. The department is not obligated to provide service  
34 in a county for issuance of driver's licenses, ~~nonoperator~~  
35 nonoperator's identification cards, or persons with



1 disabilities identification devices if the county fails to meet  
2 the department's standards for issuance.

3 Sec. 111. Section 327G.32, subsection 2, paragraph a, Code  
4 2016, is amended to read as follows:

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

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

11 1. Issue, renew, and replace lost or damaged ~~nonoperator~~  
12 nonoperator's identification cards and driver's licenses,  
13 including commercial driver's licenses, according to the  
14 provisions of [chapter 321M](#).

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

20 Sec. 113. Section 331.802, subsection 3, paragraph a, Code  
21 2016, is amended to read as follows:

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

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

26 a. A person who is detained, committed, or placed on an  
27 involuntary basis under [section 125.75](#) or [229.6](#) may be civilly  
28 committed and treated in another state pursuant to a contract  
29 under [this section subsection](#).

30 b. A person who is detained, committed, or placed on  
31 an involuntary basis under the civil commitment laws of a  
32 bordering state substantially similar to [section 125.75](#) or  
33 [229.6](#) may be civilly committed and treated in this state  
34 pursuant to a contract under [this section subsection](#).

35 e. A person who is detained, committed, or placed under the

1 laws of a sending state and who is transferred to a receiving  
2 state under this section subsection shall be considered to  
3 be in the legal custody of the authority responsible for the  
4 person under the laws of the sending state with respect to the  
5 involuntary civil commitment of the person due to a mental  
6 illness or a substance-related disorder.

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

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

11 1. *Definitions.* ~~"Person" as used herein means individuals,~~  
12 ~~corporations, firms and associations of whatever form.~~  
13 ~~"Handling or handled" as used herein means the receiving of~~  
14 ~~grain at or in each elevator, warehouse, mill, processing plant~~  
15 ~~or other facility in this state in which it is received for~~  
16 ~~storage, accumulation, sale, processing or for any purpose~~  
17 ~~whatsoever. As used in this section:~~

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

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

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

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

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

34 **434.22 Levy and collection of tax.**

35 At the first meeting of the board of supervisors held after

1 ~~said~~ the statement of the department of revenue under section  
2 434.17 is received by the county auditor, the board shall cause  
3 the same to be entered on its minute book, and make and enter in  
4 the minute book an order stating the length of the main track  
5 and the assessed value of each railway lying in each city,  
6 township, or lesser taxing district in its county, through or  
7 into which the railway extends, as fixed by the department  
8 of revenue, which shall constitute the taxable value of the  
9 property for taxing purposes; and the taxes on the property,  
10 when collected by the county treasurer, shall be disposed of as  
11 other taxes. The county auditor shall transmit a copy of the  
12 order to the council or trustees of the city or township.

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

15 **437.10 Entry of certificate.**

16 At the first meeting of the board of supervisors held  
17 after ~~said~~ the statements of the department of revenue under  
18 section 437.9 are received by the county auditor, the board  
19 shall cause such statement to be entered in its minute book  
20 and make and enter in the minute book an order stating the  
21 length of the lines and the assessed value of the property  
22 of each of the companies situated in each township or lesser  
23 taxing district in each county outside cities, as fixed by the  
24 department of revenue, which shall constitute the taxable value  
25 of the property for taxing purposes. The county auditor shall  
26 transmit a copy of the order to the trustees of each township  
27 and to the proper taxing boards in lesser taxing districts  
28 into which the line or lines of the company extend in the  
29 county. The taxes on the property when collected by the county  
30 treasurer shall be disposed of as other taxes on real estate.

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

33 **438.15 Assessed value in each taxing district — record.**

34 At the first meeting of the board of supervisors held after  
35 ~~said~~ the statement of the department of revenue under section

1 438.14 is received by the county auditor, the board shall  
2 cause the same to be entered on its minute book, and make and  
3 enter in the minute book an order describing and stating the  
4 assessed value of each pipeline lying in each city, township,  
5 or lesser taxing district in its county, through or into which  
6 the pipeline extends, as fixed by the department of revenue,  
7 which shall constitute the assessed value of the property for  
8 taxing purposes; and the taxes on the property, when collected  
9 by the county treasurer, shall be disposed of as other taxes.  
10 The county auditor shall transmit a copy of the order to the  
11 council of the city, or the trustees of the township, as the  
12 case may be.

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

15 **440.6 Fraudulent withholding — penalty.**

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

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

22 7. a. For the purpose of computing the debt limitations for  
23 municipalities, political subdivisions and school districts,  
24 the term "actual value" means the "actual value" as determined  
25 by subsections 1 to through 3 of this section without  
26 application of any percentage reduction and entered opposite  
27 each item, and as listed on the tax list as provided in section  
28 443.2 as "actual value".

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

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

35 **445.60 Refunding erroneous tax.**

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

10 Sec. 123. Section 453A.45, subsection 1, paragraph b, Code  
11 2016, is amended to read as follows:

12 b. When a licensed distributor sells tobacco products  
13 exclusively to the ultimate consumer at the address given  
14 in the license, an invoice of those sales is not required,  
15 but itemized invoices shall be made of all tobacco products  
16 transferred to other retail outlets owned or controlled by that  
17 licensed distributor. All books, records and other papers  
18 and documents required by this ~~subdivision~~ subsection to be  
19 kept shall be preserved for a period of at least three years  
20 after the date of the documents or the date of the entries  
21 appearing in the records, unless the director, in writing,  
22 authorized their destruction or disposal at an earlier date.  
23 At any time during usual business hours, the director, or the  
24 director's duly authorized agents or employees, may enter any  
25 place of business of a distributor, without a search warrant,  
26 and inspect the premises, the records required to be kept under  
27 this ~~subdivision~~ subsection, and the tobacco products contained  
28 therein, to determine if all the provisions of **this division**  
29 are being fully complied with. If the director, or any such  
30 agent or employee, is denied free access or is hindered or  
31 interfered with in making the examination, the license of the  
32 distributor at that premises is subject to revocation by the  
33 director.

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

1       **455B.216 Examinations.**

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

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

26       **456A.15 Removal.**

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

31       Sec. 126. Section 456A.38, subsection 1, paragraph a, Code  
32 2016, is amended to read as follows:

33       a. "Agricultural land", "~~authority~~", "beginning farmer", and  
34 "farming" mean the same as defined in [section 16.58](#).

35       Sec. 127. Section 456A.38, subsection 1, Code 2016, is

1 amended by adding the following new paragraph:

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

4 Sec. 128. Section 459A.103, subsection 8, Code 2016, is  
5 amended to read as follows:

6 8. The regulation of effluent under this chapter shall be  
7 construed as also regulating ~~effluent and~~ solids.

8 Sec. 129. Section 459A.206, subsection 2, paragraph c,  
9 subparagraph (2), Code 2016, is amended to read as follows:

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

17 Sec. 130. Section 459A.404, subsection 1, paragraph a, Code  
18 2016, is amended to read as follows:

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

29 Sec. 131. Section 459A.404, subsection 3, paragraph a, Code  
30 2016, is amended to read as follows:

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

1 subsections 2 and 4.

2 Sec. 132. Section 461A.36, Code 2016, is amended to read as  
3 follows:

4 **461A.36 Speed limit.**

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

18 Sec. 133. Section 468.149, Code 2016, is amended to read as  
19 follows:

20 **468.149 Obstructing or damaging.**

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

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

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

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



1 ~~and any such.~~

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

4 3. Said A governing body shall also have the power to repair  
5 any ditch, drain, or watercourse, or any levee or bank of any  
6 settling basin, damaged by any person or persons in violation  
7 of the a resolution of said the governing body, after three  
8 days' notice to such person or persons to make such repair, in.  
9 In the event that there is a failure to do so make the repair,  
10 and the expense thereof of the repair shall be assessed to such  
11 the person or persons and shall be certified and collected in  
12 the same manner as other taxes.

13 Sec. 134. Section 468.207, Code 2016, is amended to read as  
14 follows:

15 **468.207 Form of notice.**

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

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

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

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

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

29 e. All other persons whom the plan may concern.

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

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

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

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

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

10 3. Provisions of this subchapter, parts 1 through 5,  
11 for giving notice, waiver of notice, waiver of objection and  
12 damages and adjournment for service contained in sections  
13 468.15 through 468.20 shall apply.

14 Sec. 135. Section 468.209, Code 2016, is amended to read as  
15 follows:

16 **468.209 Entry of order — effect.**

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

24 ~~1-~~ a. Altering the boundaries of the district to conform to  
25 the changes effected by the plan adopted.

26 ~~2-~~ b. Canceling all existing awards for damages for  
27 property not appropriated for right-of-way or construction and  
28 rendered unnecessary by the plan so adopted.

29 ~~3-~~ c. Canceling all awards previously made for damages  
30 other than for right-of-way or construction but reinstating the  
31 claims for such damages which said claims may be amended by the  
32 claimants within ten days thereafter.

33 ~~4-~~ d. Canceling all unpaid assessments for benefits on  
34 lands excluded from the district by adoption of the plan. The  
35 assessments so canceled shall become part of the costs of the

1 improvement.

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

5 6. 2. Whenever a plan has been adopted as contemplated  
6 by this section, modification and changes can be made therein  
7 without further notice or hearing, provided the same do not  
8 increase or decrease the estimated cost of the plan to the  
9 district by more than twenty-five percent.

10 Sec. 136. Section 468.375, Code 2016, is amended to read as  
11 follows:

12 **468.375 ~~Scope of Act~~ Refunding bonds.**

13 Refunding bonds for the purposes set out in this part may  
14 be issued to pay off and take up bonds issued in payment for  
15 drainage improvements under prior laws or to refund any part  
16 thereof. Bonds thus issued shall substantially conform to the  
17 provisions of the law relating to drainage bonds and the face  
18 amount thereof shall be limited to the amount of the unpaid  
19 assessments, with interest thereon, applicable to the payment  
20 of the bonds so taken up.

21 Sec. 137. Section 468.540, Code 2016, is amended to read as  
22 follows:

23 **468.540 Refunding bonds.**

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

35 Sec. 138. Section 481A.91, Code 2016, is amended to read as

1 follows:

2 **481A.91 Shooting or spearing.**

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

9 Sec. 139. Section 484B.5, Code 2016, is amended to read as  
10 follows:

11 **484B.5 Boundaries signed — fenced.**

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

20 Sec. 140. Section 490.1320, subsections 1 and 3, Code 2016,  
21 are amended to read as follows:

22 1. Where any proposed corporate action specified in section  
23 490.1302, subsection 1, is to be submitted to a vote at a  
24 shareholders' meeting, the meeting notice must state that the  
25 corporation has concluded that the shareholders are, are not,  
26 or may be entitled to assert appraisal rights under this ~~part~~  
27 division. If the corporation concludes that appraisal rights  
28 are or may be available, a copy of this ~~part~~ division must  
29 accompany the meeting notice sent to those record shareholders  
30 entitled to exercise appraisal rights.

31 3. Where any corporate action specified in section  
32 490.1302, subsection 1, is to be approved by written consent  
33 of the shareholders pursuant to [section 490.704](#), all of the  
34 following apply:

35 a. Written notice that appraisal rights are, are not, or may

1 be available must be sent to each record shareholder from whom  
2 a consent is solicited at the time consent of such shareholder  
3 is first solicited and, if the corporation has concluded that  
4 appraisal rights are or may be available, must be accompanied  
5 by a copy of [this chapter division](#).

6     **b.** Written notice that appraisal rights are, are not, or  
7 may be available must be delivered together with the notice to  
8 nonconsenting and nonvoting shareholders required by section  
9 490.704, subsections 5 and 6, may include the materials  
10 described in [section 490.1322](#) and, if the corporation has  
11 concluded that appraisal rights are or may be available, must  
12 be accompanied by a copy of [this chapter division](#).

13     Sec. 141. Section 499B.2, unnumbered paragraph 1, Code  
14 2016, is amended to read as follows:

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

17     Sec. 142. Section 504.834, subsection 2, paragraph c, Code  
18 2016, is amended to read as follows:

19     **c.** Advances pursuant to [part 5 of this subchapter](#).

20     Sec. 143. Section 505.32, subsection 2, paragraph g, Code  
21 2016, is amended by striking the paragraph.

22     Sec. 144. Section 505.32, subsection 3, paragraph a, Code  
23 2016, is amended to read as follows:

24     **a.** ~~The commissioner, in collaboration with the legislative~~  
25 ~~health care coverage commission,~~ shall develop a plan of  
26 operation for the exchange within one hundred eighty days  
27 ~~from the effective date of~~ [this section](#) July 1, 2010. The  
28 plan shall create an information clearinghouse that provides  
29 resources where Iowans can obtain information about health care  
30 coverage that is available in the state.

31     Sec. 145. Section 505.32, subsection 4, paragraph a, Code  
32 2016, is amended by striking the paragraph.

33     Sec. 146. Section 507B.4, subsection 3, paragraph b,  
34 subparagraph (3), Code 2016, is amended to read as follows:

35     (3) *Statement of capital and surplus.*

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

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

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

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

20    Sec. 147. Section 507B.4C, subsection 5, paragraph b, Code  
21 2016, is amended to read as follows:

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

27    Sec. 148. Section 511.31, Code 2016, is amended to read as  
28 follows:

29    **511.31 Physician's certificate — estoppel.**

30    In any case where the medical examiner, or physician acting  
31 as such, of any life insurance company or association doing  
32 business in the state shall issue a certificate of health or  
33 declare the applicant a fit subject for insurance, or so report  
34 to the company or association or its agent under the rules and  
35 regulations of ~~such~~ the company or association, ~~it~~ the company

1 or association shall be ~~thereby~~ estopped from setting up in  
2 defense of the action on ~~such~~ the policy or certificate that  
3 the assured was not in the condition of health required by the  
4 policy at the time of the issuance or delivery ~~thereof~~ of the  
5 policy or certificate, unless the ~~same~~ policy or certificate  
6 was procured by or through the fraud or deceit of the assured.

7 Sec. 149. Section 515.48, subsection 1, paragraph a, Code  
8 2016, is amended to read as follows:

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

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

31 (2) Explosion of any kind originating outside of the insured  
32 building or outside of the building containing the property  
33 insured; and

34 (3) Explosion of pressure vessels which do not contain steam  
35 or which are not operated with steam coils or steam jackets;

1 and ~~also against loss~~

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

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

11     (0004) Loss or damage to property of the insured caused  
12 by the breakage or leakage thereof; or by water, hail, rain,  
13 sleet, or snow seeping or entering through water pipes, leaks,  
14 or openings in buildings; and ~~against loss~~

15     (00004) Loss of and damage to glass, including lettering and  
16 ornamentation thereon, and against loss or damage caused by the  
17 breakage of glass; and ~~against loss~~

18     (000004) Loss or damage caused by railroad equipment, motor  
19 vehicles, airplanes, seaplanes, dirigibles, or other aircraft.

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

23     Sec. 150. Section 517.3, subsection 1, paragraph a, Code  
24 2016, is amended to read as follows:

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

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

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

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

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



1 preceding.

2 ~~(4)~~ (5) Five percent to the policies written in the fourth  
3 year preceding.

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

6 **519A.1 Intent.**

7 1. The general assembly finds that a critical situation  
8 exists because of the high cost and impending unavailability  
9 of medical malpractice insurance. The purposes of sections  
10 519A.2 ~~to~~ through 519A.13 are to assure that the public is  
11 adequately protected against losses arising out of medical  
12 malpractice by providing licensed health care providers with  
13 medical malpractice insurance through the requirement that  
14 certain liability insurance carriers write medical malpractice  
15 insurance for a period of two years upon a finding of an  
16 emergency by the commissioner of insurance that either such  
17 insurance is not available through normal channels or that  
18 it is not available on a reasonable basis because of lack of  
19 competition for such insurance, or otherwise; to establish an  
20 association to equitably spread the risks for such insurance;  
21 and to provide for recoupment of losses resulting from the  
22 operation of the association through a stabilization reserve  
23 fund contributed to by insureds, a surcharge on future  
24 liability insurance policies, or a favorable premium tax  
25 treatment.

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

34 Sec. 152. Section 519A.2, subsection 1, Code 2016, is  
35 amended to read as follows:

1 1. "Association" means the joint underwriting association  
2 established pursuant to [this section](#) and sections 519A.3 ~~to~~  
3 through 519A.13.

4 Sec. 153. Section 519A.3, subsection 4, unnumbered  
5 paragraph 1, Code 2016, is amended to read as follows:

6 The association shall, subject to the terms and conditions  
7 of ~~sections~~ section 519A.2 ~~to~~, this section, and sections  
8 519A.4 through 519A.13, have and exercise the following powers  
9 on behalf of its members:

10 Sec. 154. Section 519A.4, subsection 1, Code 2016, is  
11 amended to read as follows:

12 1. a. The association shall submit a plan of operation  
13 to the commissioner, together with any amendments necessary  
14 or suitable to assure the fair, reasonable, and equitable  
15 administration of the association consistent with sections  
16 519A.2 ~~to~~, 519A.3, this section, and sections 519A.5 through  
17 519A.13. The plan of operation and any amendments thereto  
18 shall become effective only after promulgation of the plan or  
19 amendment by the commissioner as a rule pursuant to section  
20 17A.4: Provided that the initial plan may in the discretion of  
21 the commissioner become effective immediately upon filing with  
22 the secretary of state pursuant to [section 17A.5, subsection 2,](#)  
23 [paragraph "b",](#) subparagraph (1), subparagraph division (a).

24 b. If the association fails to submit a suitable plan of  
25 operation within twenty-five days following the effective date  
26 of [this chapter](#) or if at any time thereafter the association  
27 fails to submit suitable amendments to the plan, the  
28 commissioner shall adopt rules necessary to effectuate sections  
29 519A.2 ~~to~~, 519A.3, this section, and sections 519A.5 through  
30 519A.13. Such rules shall continue in force until modified  
31 by the commissioner or superseded by a plan submitted by the  
32 association and approved by the commissioner.

33 Sec. 155. Section 519A.5, subsections 1 and 2, Code 2016,  
34 are amended to read as follows:

35 1. The rates, rating plans, rating classifications, and

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

7 2. All policies issued by the association shall provide for  
8 a continuous period of coverage beginning with their respective  
9 effective dates. All policies shall terminate at 12:01 a.m.  
10 two years from the date of finding of an emergency by the  
11 commissioner, or earlier in accordance with sections 519A.2  
12 through 519A.4, this section, and sections 519A.6 through  
13 519A.13; or because of failure of the policyholder to pay any  
14 premium or stabilization reserve fund charge or portion of  
15 either when due. All policies shall be issued subject to the  
16 group retrospective rating plan and the stabilization reserve  
17 fund authorized by **this chapter**. No policy form shall be used  
18 by the association unless it has been filed with and approved  
19 by the commissioner.

20 Sec. 156. Section 519A.10, subsection 2, Code 2016, is  
21 amended to read as follows:

22 2. All orders of the commissioner made pursuant to sections  
23 519A.2 ~~to~~ through 519A.9, this section, and sections 519A.11  
24 through 519A.13 shall be subject to judicial review as provided  
25 in the Iowa administrative procedure Act, **chapter 17A**.

26 Sec. 157. Section 519A.13, Code 2016, is amended to read as  
27 follows:

28 **519A.13 Privileged communications.**

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

1     Sec. 158. Section 521A.5, subsection 4, paragraph d, Code  
2 2016, is amended to read as follows:

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

16     Sec. 159. Section 523A.207, subsection 1, Code 2016, is  
17 amended to read as follows:

18     1. A purchase agreement shall not be sold or transferred,  
19 as part of the sale of a business or the assets of a business,  
20 until an audit has been performed by a certified public  
21 accountant and filed with the commissioner that expresses the  
22 auditor's opinion of the adequacy of funding related to the  
23 purchase agreements to be sold or transferred. If the buyer  
24 of a purchase agreement sold or transferred as part of the  
25 sale of a business or the assets of a business, fails to file  
26 such an audit, the commissioner shall suspend the preneed  
27 seller's license of the buyer and the preneed sales license of  
28 any sales agent in the employ of the buyer until the audit is  
29 filed. In addition, the commissioner shall assess a penalty  
30 against the buyer in an amount up to one hundred dollars for  
31 each day that the audit remains unfiled. The commissioner  
32 shall allow a thirty-day grace period after the date that a  
33 purchase agreement is sold or transferred before suspension of  
34 a license or assessment of a penalty for failure to file an  
35 audit pursuant to [this section subsection](#).

1     Sec. 160. Section 523A.807, subsection 3, unnumbered  
2 paragraph 1, Code 2016, is amended to read as follows:

3     If the commissioner finds that a person has violated section  
4 523A.201, 523A.202, 523A.203, 523A.207, 523A.401, 523A.402,  
5 523A.403, 523A.404, 523A.405, 523A.501, or 523A.502, or any  
6 rule adopted pursuant thereto, the commissioner may order any  
7 or all of the following:

8     Sec. 161. Section 554.11109, Code 2016, is amended to read  
9 as follows:

10     **554.11109 Effect of official comments.**

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

18     Sec. 162. Section 558.44, Code 2016, is amended to read as  
19 follows:

20     **558.44 Mandatory recordation of conveyances and leases of**  
21 **agricultural land.**

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

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

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

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

5 d. "Nonresident alien" means:

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

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

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

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

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

19 ~~1.~~ 2. Every conveyance or lease of agricultural land,  
20 except leases not to exceed five years in duration with  
21 renewals, conveyances or leases made by operation of law, and  
22 distributions made from estates to heirs or devisees shall be  
23 recorded by the grantee or lessee with the county recorder not  
24 later than one hundred eighty days after the date of conveyance  
25 or lease.

26 ~~2.~~ 3. For an instrument of conveyance of agricultural land  
27 deposited with an escrow agent, the fact of deposit of that  
28 instrument of conveyance with the escrow agent as well as the  
29 name and address of the grantor and grantee shall be recorded,  
30 by a document executed by the escrow agent, with the county  
31 recorder not later than one hundred eighty days from the date  
32 of the deposit with the escrow agent. For an instrument of  
33 conveyance of agricultural land delivered by an escrow agent,  
34 that instrument shall be recorded with the county recorder not  
35 later than one hundred eighty days from the date of delivery of

1 the instrument of conveyance by the escrow agent.

2 ~~3.~~ 4. At the time of recordation of the conveyance or  
3 lease of agricultural land, except a lease not exceeding five  
4 years in duration with renewals, conveyances or leases made  
5 by operation of law and distributions made from estates of  
6 decedents to heirs or devisees, to a nonresident alien as  
7 grantee or lessee, such conveyance or lease shall disclose,  
8 in an affidavit to be recorded therewith as a precondition  
9 to recordation, the name, address, and citizenship of the  
10 nonresident alien. In addition, if the nonresident alien is  
11 a partnership, limited partnership, corporation, or trust,  
12 the affidavit shall also disclose the names, addresses, and  
13 citizenship of the nonresident alien individuals who are the  
14 beneficial owners of such entities. However, any partnership,  
15 limited partnership, corporation, or trust which has a class of  
16 equity securities registered with the United States securities  
17 and exchange commission under section 12 of the Securities  
18 Exchange Act of 1934 as amended to January 1, 1978, need only  
19 state that fact on the affidavit.

20 ~~4.~~ 5. Failure to record a conveyance or lease of  
21 agricultural land required to be recorded by [this section](#)  
22 by the grantee or lessee within the specified time limit is  
23 punishable by a fine not to exceed one hundred dollars per  
24 day for each day of violation. The county recorder shall  
25 record a conveyance or lease of agricultural land presented  
26 for recording even though not presented within one hundred  
27 eighty days after the date of conveyance or lease. The county  
28 recorder shall forward to the county attorney a copy of each  
29 such conveyance or lease of agricultural land recorded more  
30 than one hundred eighty days from the date of conveyance. The  
31 county attorney shall initiate action in the district court  
32 to enforce the provisions of [this section](#). Failure to timely  
33 record shall not invalidate an otherwise valid conveyance or  
34 lease.

35 ~~5.~~ 6. If a real estate contract or lease is required to

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

16 ~~6.~~ 7. The provisions of [this section](#), except as otherwise  
17 provided, are effective July 1, 1979, for all conveyances and  
18 leases of agricultural land made on or after July 1, 1979.

19 Sec. 163. Section 598.7, subsection 1, Code 2016, is amended  
20 to read as follows:

21 1. The district court may, on its own motion or on the  
22 motion of any party, order the parties to participate in  
23 mediation in any dissolution of marriage action or other  
24 domestic relations action. Mediation performed under this  
25 section shall comply with the provisions of [chapter 679C](#).  
26 The provisions of [this section](#) shall not apply if the action  
27 involves a child support or medical support obligation enforced  
28 by the child support recovery unit. The provisions of this  
29 section shall not apply to actions which involve elder abuse ~~as~~  
30 ~~defined in [section 235F.1](#)~~ pursuant to [chapter 235F](#) or domestic  
31 abuse pursuant to [chapter 236](#). The provisions of [this section](#)  
32 shall not affect a judicial district's or court's authority  
33 to order settlement conferences pursuant to rules of civil  
34 procedure. The court shall, on application of a party, grant a  
35 waiver from any court-ordered mediation under [this section](#) if



1 the party demonstrates that a history of domestic abuse exists  
2 as specified in [section 598.41, subsection 3](#), paragraph "j".

3 Sec. 164. Section 602.8108, subsection 2, Code 2016, is  
4 amended to read as follows:

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

17 Sec. 165. Section 622.28, Code 2016, is amended to read as  
18 follows:

19 **622.28 Writing or record — when admissible — absence of**  
20 **record — effect.**

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

33 2. Evidence of the absence of a memorandum or record from  
34 the memoranda or records of a business of an asserted act,  
35 event or condition, shall be admissible as evidence to prove

1 the nonoccurrence of the act or event, or the nonexistence of  
2 the condition, if the judge finds that it was in the regular  
3 course of that business to make such memoranda of all such  
4 acts, events or conditions at the time thereof or within a  
5 reasonable time thereafter, and to preserve them.

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

9 Sec. 166. Section 622.71, Code 2016, is amended to read as  
10 follows:

11 **622.71 Peace officer.**

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

20 Sec. 167. Section 626.51, Code 2016, is amended to read as  
21 follows:

22 **626.51 Failure to give notice — effect.**

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

25 Sec. 168. Section 626.52, Code 2016, is amended to read as  
26 follows:

27 **626.52 Right to release levy.**

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

31 Sec. 169. Section 626.53, Code 2016, is amended to read as  
32 follows:

33 **626.53 Exemption from liability.**

34 The officer shall be protected from all liability by reason  
35 of such levy until the officer receives ~~such~~ written notice of

1 ownership or exemption.

2 Sec. 170. Section 626.54, Code 2016, is amended to read as  
3 follows:

4 **626.54 Indemnifying bond — sale and return.**

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

20 Sec. 171. Section 633.230, subsection 1, Code 2016, is  
21 amended by striking the subsection and inserting in lieu  
22 thereof the following:

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

34 In the District Court of Iowa  
35 in and for ..... County.

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

3 NOTICE OF APPOINTMENT OF  
4 ADMINISTRATOR AND  
5 NOTICE TO CREDITORS

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

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

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

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

21 .....  
22 Administrator of the estate  
23 .....  
24 Address

25 .....  
26 Attorney for the administrator

27 .....  
28 Address  
29 Date of second publication  
30 ... day of ... (month), ... (year)

31 (Date to be inserted by publisher)

32 Sec. 172. Section 633.231, subsection 2, Code 2016, is  
33 amended by striking the subsection and inserting in lieu  
34 thereof the following:

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

1                   In the District Court of Iowa  
2                   in and for ..... County.  
3       In the Estate of                   Probate No. ....  
4       ....., Deceased

5                   NOTICE OF OPENING ADMINISTRATION  
6                   OF ESTATE, OF APPOINTMENT OF  
7                   ADMINISTRATOR, AND NOTICE  
8                   TO CREDITOR

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

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

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

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

30       Notice is hereby given that if the department of human  
31 services has a claim against the estate for the deceased person  
32 or persons named in this notice, the claim shall be filed with  
33 the clerk of the above-named district court, as provided by  
34 law, duly authenticated, for allowance, within six months from  
35 the date of sending this notice and, unless otherwise allowed

1 or paid, the claim is thereafter forever barred. If the  
2 department does not have a claim, the department shall return  
3 the notice to the administrator with notification stating the  
4 department does not have a claim within six months from the  
5 date of sending this notice.

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

7 .....

8 Administrator of the estate

9 .....

10 Address

11 .....

12 Attorney for the administrator

13 .....

14 Address

15 Sec. 173. Section 633.295, Code 2016, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 **633.295 Testimony of witnesses.**

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

23 In the District Court of Iowa

24 in and for ..... County.

25 In the Matter of Probate No. ....

26 the Estate of TESTIMONY OF SUBSCRIBING

27 ....., Deceased WITNESS ON

28 State of ..... ) PROBATE OF WILL

29 ..... County ) ss

30 I, ....., being first duly sworn, state:

31 I reside in the County of ....., State of .....

32 knew the identity of the testator on the .... day of .....

33 (month), ... (year), the date of the instrument, the original

34 or exact reproduction of which is attached hereto, now shown

35 to me, and purporting to be the last will and testament of

1 the said .....; I am one of the subscribing witnesses  
2 to said instrument; at the said date of said instrument, I  
3 knew the identity of ....., the other subscribing witness;  
4 that said instrument was exhibited to me and to the other  
5 subscribing witness by the testator, who declared the same to  
6 be the testator's last will and testament, and was signed by  
7 the testator at ....., in the County of ....., State of  
8 ....., on the date shown in said instrument, in the presence  
9 of myself and the other subscribing witness; and the other  
10 subscribing witness and I then and there, at the request of the  
11 testator, in the presence of said testator and in the presence  
12 of each other, subscribed our names thereto as witnesses.

13 .....

14 Name of Witness

15 .....

16 Address

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

19 .....

20 Signature of notarial officer

21 (Stamp)

22 [.....]

23 Title of office

24 [My commission expires:

25 .....]

26 Sec. 174. Section 633.304, subsection 3, Code 2016, is  
27 amended by striking the subsection and inserting in lieu  
28 thereof the following:

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

30 In the District Court of Iowa

31 in and for ..... County.

32 Probate No. ....

33 In the Estate of NOTICE OF PROBATE OF WILL,  
34 ....., Deceased OF APPOINTMENT OF EXECUTOR,  
35 AND NOTICE TO CREDITORS

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

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

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

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

24 .....

25 Executor of estate

26 .....

27 Address

28 .....

29 Attorney for executor

30 .....

31 Address

32 Date of second publication

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

34 (Date to be inserted by publisher)

35 Sec. 175. Section 633.304A, subsection 2, Code 2016, is



1 amended by striking the subsection and inserting in lieu  
2 thereof the following:

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

4 In the District Court of Iowa  
5 in and for ..... County.

6 Probate No. ....

7 In the Estate of NOTICE OF PROBATE OF WILL,  
8 ....., Deceased OF APPOINTMENT OF EXECUTOR,  
9 AND NOTICE TO CREDITORS

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

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

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

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

32 Notice is hereby given that if the department of human  
33 services has a claim against the estate for the deceased person  
34 or persons named in this notice, the claim shall be filed  
35 with the clerk of the above-named district court, as provided

1 by law, duly authenticated, for allowance within six months  
2 from the date of sending this notice and, unless otherwise  
3 allowed or paid, the claim is thereafter forever barred. If  
4 the department does not have a claim, the department shall  
5 return the notice to the executor with notification that the  
6 department does not have a claim within six months from the  
7 date of sending this notice.

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

9 .....

10 Executor of estate

11 .....

12 Address

13 .....

14 Attorney for executor

15 .....

16 Address

17 Sec. 176. Section 633.305, subsection 3, Code 2016, is  
18 amended by striking the subsection and inserting in lieu  
19 thereof the following:

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

21 In the District Court of Iowa

22 in and for ..... County.

23 Probate No. ....

24 In the Estate of NOTICE OF PROOF OF WILL

25 ....., Deceased WITHOUT ADMINISTRATION

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

28 You are hereby notified that on the ... day of .... (month),  
29 ... (year), the last will and testament of ....., deceased,  
30 bearing date of the .... day of ..... (month), ... (year),  
31 was admitted to probate in the above-named court and there will  
32 be no present administration of the estate. Any action to set  
33 aside the will must be brought in the district court of the  
34 county within the later to occur of four months from the date  
35 of the second publication of this notice or one month from the

1 date of mailing of this notice to all heirs of the decedent  
2 and devisees under the will whose identities are reasonably  
3 ascertainable, or thereafter be forever barred.

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

5 .....

6 Proponent

7 .....

8 Attorney for estate

9 .....

10 Address

11 Date of second publication

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

13 (Date to be inserted by publisher)

14 Sec. 177. Section 636.26, Code 2016, is amended to read as  
15 follows:

16 **636.26 Security subject to court order.**

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

30 2. All releases or discharges of record of mortgages or  
31 other liens prior to July 4, 1951, by any fiduciary without an  
32 order of court where such order was required by [section 682.26](#),  
33 Code 1950, are hereby declared to be valid and effective from  
34 the filing or recording thereof without such order of court  
35 being had and obtained, unless within six months after said

1 date a statement is filed under oath by the claimant or on the  
2 claimant's behalf if under disability with the county recorder  
3 where such release or discharge was filed or recorded setting  
4 forth the claim upon which the invalidity of such release or  
5 discharge is based. Nothing herein contained in this section  
6 shall affect pending litigation.

7 Sec. 178. Section 654.23, Code 2016, is amended to read as  
8 follows:

9 **654.23 No redemption rights after sale.**

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

21 Sec. 179. Section 656.9, Code 2016, is amended to read as  
22 follows:

23 **656.9 Defect in forfeiture proceedings — limitation of**  
24 **actions.**

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

33 Sec. 180. Section 725.15, Code 2016, is amended to read as  
34 follows:

35 **725.15 Exceptions for legal gambling.**

1 Sections 725.5 ~~to~~ through 725.10 and 725.12 do not apply to  
2 a game, activity, ticket, or device when lawfully possessed,  
3 used, conducted, or participated in pursuant to chapter 99B,  
4 99F, or 99G.

5 Sec. 181. Section 805.8A, subsection 5, paragraph b, Code  
6 2016, is amended by striking the paragraph.

7 Sec. 182. Section 820.22, Code 2016, is amended to read as  
8 follows:

9 **820.22 Receiving person extradited.**

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

22 Sec. 183. Section 901C.1, subsection 1, Code 2016, is  
23 amended by striking the subsection.

24 Sec. 184. Section 901C.1, subsections 4, 5, 6, and 7, Code  
25 2016, are amended to read as follows:

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

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

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

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

1     Sec. 185. NEW SECTION. **901C.1A Definition.**

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

5     Sec. 186. Section 916.2, subsection 4, Code 2016, is amended  
6 to read as follows:

7     4. A privilege under **this section** does not apply in matters  
8 of proof concerning the chain of custody of evidence, in  
9 matters of proof concerning the physical appearance of the  
10 victim at the time of the injury or the advocate's first  
11 contact with the victim after the injury, or if the ~~counselor~~  
12 advocate has reason to believe that the victim has given  
13 perjured testimony and the defendant or the state has made an  
14 offer of proof that perjury may have been committed.

15     Sec. 187. REPEAL. Sections 328.55, 445.6, and 558.43, Code  
16 2016, are repealed.

17     Sec. 188. REPEAL. 2015 Iowa Acts, chapter 30, sections 220  
18 and 222, are repealed.

19     Sec. 189. CODE EDITOR DIRECTIVE.

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

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

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

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

27     Sec. 190. EFFECTIVE DATES.

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

35     2. The section of this Act amending section 445.60, Code

1 2016, takes effect July 1, 2018.

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

5 DIVISION II

6 CORRESPONDING CHANGES

7 Sec. 191. Section 234.38, Code 2016, is amended to read as  
8 follows:

9 **234.38 Foster care reimbursement rates.**

10 The department of human services shall make reimbursement  
11 payments directly to foster parents for services provided to  
12 children pursuant to [section 234.6, subsection 6 1](#), paragraph  
13 ~~"b"~~ "e", [subparagraph \(2\)](#), or [section 234.35](#). In any fiscal  
14 year, the reimbursement rate shall be based upon sixty-five  
15 percent of the United States department of agriculture  
16 estimate of the cost to raise a child in the calendar year  
17 immediately preceding the fiscal year. The department may pay  
18 an additional stipend for a child with special needs.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill contains statutory corrections that adjust  
23 language to reflect current practices, insert earlier  
24 omissions, delete redundancies and inaccuracies, delete  
25 temporary language, resolve inconsistencies and conflicts,  
26 update ongoing provisions, or remove ambiguities. The Code  
27 sections amended include the following:

28 Section 8D.14: Strikes obsolete language relating to  
29 repayment of start-up funding from the Iowa communications  
30 network fund to the general fund of the state, the submission  
31 of a report relating to any continued need for funding, and a  
32 plan for repayment of the final installment of the start-up  
33 funding. The report was submitted in 2009, the plan for  
34 repayment was submitted, and the final installment payment was  
35 made in 2012.

1 Sections 12.77, 12.86, and 12.90: Replaces the word "its"  
2 with a reference back to a prior string citation to correct  
3 the grammar and clarify the meaning of these statements of  
4 necessity and construction provisions relating to bond issuance  
5 for the vision Iowa, school infrastructure, and Iowa jobs  
6 programs and for infrastructure projects, within the treasurer  
7 of state's Code chapter.

8 Section 13.7: Clarifies, by including the full name of the  
9 executive council, that it is the executive council's reasons  
10 and actions that are to be entered upon the council's records  
11 in proceedings relating to employment and compensation of  
12 special legal counsel in pending legal actions or proceedings  
13 to protect the interests of the state.

14 Section 13C.2: Conforms terminology used to refer to  
15 governmental entities in this provision requiring registration  
16 and disclosure by professional commercial fund-raisers to  
17 language within the definition of the terms "solicit" or  
18 "solicitation" in Code section 13C.1.

19 Section 15.338: Corrects an internal reference to the  
20 provision regarding agreements between cities and the economic  
21 development authority in this provision relating to development  
22 of a plan by the authority for use of funds provided to a city  
23 for nuisance property remediation.

24 Section 15.353: Adds an alpha reference to a paragraph  
25 reference to clarify the meaning of the reference in this  
26 provision establishing one of the project requirements for  
27 receipt of tax incentives under the workforce housing tax  
28 incentives program.

29 Section 15H.5: Clarifies that certain specified program  
30 requirements apply only to the management of the Iowa summer  
31 youth corps program and not to the other two programs that are  
32 funded in this Code section.

33 Section 16.2D: Clarifies that both the positions of  
34 chairperson and vice chairperson of the council on homelessness  
35 rotate between the general public or agency director members



1 because both positions cannot be held at the same time by  
2 general public members or by agency director members.

3 Section 17A.17: Deletes extra commas and moves language to  
4 improve the readability of this provision relating to persons  
5 or parties with whom a presiding officer may communicate in  
6 a contested case proceeding under the Iowa administrative  
7 procedure Act.

8 Section 21.5: Substitutes the word "or" for a comma to  
9 complete a phrase in language providing for the holding of a  
10 closed session of a governmental body to avoid disclosure of  
11 specific law enforcement matters.

12 Section 28F.12: Adds the words "the entity is" to supply the  
13 subject of a sentence regarding the applicability of the Code  
14 chapter governing flood mitigation by governmental entities and  
15 to conform to similar language used elsewhere in subsection 2  
16 of this Code section.

17 Section 48A.26: Conforms language referring to a series  
18 of questions contained in Code section 48A.11, subsection 3,  
19 to the current format of those questions. When the series  
20 of questions was originally enacted in Code section 48A.11,  
21 by 2004 Iowa Acts, ch. 1083, §10, the first question was a  
22 paragraph "a" of new subsection 2A.

23 Section 91E.2: Removes a requirement that the Iowa  
24 department of workforce development's list of Spanish-speaking  
25 interpreters be drawn from the commission of Latino affairs'  
26 statewide list of qualified interpreters. The requirement that  
27 the commission of Latino affairs maintain a list of qualified  
28 interpreters was eliminated when Code section 216A.15 was  
29 rewritten by 2010 Acts, ch. 1031, §111.

30 Section 96.7: Adds language relating to rules adoption by  
31 the Iowa department of workforce development in this provision  
32 relating to employer unemployment compensation contributions  
33 and reimbursements to be paid by nonprofit organizations to  
34 conform to similar rules adoption language throughout the Code.

35 Section 96.13: Strikes redundant language in a citation as

1 well as obsolete language relating to replenishment of lost or  
2 improperly expended social security funds received prior to  
3 July 1, 1941.

4 Section 96.19: Strikes language relating to wages for  
5 insured work performed prior to January 1, 1941, in the  
6 definition of the term "wages" that applies to this Code  
7 chapter governing unemployment compensation.

8 Section 96.20: Adds the words "in the" between the words  
9 "duplication" and "use" to complete a phrase in language  
10 relating to coordination of efforts of multiple states to  
11 determine the amount of unemployment compensation payable to  
12 the wages and employment of a single individual.

13 Sections 97B.49C and 97B.49G: Replaces the phrase "defined  
14 in section 39.17" with the phrase "described in section  
15 331.651" because Code section 39.17 provides for the election  
16 of county sheriffs, but does not define or describe the office,  
17 whereas Code section 331.651 does describe the office of county  
18 sheriff.

19 Sections 99.28, 99.29, 99.30, and 99.31: Updates language  
20 relating to imposition and collection of mulct taxes by  
21 inserting the word "mulct" or replacing the word "said"  
22 with the word "mulct" in references to the tax and replacing  
23 nonspecific references to tax books, Code chapter 99, and  
24 nuisances with more specific language.

25 Sections 99B.3 and 99B.55: Replaces the word "suspended"  
26 in language relating to administrative actions with the word  
27 "stayed" to distinguish actions of the department from the  
28 denial, suspension, or revocation of a gambling license;  
29 narrows an internal reference to specify the location of  
30 hearing authorization language; and conforms the style of rule  
31 making language to language elsewhere in the Code.

32 Section 99F.15: Replaces the words "to aid" with "who aids"  
33 to relate the second half of language prohibiting a person from  
34 engaging in certain unlawful betting activities to the initial  
35 subject of the prohibition.

1 Section 123.9: Adds the granting of wine permits to general  
2 provisions outlining the power of the administrator of the  
3 division of alcoholic beverages to issue various permits to  
4 conform the provision to language in Code section 123.174  
5 which specifically authorizes the administrator to issue wine  
6 permits.

7 Sections 123.48, 321M.1, 321M.2, 321M.3, 321M.4, and  
8 331.557A: Changes the term "nonoperator identification card"  
9 to "nonoperator's identification card" in provisions relating  
10 to the seizure of altered or falsified driver's licenses or  
11 nonoperator's identification cards by certain persons, county  
12 issuance of driver's licenses, and county treasurer's duties  
13 relating to county issuance of driver's licenses. In Code  
14 section 123.48, language regarding the taking of identification  
15 cards is also conformed to indicate that both driver's licenses  
16 and nonoperator's identification cards may be seized.

17 Sections 123.124, 123.127, 123.128, 123.129, 123.130,  
18 123.131, 123.132, 123.134, 123.135, 123.136, 123.137, 123.138,  
19 123.139, 123.140, 123.141, 123.142, 123.143, and 123.144: Adds  
20 the word "beer" before the word "permit" and "permittee" in  
21 the subchapter relating to the manufacture or sale of beer  
22 to clarify what permit is being referenced in each of the  
23 Code sections and to conform the treatment of references to  
24 beer permits to the treatment of references to other types  
25 of permits issued under the alcoholic beverage control Code  
26 chapter.

27 Section 135.175 and 2015 Iowa Acts, ch. 30, §220 and 222:  
28 Replaces a strike of language in 2015 Iowa Acts, ch. 30, that  
29 is to take effect July 1, 2016, with a new amendment to Code  
30 section 135.175 that strikes all of the same references to  
31 various programs, except for references to the fulfilling  
32 Iowa's need for dentists matching grant program, to correct an  
33 error in 2015 Iowa Acts, ch. 30. The references to programs  
34 which are stricken from Code section 135.175 all sunset on  
35 July 1, 2016, but the Iowa's need for dentists matching grant

1 program continues as a viable program in Code chapter 135 after  
2 that date.

3 Section 135.176: Adds the word "position" after the word  
4 "residency" to conform to other language in this Code section  
5 relating to the provision of funding for residency positions  
6 within medical residency or fellowship programs.

7 Section 135.185: Replaces the term "sports area" with the  
8 term "sports arena" in the definition of the term "facility" in  
9 this provision relating to the maintaining of prescriptions for  
10 and supplies of epinephrine auto-injectors at certain secure  
11 locations because a sports arena, unlike a sports area but like  
12 the other locations mentioned in the "facility" definition,  
13 would have the storage capabilities needed to maintain the  
14 injectors.

15 Section 135C.42: Strikes language requiring the department  
16 of inspections and appeals to hold an informal conference with  
17 health care facilities which are the subject of a citation for  
18 violations based upon an inspection or investigation of the  
19 facility to conform the language with prior language in this  
20 Code section that indicates that the informal conference is to  
21 be held by an independent reviewer provided by the department,  
22 not the department itself.

23 Section 144D.1: Adds the word "form" after the words  
24 "physician orders for scope of treatment" to conform language  
25 within the definition of "patient" to the defined term in this  
26 Code chapter regulating physician orders for scope of treatment  
27 forms.

28 Section 153.33: Moves language and renumbers this provision  
29 relating to the powers of the dental board to separate out  
30 the enumerated board powers from language relating to the  
31 appointment of employees, the executive director, and certain  
32 inspectors, as well as the procedures and rules for the  
33 conducting of hearings by the board.

34 Section 192.110: Corrects one of the names of two federal  
35 publications that set standards for interstate milk shipments

1 to reflect the current name of the publication.

2 Section 192.118: Changes the word "insure" to "ensure"  
3 to more accurately reflect the role of the department of  
4 agriculture and land stewardship's bacteriological laboratory  
5 employee in certifying all laboratories doing work in the  
6 sanitary quality of milk and dairy products.

7 Section 206.2: Strikes a definition of the term "poison  
8 control center" from this definitions provision for the Code  
9 chapter relating to the regulation of pesticides because the  
10 term is no longer used in Code chapter 206. The provision that  
11 did use the term was stricken by 2012 Iowa Acts, ch. 1095,  
12 §135.

13 Section 218.95: Strikes a paragraph equating the term  
14 "asylum" with the term "hospital". Section 218.95 applies to  
15 subtitles 2 through 6 of Title VI, entitled "Human Services",  
16 and to Code chapters 904, 913, and 914. The term "asylum"  
17 does not appear at all in Code chapters 904, 913, or 914. The  
18 term does appears one other time in Title VI: in Code section  
19 239B.2B, where the term is used to refer to the granting of  
20 asylum to noncitizens.

21 Sections 222.6 and 222.12: Strikes redundant language  
22 relating to mental health and disability services regions which  
23 appears after the term "regional administrator" to conform the  
24 language to the definition of the term "regional administrator"  
25 in Code section 222.2.

26 Sections 225.10, 225.13, 225.15, 225.17, 225C.14, and  
27 225C.16: Changes the word "of" to "for" in language relating  
28 to regional administrators for counties of residence to reflect  
29 the fact that regional administrators often serve multiple  
30 counties and are not a county entity.

31 Section 225C.19A: Adds a comma to set off a phrase and  
32 then adds a reference to Code chapter 135H to a series of Code  
33 chapter references that exclude crisis stabilization programs  
34 from being required to conform to the licensing requirements  
35 applicable to the facilities within which the programs operate,

1 to conform the programs added by 2015 Iowa Acts, ch. 75, to the  
2 requirements applicable to programs that existed prior to that  
3 Act.

4 Section 226.9C: Breaks a list of qualifications for mental  
5 health professionals that currently appears after a colon into  
6 a lettered list and changes "a county's regional administrator"  
7 to "the regional administrator for the county" to reflect the  
8 fact that regional administrators often serve multiple counties  
9 and are not a county entity.

10 Section 227.1: Changes "under the supervision of"  
11 to "administered by" in language relating to regulatory  
12 requirements applicable to county and private institutions  
13 for persons with mental illness to reflect the changes in  
14 the duties of the administrator of the division of mental  
15 health and disability services from direct supervision to  
16 administrative supervision of those institutions.

17 Section 228.1: Adds in the words "and is" to clarify  
18 that the phrase "licensed by the board of nursing" applies  
19 to advanced nurse practitioners and not to the national  
20 certification in psychiatric mental health care in language  
21 defining the qualifications for mental health professionals  
22 under the Code chapter regulating disclosure of mental health  
23 and psychological information.

24 Sections 229.13, 229.14, 229.14A, 230.1, and 230.3: Changes  
25 "county's regional administrator" to "regional administrator  
26 for a county" or "regional administrator for the county"  
27 in provisions relating to involuntary hospitalization and  
28 support of persons with mental illness to reflect the fact that  
29 regional administrators often serve multiple counties and are  
30 not a county entity.

31 Section 232.2: Changes "county" to "county's" in language  
32 relating to membership of the teams that develop transition  
33 plans of services for children transitioning from foster care  
34 to adulthood to conform to language in Code section 331.388  
35 that indicates regional administrators are formed by agreement

1 of counties participating in a region.

2 Sections 234.6 and 234.38: Moves language and redesignates  
3 provisions within Code section 234.6 that outline the powers  
4 and duties of the administrator of the division of child and  
5 family services to separate the language describing powers  
6 and duties specific to the administrator from language that  
7 describes powers, duties, and responsibilities ascribed to the  
8 entire department of human services. An internal reference  
9 to a subsection that is redesignated in Code section 234.6 is  
10 corrected in Code section 234.38.

11 Section 249K.2: Replaces a citation to a definition in Code  
12 section 135.154 with a replacement citation to new Code section  
13 135D.2, contingent upon the assumption of the administration  
14 and governance of the Iowa health information network by the  
15 designated entity. Under the terms of 2015 Iowa Acts, ch. 73,  
16 Code section 135.154 is to be repealed and new Code chapter  
17 135D enacted upon occurrence of that same contingency.

18 Section 257.42: Numbers unnumbered paragraphs, replaces a  
19 numeric self-reference with "this section", and clarifies that  
20 the department referenced in this provision relating to program  
21 plans for gifted and talented children is the department of  
22 education.

23 Section 261.113: Replaces references to "osteopathy  
24 degree" with "osteopathic medicine degree" in this Code section  
25 establishing the rural Iowa primary care loan repayment program  
26 to reflect changes regarding the practice of osteopathic  
27 medicine made in 2008 Iowa Acts, ch. 1088.

28 Section 261G.4: Adds the word "and" within an interim  
29 citation series to conform the treatment of the interim  
30 series to the treatment of the other components of the larger  
31 series of citations outlining the requirements with which a  
32 participating resident education institution must comply if an  
33 interstate reciprocity agreement requires compliance.

34 Sections 275.1 and 275.28: Changes "to" to "through" to  
35 conform a string citation to current bill drafting style

1 and to clarify the applicability of the last Code section  
2 in the string citation in these two provisions relating to  
3 reorganization of school districts.

4 Section 307.24: Replaces the word "defined" with  
5 "described" in language describing the location of certain  
6 roads as being on state fairgrounds. Code chapter 173 governs  
7 the Iowa state fair and maintenance of state fairgrounds, but  
8 does not include a definition of state fairgrounds.

9 Section 307.46: Replaces a reference to the former  
10 legislative oversight committee of the legislative council  
11 with a reference to the general assembly's standing committees  
12 on government oversight to conform this provision requiring  
13 reporting by the state department of transportation regarding  
14 expenditure of certain funds encumbered for employee training  
15 and technology enhancement to changes made by 2009 Acts,  
16 ch. 86, and in which the legislative council committee was  
17 eliminated.

18 Section 307A.2: Rewrites language relating to adoption  
19 of rules pertaining to the criteria to be used by the state  
20 transportation commission for allocating funds as a result of  
21 any long-range planning process to conform the style of the  
22 language to the style of the other provisions describing the  
23 duties of the commission.

24 Section 310.28: Numbers unnumbered paragraphs and updates  
25 the style of language relating to payment of certain expenses  
26 from the farm-to-market road fund.

27 Section 313.2: Adds the word "road" between the words  
28 "primary" and "system" in language relating to the addition  
29 of certain roads by the department of transportation to the  
30 primary road system to shorten direct lines of travel or  
31 facilitate connections to interstate roads at state lines to  
32 conform the reference to other references in Code chapter 313  
33 to that system.

34 Section 313.12: Adds the word "road" between the words  
35 "primary" and "system" in language relating to the state



1 department of transportation's duty to supervise and inspect  
2 the system of primary roads to conform the reference to other  
3 references in Code chapter 313 to that system.

4 Sections 313.64 and 313.65: Numbers paragraphs and changes  
5 "to" to "through" to conform a string citation to current  
6 bill drafting style and to clarify the applicability of the  
7 last Code section in the string citation in these provisions  
8 relating to statements regarding the offering of certain  
9 privately owned interstate bridges as a gift to the state.

10 Sections 321.1 and 321.69: Strikes the words "or airbag"  
11 from the definition of "air bag" and strikes a redundant  
12 instance of the word "permit" from a series relating to various  
13 permits which are included within the meaning of the term  
14 "driver's license" in Code section 321.1. The term "airbag" is  
15 also changed to "air bag" in Code section 321.69 to eliminate  
16 the only other instance of that spelling in the Code and to  
17 conform with the strike of "airbag" from Code section 321.1.

18 Section 321.12: Supplies a missing "and" from language  
19 specifying the time frame and criteria for destruction of  
20 records which are deemed obsolete by the director of the state  
21 department of transportation.

22 Sections 321G.1 and 321I.1: Deletes a definition of the term  
23 "document" from the definition sections for the Code chapters  
24 governing snowmobiles and all-terrain vehicles because the term  
25 is not used anywhere in either of the two Code chapters.

26 Section 321H.2: Adds a United States Code citation for  
27 the federal motor vehicle title history database to language  
28 added by 2015 Iowa Acts, ch. 52, that refers to that federally  
29 mandated system that is maintained by the United States  
30 department of justice.

31 Section 327G.32: Replaces language and a reference to Code  
32 section 327G.14, which was repealed by 2015 Iowa Acts, ch. 123,  
33 §43, with language referring to a "schedule 'two' penalty"  
34 under Code section 327C.5. Former Code section 327G.14  
35 provided for the imposition of a schedule "two" penalty for

1 certain criminal violations and Code section 327C.5 describes  
2 the punishment applicable to a schedule "two" violation.

3 Section 328.55: Repeals an obsolete provision relating to  
4 the inspection of governmental subdivision airports between  
5 July 1, 1976, and July 1, 1977, and compliance by those  
6 airports within one year with any rules adopted by the state  
7 department of transportation.

8 Section 331.802: Converts two adjectives describing two  
9 types of violent death to nouns to conform these references to  
10 these two types of violent death to other instances in which  
11 these types of violent death are referenced elsewhere in the  
12 Code.

13 Section 331.910: Changes an internal reference from  
14 "section" to "subsection" to conform language describing  
15 contracts entered into for the treatment of persons who  
16 have been detained, committed, or placed for treatment on  
17 an involuntary basis to language describing contracts for  
18 treatment for persons who have been voluntarily detained or  
19 placed.

20 Section 426B.3: Strikes obsolete language prohibiting the  
21 appropriation by the general assembly of county Medicaid offset  
22 repayments for mental health and disability services during the  
23 fiscal year beginning July 1, 2014.

24 Section 428.35: Moves, redrafts, and redesignates language  
25 to create an enumerated, alphabetical list of definitions  
26 within this provision pertaining to excise taxes imposed on the  
27 handling of grain.

28 Section 434.22: Strikes the word "said" and adds language  
29 specifying that the statement referenced is the statement of  
30 the department of revenue under Code section 434.17, in this  
31 provision describing the process for assessment, levy, and  
32 collection of tax upon railway property.

33 Section 437.10: Strikes the word "said" and adds language  
34 specifying that the statement referenced is the statement of  
35 the department of revenue under Code section 434.17, in this

1 provision describing the process for assessment, levy, and  
2 collection of tax upon electric transmission lines.

3 Section 438.15: Strikes the word "said" and adds language  
4 specifying that the statement referenced is the statement of  
5 the department of revenue under Code section 434.17, in this  
6 provision describing the process for assessment, levy, and  
7 collection of tax upon pipeline company property.

8 Section 440.6: Strikes the word "said" and adds language  
9 specifying the Code section in which a 10 percent penalty is  
10 assessed in language providing for the assessment of additional  
11 penalties for the fraudulent withholding of property from  
12 property tax assessment.

13 Section 441.21: Numbers unnumbered paragraphs and then  
14 strikes redundant language and changes "to" to "through" in  
15 a string citation to conform the citation to current bill  
16 drafting style and to clarify the applicability of the last  
17 Code section in the string citation in the provision relating  
18 to assessed and actual values of property for property tax  
19 purposes.

20 Section 445.6: Repeals an obsolete provision relating to  
21 applications to waive tax statement requirements for fiscal  
22 years beginning July 1, 1998, and July 1, 1999, that had  
23 to have been received on or before January 1, 1999, by the  
24 department of management.

25 Section 445.60: Strikes, effective July 1, 2018, a  
26 reference to the state board of tax review. The state board  
27 disposed of all cases pending before the board on October 5,  
28 2015, and dissolved, and Code section 421.1, establishing the  
29 state board of tax review, was repealed by its own terms.

30 Section 453A.45: Replaces two internal references to  
31 "subdivision" with "subsection" in language relating to the  
32 sale of tobacco products by licensed distributors because there  
33 are no "subdivisions" anywhere in the Code, and because, when  
34 this Code section was enacted in 1967 Iowa Acts, ch. 348, the  
35 term "subdivision" was used to refer to subsections of Code

1 sections.

2 Section 455B.216: Replaces a reference to a "board" with  
3 a reference to the director of the department of natural  
4 resources in language relating to the examination of candidates  
5 for certification as water or wastewater treatment plant, water  
6 distribution system, or water supply operators. Responsibility  
7 for oversight of the examinations was moved to the director and  
8 the department of natural resources as part of the changes made  
9 in 1986 Iowa Acts, ch. 1245.

10 Section 456A.15: Updates language in this provision  
11 relating to removal of appointees and employees of the  
12 department of natural resources to include a reference to the  
13 provisions authorizing appointment and employment of personnel  
14 by the department.

15 Section 456A.38: Removes a reference to the term  
16 "authority" from a list of terms that are defined in Code  
17 section 16.58 to its own definition provision in this  
18 definitions section for the Code chapter pertaining to  
19 regulation and funding of the department of natural resources.  
20 The term "authority" is not defined in Code section 16.58, but  
21 is defined in Code section 16.1.

22 Section 459A.103: Strikes the redundant words "effluent  
23 and" from language describing what is to be construed as  
24 encompassed within the regulation of effluent under the open  
25 feedlot operations and animal truck wash facilities Code  
26 chapter.

27 Section 459A.206: Adds the missing words "or unformed  
28 structure" in two places in language relating to soil corings  
29 that must be taken as part of a soil profile for proposed sites  
30 for construction of settled open feedlot effluent basins or  
31 unformed animal truck wash effluent structures.

32 Section 459A.404: Strikes redundant language and replaces  
33 in two places the words "including expanded" with "or expanded"  
34 to improve the readability of this provision establishing  
35 restrictions on the construction or expansion of animal truck

1 wash effluent structures.

2 Section 461A.36: Updates language relating to speed limits  
3 in state parks and preserves and adds language specifying the  
4 default speed limit to language establishing the procedure for  
5 changes to that speed limit.

6 Section 468.149: Restructures and breaks out the elements  
7 to improve the readability of the offense of obstructing or  
8 damaging ditches, drains, watercourses, levees, settling basin  
9 banks, or other levee or drainage district improvements or  
10 property.

11 Section 468.207: Restructures to improve the readability of  
12 language establishing the form of a notice informing property  
13 owners and interest holders of plans to construct, repair, or  
14 alter flood control improvements.

15 Section 468.209: Restructures by redesignating this  
16 provision regarding entry of orders approving plans to  
17 construct, repair, or alter flood control improvements to  
18 separate provisions regarding the effect of the order from  
19 language relating to modification of or changes to the order,  
20 once it has been entered.

21 Section 468.375: Replaces the Code section headnote with  
22 a headnote that was originally attached to this Code section  
23 relating to levee and drainage district refunding bonds when  
24 the provision was first enacted in 1923 Iowa Acts, ch. 159, §9,  
25 to eliminate the ambiguous reference to the term "Act" that  
26 currently exists in the Code section headnote.

27 Section 468.540: Replaces the word "hereinafter" with  
28 "in this part" to clarify the location of the limitations  
29 and procedures applicable to drainage refunding bonds. The  
30 provisions in subchapter IV, part 1, were contained in their  
31 own Code chapter, Code chapter 463, prior to being transferred  
32 to Code chapter 468 by 1989 Iowa Acts, ch. 126, and were  
33 originally enacted as a separate Code chapter in 1927 Iowa  
34 Acts, ch. 187.

35 Section 481A.91: Redrafts to update and clarify this

1 provision prohibiting the killing and possession of certain  
2 animals which have been killed with a shotgun or spear.

3 Section 484B.5: Adds the word "operator's" to clarify that  
4 it is the hunting preserve operator's license which, when  
5 received, requires the licensee to post signs and fence the  
6 boundaries of a hunting preserve.

7 Section 490.1320: Changes two references to "part" and two  
8 references to "chapter" to refer to "division" to conform this  
9 language regarding notice of proposed action by a business  
10 corporation to consummate a merger or share exchange, dispose  
11 of assets, convert the corporation to another entity, or make  
12 certain amendments to the articles of incorporation to the  
13 model Act upon which the language was originally based.

14 Section 499B.2: Replaces "herein" with "in this chapter" to  
15 clarify the applicability of the definitions Code section for  
16 the Code chapter under which condominiums are regulated.

17 Section 504.834: Adds the words "of this subchapter" to  
18 clarify which part 5 within Code chapter 504 governs advances  
19 made to directors or officers of nonprofit corporations.

20 Section 505.32: Strikes obsolete language, relating to  
21 a legislative health care coverage commission that concluded  
22 operations in 2011, that required the commissioner of insurance  
23 to consult with and report to that commission regarding the  
24 Iowa insurance information exchange, and substitutes the actual  
25 date for the words "the effective date of this section".

26 Section 507B.4: Enumerates, for readability, the content  
27 requirements for an insurer's statement of capital and surplus  
28 which appear after a colon and separates those requirements  
29 from other language that requires the contents of that  
30 statement to correspond to the latest verified statement made  
31 by the insurer to the commissioner of insurance.

32 Section 507B.4C: Adds a comma to set off a clause to clarify  
33 that the requirement of a demonstration of financial hardship  
34 applies to both the exempting of an insurer from death master  
35 file comparison and from the performance of death master file

1 comparisons less frequently than semiannually.

2 Section 511.31: Updates language to clarify the meaning of  
3 ambiguous wording in this provision governing when an insurer  
4 is estopped from asserting that an insured was not in the  
5 condition of health required by a policy.

6 Section 515.48: Strikes the redundant language "of this  
7 section" in an internal reference and then separates additional  
8 items that may be insured under a non-life insurance policy  
9 into new subparagraphs to distinguish those additional losses  
10 not occasioned by the explosion of certain pressure vessels  
11 from losses that may be insured.

12 Section 517.3: Splits a subparagraph which relates to  
13 distribution of unallocated insurance liability loss expense  
14 payments in two different years into two subparagraphs and  
15 redesignates a subsequent subparagraph to conform the content  
16 and style of the language to the balance of the subparagraphs  
17 which contain the percentages of payments to be distributed in  
18 a single year.

19 Section 519A.1: Numbers unnumbered paragraphs and changes  
20 "to" to "through" to conform a string citation to current  
21 bill drafting style and to clarify the applicability of the  
22 last Code section in the string citation in this provision  
23 expressing the legislative intent of the Code chapter  
24 establishing a joint underwriting association for medical  
25 malpractice insurance.

26 Sections 519A.2, 519A.3, 519A.4, 519A.5, 519A.10, and  
27 519A.13: Changes "to" to "through" and eliminates numeric  
28 self-references to conform string citations to current  
29 bill drafting style and to clarify the applicability of  
30 the last Code section in each of the string citations in  
31 these provisions in the Code chapter establishing a joint  
32 underwriting association for medical malpractice insurance.

33 Section 521A.5: Strikes the word "who" to clarify that the  
34 prohibition against being a beneficial owner of a controlling  
35 interest in voting stock applies to the majority of the members

1 of any committees established by the board of directors of a  
2 domestic insurer.

3 Section 523A.207: Replaces an internal reference to  
4 "section" with "subsection" to reflect the fact that the  
5 requirement for the filing of an audit prior to the sale or  
6 transfer of a purchase agreement as part of the sale of a  
7 business or assets of a business under the cemetery and funeral  
8 merchandise and funeral services Code chapter is contained in  
9 subsection 1 only of this Code section.

10 Section 523A.807: Adds the word "or" to complete a series of  
11 Code section citations which contain the conditions precedent  
12 to the issuance of an order by the commissioner of insurance  
13 requiring payment of a civil penalty or prohibiting a person  
14 from engaging in any business regulated under the cemetery and  
15 funeral merchandise and funeral services Code chapter.

16 Section 554.11109: Adds language referencing the  
17 legislation in which this Code section was enacted to limit the  
18 meaning of the language to its meaning when it was enacted.  
19 New articles have been adopted in Code chapter 554 since the  
20 1974 legislation and major revisions to existing articles have  
21 also been enacted, making the 1972 official comments of limited  
22 or no use with respect to those changes.

23 Sections 558.43 and 558.44: Repeals Code section 558.43,  
24 reenacts the content as an alphabetized definitions subsection  
25 within Code section 558.44, and redesignates Code section  
26 558.44 to accommodate the addition of the definitions to this  
27 Code section relating to recordation of conveyances and leases  
28 of agricultural land. Another definitions section exists in  
29 Code chapter 558, but, with the exception of the definition of  
30 "conveyance", the definitions contained in Code section 558.43  
31 are used only in Code section 558.44. Code sections 558.43  
32 and 558.44 were enacted together in a single Acts section in  
33 1978 Iowa Acts, ch. 1079, §9, which dealt exclusively with the  
34 subject of corporate farming.

35 Section 598.7: Changes a reference from Code section 235F.1



1 to Code chapter 235F to conform language to exclude actions  
2 involving elder abuse from a requirement for mediation to  
3 the style of the language used to exclude actions involving  
4 domestic abuse.

5 Section 602.8108: Replaces a series of specific subsection  
6 references with general language outlining the circumstances  
7 under which the fine and fee amounts will not be deposited  
8 in the general fund of the state. A reference to subsection  
9 7 is not included within the series and should be due to its  
10 enactment in 2015 Iowa Acts, ch. 96, §14. In addition, each  
11 of the subsections in this Code section that require deposit  
12 of moneys into other funds specifically states the fund into  
13 which the moneys are to be deposited. Removing the list of  
14 exceptions will avoid the need to expand the list of exceptions  
15 each time that a new exception is enacted.

16 Section 622.28: Numbers unnumbered paragraphs and puts  
17 a definition of a term into standard form in this provision  
18 relating to the admissibility of writings or records or the  
19 absence of writings or records.

20 Section 622.71: Updates the style to improve the  
21 readability of language specifying when a peace officer may  
22 receive fees as a witness in a legal proceeding. The word  
23 "police" is also changed to "peace" to conform that reference  
24 to law enforcement officers to earlier language in this Code  
25 section.

26 Sections 626.51, 626.52, and 626.53: Changes "such notice"  
27 to "notice of ownership or exemption" to clarify that the  
28 notice referred to in these provisions regarding a levy  
29 on property by a law enforcement officer is the notice of  
30 ownership or exemption and not the notice of levy.

31 Section 626.54: Updates language, moves language appearing  
32 after a semicolon into a new sentence, and clarifies that  
33 the notice referenced at the beginning of this provision  
34 relating to the giving of an indemnifying bond against damages  
35 for seizure or sale of property is a notice of ownership or

1 exemption.

2 Sections 633.230, 633.231, 633.295, 633.304, 633.304A,  
3 and 633.305: Strikes and rewrites to recaption the initial  
4 information in a series of probate forms relating to the name  
5 of the district court, the deceased, the probate number, and  
6 the title of the form and to otherwise conform the format of  
7 the probate forms to each other and to other, similar probate  
8 forms that appear in the Iowa court rules publication.

9 Section 636.26: Numbers unnumbered paragraphs and changes  
10 references from "herein" to "in this section" to clarify  
11 that court approval is not required for certain releases or  
12 discharges of mortgages or liens held by a fiduciary and does  
13 not apply to pending litigation.

14 Section 654.23: Conforms language appearing at the  
15 beginning of this Code section relating to redemption rights  
16 after and title acquired due to purchase of property at a  
17 foreclosure sale to the substance of language that appears  
18 later in the Code section.

19 Section 656.9: Corrects a reference to the Code section  
20 that requires notice of forfeiture to be given that appears  
21 within this Code section regarding the statute of limitations  
22 that applies to actions based upon a defects in forfeiture  
23 proceedings.

24 Section 725.15: Changes "to" to "through" to conform  
25 a string citation to current bill drafting style and to  
26 clarify the applicability of the last Code section in the  
27 string citation in this provision excepting gambling games,  
28 activities, and devices which conform to the requirements  
29 established for legal gambling under the Code from provisions  
30 establishing criminal offenses and punishments for illegal  
31 gambling.

32 Section 805.8A: Deletes a provision that became redundant  
33 when 2010 Iowa Acts, ch. 1190, §18, made the penalties  
34 applicable to excessive speed violations in speed zones greater  
35 than 55 miles per hour the same as the penalties that apply to

1 excessive speed violations in other speed zones.

2 Section 820.22: Conforms language referring to the  
3 appropriate court and judicial authorities of the District  
4 of Columbia who are responsible for receiving demands for  
5 extradition of persons charged with a crime, with escape from  
6 confinement, or of breaking the terms of the person's bail,  
7 probation, or parole to language found in Title 23, chapter 7,  
8 §23-704 of the Code of the District of Columbia. Unlike in  
9 most states, the authority under the Code of the District of  
10 Columbia to receive demands for extradition is not part of the  
11 powers and duties assigned to the governor of the district,  
12 but, rather, is vested in the superior court.

13 Sections 901C.1 and 901C.1A: Moves definitions applicable  
14 to the provisions of this one section Code chapter relating to  
15 expungement of criminal records in certain criminal cases to  
16 new Code section 901C.1A and changes references in existing  
17 Code section 901C.1 from "chapter" to "section" to conform the  
18 style of this Code chapter to other Code chapters. The Code  
19 editor is directed to transfer current Code section 901C.1 to  
20 become Code section 901C.2 and new Code section 901C.1A to  
21 become Code section 901C.1.

22 Section 916.2: Changes a reference from "counselor" to  
23 "advocate" to reflect the fact that the person counseling  
24 victims of criminal acts under Code chapter 916 are termed  
25 "advocates", not "counselors".

26 Repeals of Code sections located at the end of the bill are  
27 described in Code section order rather than at the end of this  
28 explanation. Repeals of 2015 Iowa Acts, ch. 30, §§220 and 222,  
29 are explained in the explanation of the amendments to Code  
30 section 135.175 in the bill.