

House Study Bill 128 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

- 1 An Act relating to nonsubstantive Code corrections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CHANGES

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Section 1. Section 1.5, Code 2017, is amended to read as follows:

1.5 Federal wildlife and fish and game refuge.

The state of Iowa hereby consents that the government of the United States may in any manner acquire in this state such areas of land or water or of land and water as said government may deem necessary for the establishment of the "Upper Mississippi River ~~Wild-Life~~ National Wildlife and Fish Refuge" in accordance with the Act of Congress, approved June 7, 1924, [16 U.S.C. ch 8] provided the states of Illinois, Wisconsin, and Minnesota grant a like consent.

Sec. 2. Section 1.7, Code 2017, is amended to read as follows:

1.7 Legislative grant.

There is hereby granted to the government of the United States, so long as it shall use the same as a part and for the purposes of the said "Upper Mississippi River ~~Wild-Life~~ National Wildlife and Fish Refuge", all areas of land subject to overflow and not used for agricultural purposes or state fish hatcheries or salvaging stations, owned by this state within the boundaries of the said refuge, as the same may be established from time to time under authority of the said Act of Congress.

Sec. 3. Section 1.9, Code 2017, is amended to read as follows:

1.9 National forests.

The consent of the state of Iowa is hereby given to the acquisition by the United States, by purchase, gift, or condemnation with adequate compensation, of such lands in Iowa as in the opinion of the federal government may be needed for the establishment, consolidation, and extension of national forests or for the establishment and extension of ~~wild-life~~ wildlife, fish, and game refuges and for other conservation

1 uses in the state, and may exercise jurisdiction thereover but
2 not to the extent of limiting the provisions of the laws of
3 this state. **This section** shall not, in any manner or to any
4 extent, modify, limit, or affect the title and ownership of the
5 state to all ~~wild-life~~ wildlife as provided in **section 481A.2**;
6 provided, that the state of Iowa shall retain a concurrent
7 jurisdiction with the United States in and over lands so
8 acquired so far that civil process in all cases, and such
9 criminal process as may issue under the authority of the state
10 of Iowa against any persons charged with the commission of any
11 crime without or within said jurisdiction, may be executed
12 thereon in like manner as if this law had not been passed.

13 Sec. 4. Section 7.14, subsection 1, Code 2017, is amended
14 to read as follows:

15 1. Whenever it appears that the governor is unable to
16 discharge the duties of office for reason of disability
17 pursuant to Article IV, section 17, Constitution of the State
18 of Iowa, the person next in line of succession to the office
19 of the governor, or the chief justice, may call a conference
20 consisting of the person who is chief justice, the person who
21 is director of mental health, and the person who is the dean
22 of medicine at the state university of Iowa. Provided, if
23 either the director or dean is not a physician duly licensed to
24 practice medicine by this state the director or dean may assign
25 a member of the director's or dean's staff so licensed to
26 assist and advise on the conference. The three members of the
27 conference shall within ten days after the conference is called
28 examine the governor. Within seven days after the examination,
29 or if upon attempting to examine the governor the members of
30 the conference are unable to examine the governor because of
31 circumstances beyond their control, they shall conduct a secret
32 ballot and by unanimous vote may find that the governor is
33 temporarily unable to discharge the duties of the office.

34 Sec. 5. Section 7E.5, subsection 2, paragraph a, Code 2017,
35 is amended to read as follows:

1 a. There is a civil rights commission, a public employment
2 relations board, an interstate cooperation commission, an
3 Iowa ethics and campaign disclosure board, and an Iowa law
4 enforcement academy.

5 Sec. 6. Section 8.36, Code 2017, is amended to read as
6 follows:

7 **8.36 Fiscal year.**

8 The fiscal year of the government shall commence on the first
9 day of July and end on the thirtieth day of June. This fiscal
10 year shall be used for purposes of making appropriations and
11 of financial reporting and shall be uniformly adopted by all
12 departments and establishments of the government. However, the
13 department of workforce development may use the federal fiscal
14 year instead of the fiscal year commencing on July 1.

15 ~~However, the department of workforce development may use the~~
16 ~~federal fiscal year instead of the fiscal year commencing on~~
17 ~~July 1.~~

18 Sec. 7. Section 8.39, subsection 5, Code 2017, is amended
19 to read as follows:

20 5. a. Any transfer made under the provisions of this
21 section shall be reported to the legislative fiscal committee
22 on a monthly basis. The report shall cover each calendar month
23 and shall be due the tenth day of the following month. The
24 report shall contain the following:

25 (1) The amount of each transfer; ~~the.~~

26 (2) The date of each transfer; ~~the.~~

27 (3) The departments and funds affected; ~~a.~~

28 (4) A brief explanation of the reason for the transfer; ~~and~~
29 ~~such.~~

30 (5) Such other information as may be required by the
31 committee.

32 b. A summary of all transfers made under the provisions
33 of this section shall be included in the annual report of the
34 legislative fiscal committee.

35 Sec. 8. Section 10A.701, subsection 1, Code 2017, is amended

1 to read as follows:

2 1. "*Administrator*" means the person coordinating the
3 administration of ~~this~~ the division.

4 Sec. 9. Section 12J.3, subsection 2, paragraph a, Code 2017,
5 is amended to read as follows:

6 a. For each company on the scrutinized companies list, the
7 public fund shall send or have sent a written notice informing
8 the company of its status as a scrutinized company and that it
9 may become subject to divestment and restrictions on investment
10 in the company by the public fund. The notice shall offer the
11 company the opportunity to clarify its activities or to cease
12 its activities causing its inclusion on the scrutinized ~~company~~
13 companies list. The public fund or its representative shall
14 continue to provide such written notice on an annual basis if
15 the company remains a scrutinized company.

16 Sec. 10. Section 12J.6, Code 2017, is amended to read as
17 follows:

18 **12J.6 Public entities — contract requirements.**

19 A public entity shall not enter into a contract of one
20 thousand dollars or more with a scrutinized company included on
21 a scrutinized ~~company~~ companies list created by a public fund
22 pursuant to [section 12J.3](#) to acquire or dispose of services,
23 supplies, information technology, or construction.

24 Sec. 11. Section 17A.12, subsection 5, Code 2017, is amended
25 to read as follows:

26 5. Unless precluded by statute, informal disposition may be
27 made of any contested case by stipulation, agreed settlement,
28 consent order, ~~or~~ or default, ~~or~~ or by another method agreed upon by
29 the parties in writing.

30 Sec. 12. Section 17A.19, subsection 7, Code 2017, is amended
31 to read as follows:

32 7. In proceedings for judicial review of agency action
33 a court may hear and consider such evidence as it deems
34 appropriate. In proceedings for judicial review of agency
35 action in a contested case, however, a court shall not itself

1 hear any further evidence with respect to those issues of
2 fact whose determination was entrusted by the Constitution or
3 a statute to the agency in that contested case proceeding.
4 Before the date set for hearing a petition for judicial review
5 of agency action in a contested case, application may be
6 made to the court for leave to present evidence in addition
7 to that found in the record of the case. If it is shown to
8 the satisfaction of the court that the additional evidence
9 is material and that there were good reasons for failure to
10 present it in the contested case proceeding before the agency,
11 the court may order that the additional evidence be taken
12 before the agency upon conditions determined by the court.
13 The agency may modify its findings and decision in the case
14 by reason of the additional evidence and shall file that
15 evidence and any modifications, new findings, or decisions with
16 the reviewing court and mail copies of the new findings or
17 decisions to all parties.

18 Sec. 13. Section 22.7, subsection 52, paragraph d, Code
19 2017, is amended to read as follows:

20 *d.* **This subsection** does not apply to a report filed with the
21 Iowa ethics and campaign disclosure board pursuant to section
22 8.7.

23 Sec. 14. Section 26.3, subsection 1, Code 2017, is amended
24 to read as follows:

25 1. If the estimated total cost of a public improvement
26 exceeds the competitive bid threshold of one hundred thousand
27 dollars, or the adjusted competitive bid threshold established
28 in **section 314.1B**, the governmental entity shall advertise for
29 sealed bids for the proposed public improvement by posting a
30 notice to bidders not less than thirteen and not more than
31 forty-five days before the date for filing bids in a relevant
32 contractor plan room service with statewide circulation, and in
33 a relevant construction lead generating service with statewide
34 circulation, and on an internet site sponsored by either a
35 governmental entity or a statewide association that represents

1 the governmental entity. If circumstances beyond the control
2 of the governmental entity cause a scheduled bid letting to be
3 postponed and there are no changes to the project's contract
4 documents, a notice to bidders of the revised date shall
5 be posted not less than four and not more than forty-five
6 days before the revised date for filing bids in a relevant
7 contractor plan room service with statewide circulation, and in
8 a relevant construction lead generating service with statewide
9 circulation, and on an internet site sponsored by either a
10 governmental entity or a statewide association that represents
11 the governmental entity.

12 Sec. 15. Section 29A.1, subsection 6, Code 2017, is amended
13 to read as follows:

14 6. "*Militia*" shall mean the forces provided for in the
15 Constitution of the state of Iowa.

16 Sec. 16. Section 43.27, Code 2017, is amended to read as
17 follows:

18 **43.27 Printing of ballots.**

19 The text printed on ballots of each political party shall be
20 in black ink, on separate sheets of paper, uniform in quality,
21 texture, and size, with the name of the political party printed
22 at the head of the ballots, which ballots shall be prepared
23 by the commissioner in the same manner as for the general
24 election, except as provided in **this chapter** ~~provided~~. The
25 commissioner may print the ballots for each political party
26 using a different color for each party. If colored paper is
27 used, all of the ballots for each separate party shall be
28 uniform in color.

29 Sec. 17. Section 48A.25, Code 2017, is amended to read as
30 follows:

31 **48A.25 Compensation for assistance in completing registration**
32 **forms.**

33 1. a. A person may pay, offer to pay, or accept
34 compensation for assisting others in completing voter
35 registration forms only if the compensation is based solely on

1 the time spent providing the assistance.

2 b. Paying, offering to pay, or receiving compensation based
3 on the number of registration forms completed, or the party
4 affiliations shown on completed registration forms, or on any
5 other performance criteria, is unlawful.

6 2. a. This section shall not apply to state statutory
7 political committees, as defined in section 43.111.

8 b. This section shall not apply to state and political
9 subdivision employees who are required to offer assistance to
10 clients as a part of their regular job duties, and who shall
11 not be granted additional compensation for voter registration
12 activities.

13 3. A person assisting another in completing a voter
14 registration form shall not complete any portion of the form
15 without the knowledge or consent of the registrant.

16 Sec. 18. Section 49.67, Code 2017, is amended to read as
17 follows:

18 **49.67 Form of reserve supply.**

19 1. The number of reserve ballots for each precinct shall be
20 determined by the commissioner.

21 2. a. If necessary, the commissioner or the commissioner's
22 designee may make photocopies of official ballots to replace
23 or replenish ballot supplies. The commissioner shall keep
24 a record of the number of photocopied ballots made for each
25 precinct, the name of the person who made the photocopies,
26 and the date, time, and location at which the photocopies
27 were made. These records shall be made on forms and
28 following procedures prescribed by the secretary of state by
29 administrative rule.

30 b. In any precinct where photocopied ballots are used, each
31 photocopied ballot shall be initialed as required by section
32 49.82 by two precinct officials immediately before being issued
33 to the voter. In partisan elections the two precinct officials
34 shall be of different political parties.

35 Sec. 19. Section 49.75, Code 2017, is amended to read as

1 follows:

2 **49.75 Oath.**

3 Before opening the polls, each of the board members shall
4 take the following oath:

5 "I, A. B., do solemnly swear or affirm that I will
6 impartially, and to the best of my knowledge and ability,
7 perform the duties of precinct election official of this
8 election, and will studiously endeavor to prevent fraud,
9 deceit, and abuse in conducting the ~~election.~~ election.

10 Sec. 20. Section 68.9, Code 2017, is amended to read as
11 follows:

12 **68.9 Organization of court.**

13 1. When an impeachment is presented, the senate shall, after
14 the hour of final adjournment of the legislature, be forthwith
15 organized as a court of impeachment for the trial thereof, at
16 the capitol.

17 2. a. An oath or affirmation shall be administered by the
18 secretary of the senate to its president, and by the president
19 to each member of that body, to the effect that the member
20 will truly and impartially try and determine the charges of
21 impeachment according to the law and evidence.

22 b. No member shall sit on the trial or give evidence thereon
23 until the member has taken such oath or affirmation.

24 3. The organization of such court shall be perfected when
25 such presiding officer and the members present, but not less
26 than a majority of the whole number, have taken and subscribed
27 the oath or affirmation.

28 Sec. 21. Section 68A.603, Code 2017, is amended to read as
29 follows:

30 **68A.603 Rules promulgated.**

31 The Iowa ethics and campaign disclosure board shall
32 administer the provisions of sections 68A.601 through 68A.609
33 and shall promulgate all necessary rules in accordance with
34 chapter 17A.

35 Sec. 22. Section 68A.606, Code 2017, is amended to read as

1 follows:

2 **68A.606 Funds — campaign expenses only.**

3 1. The chairperson of the state statutory political
4 committee shall produce evidence to the Iowa ethics and
5 campaign disclosure board not later than the twenty-fifth
6 day of January each year, that all income tax checkoff funds
7 expended for campaign expenses have been utilized exclusively
8 for campaign expenses.

9 2. The Iowa ethics and campaign disclosure board shall
10 issue, prior to the payment of any money, guidelines that
11 explain which expenses and evidence thereof qualify as
12 acceptable campaign expenses.

13 3. Should the Iowa ethics and campaign disclosure board
14 determine that any part of the funds have been used for
15 noncampaign or improper expenses, the board may order the
16 political party or the candidate to return all or any part of
17 the total funds paid to that political party for that election.
18 When such funds are returned, they shall be deposited in the
19 general fund of the state.

20 Sec. 23. Section 68B.35, subsection 2, paragraph e, Code
21 2017, is amended to read as follows:

22 e. Members of the state banking council, the Iowa ethics
23 and campaign disclosure board, the credit union review board,
24 the economic development authority, the employment appeal
25 board, the environmental protection commission, the health
26 facilities council, the Iowa finance authority, the Iowa public
27 employees' retirement system investment board, the board of
28 the Iowa lottery authority, the natural resource commission,
29 the board of parole, the petroleum underground storage tank
30 fund board, the public employment relations board, the state
31 racing and gaming commission, the state board of regents, the
32 transportation commission, the office of consumer advocate, the
33 utilities board, the Iowa telecommunications and technology
34 commission, and any full-time members of other boards and
35 commissions as defined under [section 7E.4](#) who receive an annual

1 salary for their service on the board or commission. The Iowa
2 ethics and campaign disclosure board shall conduct an annual
3 review to determine if members of any other board, commission,
4 or authority should file a statement and shall require the
5 filing of a statement pursuant to rules adopted pursuant to
6 chapter 17A.

7 Sec. 24. Section 68B.35, subsection 5, Code 2017, is amended
8 to read as follows:

9 5. *a.* A candidate for statewide office shall file
10 a financial statement with the Iowa ethics and campaign
11 disclosure board, a candidate for the office of state
12 representative shall file a financial statement with the chief
13 clerk of the house of representatives, and a candidate for
14 the office of state senator shall file a financial statement
15 with the secretary of the senate. Statements shall contain
16 information concerning the year preceding the year in which the
17 election is to be held.

18 *b.* The Iowa ethics and campaign disclosure board shall
19 adopt rules pursuant to [chapter 17A](#) providing for the filing of
20 the financial statements with the board and for the deposit,
21 retention, and availability of the financial statements. The
22 ethics committees of the house of representatives and the
23 senate shall recommend rules for adoption by the respective
24 houses providing for the filing of the financial statements
25 with the chief clerk of the house or the secretary of the
26 senate and for the deposit, retention, and availability of
27 the financial statements. Rules adopted shall also include a
28 procedure for notification of candidates of the duty to file
29 disclosure statements under [this section](#).

30 Sec. 25. Section 96.19, subsection 41, Code 2017, is amended
31 to read as follows:

32 41. *a.* "*Wages*" means all remuneration for personal
33 services, including commissions and bonuses and the cash
34 value of all remuneration in any medium other than cash. The
35 reasonable cash value of remuneration in any medium other than

1 cash shall be estimated and determined in accordance with rules
2 prescribed by the department.

3 b. The term ~~wages~~ "wages" shall not include:

4 ~~a.~~ (1) The amount of any payment, including any amount
5 paid by an employer for insurance or annuities or into a
6 fund to provide for such payment, made to or on behalf of an
7 employee or any of the employee's dependents under a plan or
8 system established by an employer which makes provisions for
9 the employer's employees generally, or for the employer's
10 employees generally and their dependents, or for a class, or
11 classes of the employer's employees, or for a class or classes
12 of the employer's employees and their dependents, on account
13 of retirement, sickness, accident disability, medical, or
14 hospitalization expense in connection with sickness or accident
15 disability, or death.

16 ~~b.~~ (2) Any payment paid to an employee, including any
17 amount paid by any employer for insurance or annuities or
18 into a fund to provide for any such payment, on account of
19 retirement.

20 ~~c.~~ (3) Any payment on account of sickness or accident
21 disability, or medical or hospitalization expense in connection
22 with sickness or accident disability made by an employer to, or
23 on behalf of, an employee after the expiration of six calendar
24 months following the last calendar month in which the employee
25 worked for such employer.

26 ~~d.~~ (4) Remuneration for agricultural labor paid in any
27 medium other than cash.

28 ~~e.~~ (5) Any portion of the remuneration to a member of
29 a limited liability company based on a membership interest
30 in the company provided that the remuneration is allocated
31 among members, and among classes of members, in proportion to
32 their respective investments in the company. If the amount of
33 remuneration attributable to a membership interest cannot be
34 determined, the entire amount of remuneration shall be deemed
35 to be based on services performed.

1 Sec. 26. Section 97B.44, Code 2017, is amended to read as
2 follows:

3 **97B.44 Beneficiary.**

4 1. Each member shall designate on a form to be furnished
5 by the system a beneficiary for death benefits payable under
6 this chapter on the death of the member. The designation may
7 be changed from time to time by the member by filing a new
8 designation with the system.

9 2. A designation or change in designation made by a member
10 on or after July 1, 2000, shall contain the written consent of
11 the member's spouse, if applicable. However, the system may
12 accept a married member's designation or change in designation
13 under this section without the written consent of the member's
14 spouse if the member submits a notarized statement indicating
15 that the member has been unable to locate the member's spouse
16 to obtain the written consent of the spouse after reasonable
17 diligent efforts. The member's designation or change in
18 designation shall become effective upon filing the necessary
19 forms, including the notarized statement, with the system. The
20 system shall not be liable to the member, the member's spouse,
21 or to any other person affected by the member's designation or
22 change of designation, based upon a designation or change of
23 designation accomplished without the written consent of the
24 member's spouse.

25 3. The designation of a beneficiary is not applicable if the
26 member receives a refund of all contributions of the member.
27 If a member who has received a refund of contributions returns
28 to employment, the member shall file a new designation with the
29 system.

30 4. If a member has not designated a beneficiary on a
31 form furnished by the system, or if there are no surviving
32 designated beneficiaries of a member, death benefits payable
33 under **this chapter** shall be paid to the member's estate.

34 ~~However, the system may accept a married member's~~
35 ~~designation or change in designation under **this section** without~~

~~1 the written consent of the member's spouse if the member
2 submits a notarized statement indicating that the member has
3 been unable to locate the member's spouse to obtain the written
4 consent of the spouse after reasonable diligent efforts. The
5 member's designation or change in designation shall become
6 effective upon filing the necessary forms, including the
7 notarized statement, with the system. The system shall not
8 be liable to the member, the member's spouse, or to any other
9 person affected by the member's designation or change of
10 designation, based upon a designation or change of designation
11 accomplished without the written consent of the member's
12 spouse.~~

13 Sec. 27. Section 103A.41, Code 2017, is amended to read as
14 follows:

15 **103A.41 State historic building code.**

16 The commissioner, with the approval of the state historical
17 society board established by [section 303.4](#), shall adopt, in
18 accordance with [chapter 17A](#), alternative building standards and
19 building regulations for the rehabilitation, preservation,
20 restoration, ~~{including including related reconstruction}~~
21 reconstruction; and relocation of buildings or structures
22 designated by state agencies or governmental subdivisions as
23 qualified historic buildings which are included in, or appear
24 to meet criteria for inclusion in, the national register of
25 historic places. The alternative building standards and
26 building regulations comprise and shall be known as the state
27 historic building code. The purpose of the state historic
28 building code is to facilitate the restoration or change of
29 occupancy of qualified historic buildings or structures so as
30 to preserve their original or restored architectural elements
31 and features and, concurrently, to provide reasonable safety
32 from fire and other hazards for the occupants and users,
33 through a cost-effective approach to preservation.

34 Sec. 28. Section 124.306, Code 2017, is amended to read as
35 follows:

1 **124.306 Records of registrants.**

2 1. a. Persons registered to manufacture, distribute,
3 dispense, or administer controlled substances under this
4 chapter shall keep records and maintain inventories in
5 conformance with the recordkeeping and inventory requirements
6 of federal law and with such additional rules as may be issued
7 by the board. A practitioner who engages in dispensing any
8 controlled substance to the practitioner's patients shall
9 keep records of receipt and disbursements of such drugs,
10 including dispensing or other disposition, and information
11 as to controlled substances stolen, lost, or destroyed. In
12 every such case the records of controlled substance received
13 shall show the date of receipt, the name and address of the
14 person from whom received, and the kind and quantity of drugs
15 received. The record of all controlled substances dispensed or
16 otherwise disposed of, shall show the date of dispensing, the
17 name and address of the person to whom or for whose use, or the
18 owner and species of animal for which the drugs were dispensed
19 and the kind and quantity of drugs dispensed.

20 b. Every such record shall be kept for a period of two
21 years from the date of the transaction recorded. Records of
22 controlled substances lost, destroyed, or stolen, shall contain
23 a detailed list of the kind and quantity of such drugs and the
24 date of the discovery of such loss, destruction, or theft.

25 2. No person shall distribute complimentary packages of
26 controlled substances, to a practitioner unless that person
27 prepares and leaves with the practitioner a specific written
28 list of the items so distributed. This list shall be prepared
29 on a form prescribed by rules promulgated by the board, and the
30 person who distributes the items listed shall send a copy of
31 the list to the board as soon as practicable after distribution
32 of the complimentary packages to the practitioner.

33 Sec. 29. Section 124.407, Code 2017, is amended to read as
34 follows:

35 **124.407 Gatherings where controlled substances unlawfully**

1 used — penalties.

2 1. It is unlawful for any person to sponsor, promote, or
3 aid, or assist in the sponsoring or promoting of a meeting,
4 gathering, or assemblage with the knowledge or intent that a
5 controlled substance be there distributed, used, or possessed,
6 in violation of [this chapter](#).

7 2. a. Any person who violates [this section](#) and where the
8 controlled substance is any one other than marijuana is guilty
9 of a class "D" felony.

10 b. Any person who violates [this section](#), and where the
11 controlled substance is marijuana only, is guilty of a serious
12 misdemeanor.

13 3. The district court shall grant an injunction barring a
14 meeting, gathering, or assemblage if upon hearing the court
15 finds that the sponsors or promoters of the meeting, gathering,
16 or assemblage have not taken reasonable means to prevent the
17 unlawful distribution, use, or possession of a controlled
18 substance. Further injunctive relief may be granted against
19 all persons furnishing goods or services to such meeting,
20 gathering, or assemblage.

21 4. The district court may, upon application and a showing
22 of one or more of the grounds provided in [section 639.3](#), grant
23 to the state or governmental subdivision thereof a writ of
24 attachment, ex parte, without bond, in an amount necessary to
25 secure the payment of any fine that may be imposed and the
26 payment of costs. The reasonable expense to the state and
27 governmental subdivisions thereof to provide the necessary law
28 enforcement resulting from a meeting, gathering, or assemblage
29 held in violation of [this section](#) may be taxed as costs in the
30 criminal action.

31 Sec. 30. Section 159.27, Code 2017, is amended to read as
32 follows:

33 **159.27 Iowa seal.**

34 1. A seal for agricultural products shall be created
35 under the direction of the department of agriculture and land

1 stewardship to identify agricultural products that have been
2 produced or processed in the state. The department shall
3 certify that agricultural products marked with the Iowa seal
4 are of the quality and specifications warranted by the sellers
5 of those products.

6 2. The department of agriculture and land stewardship
7 shall adopt rules under [chapter 17A](#) to provide methods of
8 identifying, marking, and grading agricultural products, to
9 prevent any misleading use of the Iowa seal, and as necessary
10 or advisable to fully implement [this section](#).

11 3. a. A violation of a rule adopted by the department of
12 agriculture and land stewardship to implement [this section](#) is a
13 simple misdemeanor.

14 b. A fraudulent use of the term "Iowa Seal" or of the
15 identifying mark for the Iowa seal, or a deliberately
16 misleading or unwarranted use of the term or identifying mark
17 is a serious misdemeanor.

18 Sec. 31. Section 232.102, Code 2017, is amended to read as
19 follows:

20 **232.102 Transfer of legal custody of child and placement.**

21 1. a. After a dispositional hearing the court may enter an
22 order transferring the legal custody of the child to one of the
23 following for purposes of placement:

24 (1) A parent who does not have physical care of the child,
25 other relative, or other suitable person.

26 (2) A child-placing agency or other suitable private
27 agency, facility, or institution which is licensed or otherwise
28 authorized by law to receive and provide care for the child.

29 (3) The department of human services. If the child is
30 placed in a juvenile shelter care home or with an individual
31 or agency as defined in [section 237.1](#), the department shall
32 assign decision-making authority to the juvenile shelter care
33 home, individual, or agency for the purpose of applying the
34 reasonable and prudent parent standard during the child's
35 placement.

1 *b.* If the child is sixteen years of age or older, the
2 order shall specify the services needed to assist the child in
3 preparing for the transition from foster care to adulthood. If
4 the child has a case permanency plan, the court shall consider
5 the written transition plan of services and needs assessment
6 developed for the child's case permanency plan. If the child
7 does not have a case permanency plan containing the transition
8 plan and needs assessment at the time the order is entered, the
9 written transition plan and needs assessment shall be developed
10 and submitted for the court's consideration no later than six
11 months from the date of the transfer order. The court shall
12 modify the initial transfer order as necessary to specify
13 the services needed to assist the child in preparing for the
14 transition from foster care to adulthood. If the transition
15 plan identifies services or other support needed to assist
16 the child when the child becomes an adult and the court deems
17 it to be beneficial to the child, the court may authorize
18 the individual who is the child's guardian ad litem or court
19 appointed special advocate to continue a relationship with and
20 provide advice to the child for a period of time beyond the
21 child's eighteenth birthday.

22 ~~1A.~~ 2. The court shall not order group foster care
23 placement of the child which is a charge upon the state if that
24 placement is not in accordance with the service area plan for
25 group foster care established pursuant to [section 232.143](#) for
26 the departmental service area in which the court is located.

27 ~~2.~~ 3. After a dispositional hearing and upon the request
28 of the department, the court may enter an order appointing the
29 department as the guardian of an unaccompanied refugee child or
30 of a child without parent or guardian.

31 ~~3.~~ 4. After a dispositional hearing and upon written
32 findings of fact based upon evidence in the record that an
33 alternative placement set forth in [subsection 1](#), paragraph
34 "a", subparagraph (1), has previously been made and is not
35 appropriate, the court may enter an order transferring the

1 guardianship of the child for the purposes of [subsection 9 11](#),
2 to the director of human services for the purposes of placement
3 in the Iowa juvenile home at Toledo.

4 ~~4.~~ 5. *a.* Upon receipt of an application from the director
5 of the department of human services, the court shall enter an
6 order to temporarily transfer a child who has been placed in
7 the Iowa juvenile home at Toledo pursuant to [subsection 3 4](#),
8 to a facility which has been designated to be an alternative
9 placement site for the juvenile home, provided the court finds
10 that all of the following conditions exist:

11 (1) There is insufficient time to file a motion and hold a
12 hearing for a new dispositional order under [section 232.103](#).

13 (2) Immediate removal of the child from the juvenile home
14 is necessary to safeguard the child's physical or emotional
15 health.

16 (3) That reasonable attempts to notify the parents,
17 guardian ad litem, and attorney for the child have been made.

18 *b.* If the court finds the conditions in paragraph "a" exist
19 and there is insufficient time to provide notice as required
20 under rule of juvenile procedure 8.12, the court may enter
21 an ex parte order temporarily transferring the child to the
22 alternative placement site.

23 *c.* Within three days of the child's transfer, the director
24 shall file a motion for a new dispositional order under section
25 232.103 and the court shall hold a hearing concerning the
26 motion within fourteen days of the child's transfer.

27 ~~5.~~ 6. *a.* Whenever possible the court should permit the
28 child to remain at home with the child's parent, guardian, or
29 custodian. Custody of the child should not be transferred
30 unless the court finds there is clear and convincing evidence
31 that:

32 (1) The child cannot be protected from physical abuse
33 without transfer of custody; or

34 (2) The child cannot be protected from some harm which would
35 justify the adjudication of the child as a child in need of

1 assistance and an adequate placement is available.

2 *b.* In order to transfer custody of the child under
3 this subsection, the court must make a determination that
4 continuation of the child in the child's home would be contrary
5 to the welfare of the child, and shall identify the reasonable
6 efforts that have been made. The court's determination
7 regarding continuation of the child in the child's home,
8 and regarding reasonable efforts, including those made to
9 prevent removal and those made to finalize any permanency
10 plan in effect, as well as any determination by the court
11 that reasonable efforts are not required, must be made on
12 a case-by-case basis. The grounds for each determination
13 must be explicitly documented and stated in the court order.
14 However, preserving the safety of the child is the paramount
15 consideration. If imminent danger to the child's life or
16 health exists at the time of the court's consideration, the
17 determinations otherwise required under this paragraph shall
18 not be a prerequisite for an order for removal of the child.
19 If the court transfers custody of the child, unless the
20 court waives the requirement for making reasonable efforts or
21 otherwise makes a determination that reasonable efforts are not
22 required, reasonable efforts shall be made to make it possible
23 for the child to safely return to the family's home.

24 ~~5A.~~ 7. A child placed in foster care may participate in
25 age or developmentally appropriate extracurricular, enrichment,
26 cultural, and social activities subject to the approval
27 of the child's foster parents or the appropriate licensed
28 foster care facility staff. A court shall make a finding at
29 all review hearings to address the child's participation in
30 such activities and how barriers to participation are being
31 addressed.

32 ~~6.~~ 8. The child shall not be placed in the state training
33 school.

34 ~~7.~~ 9. In any order transferring custody to the department
35 or an agency, or in orders pursuant to a custody order, the

1 court shall specify the nature and category of disposition
2 which will serve the best interests of the child, and shall
3 prescribe the means by which the placement shall be monitored
4 by the court. If the court orders the transfer of the custody
5 of the child to the department of human services or other
6 agency for placement, the department or agency shall submit
7 a case permanency plan to the court and shall make every
8 reasonable effort to return the child to the child's home as
9 quickly as possible consistent with the best interests of the
10 child. When the child is not returned to the child's home and
11 if the child has been previously placed in a licensed foster
12 care facility, the department or agency shall consider placing
13 the child in the same licensed foster care facility. If the
14 court orders the transfer of custody to a parent who does not
15 have physical care of the child, other relative, or other
16 suitable person, the court may direct the department or other
17 agency to provide services to the child's parent, guardian,
18 or custodian in order to enable them to resume custody of the
19 child. If the court orders the transfer of custody to the
20 department of human services or to another agency for placement
21 in group foster care, the department or agency shall make every
22 reasonable effort to place the child in the least restrictive,
23 most family-like, and most appropriate setting available, and
24 in close proximity to the parents' home, consistent with the
25 child's best interests and special needs, and shall consider
26 the placement's proximity to the school in which the child is
27 enrolled at the time of placement.

28 ~~8.~~ 10. Any order transferring custody to the department
29 or an agency shall include a statement informing the child's
30 parent that the consequences of a permanent removal may include
31 the termination of the parent's rights with respect to the
32 child.

33 ~~9.~~ 11. An agency, facility, institution, or person to whom
34 custody of the child has been transferred pursuant to this
35 section shall file a written report with the court at least

1 every six months concerning the status and progress of the
2 child. The court shall hold a periodic dispositional review
3 hearing for each child in placement pursuant to [this section](#) in
4 order to determine whether the child should be returned home,
5 an extension of the placement should be made, a permanency
6 hearing should be held, or a termination of the parent-child
7 relationship proceeding should be instituted. The placement
8 shall be terminated and the child returned to the child's home
9 if the court finds by a preponderance of the evidence that the
10 child will not suffer harm in the manner specified in section
11 232.2, subsection 6. If the placement is extended, the court
12 shall determine whether additional services are necessary to
13 facilitate the return of the child to the child's home, and
14 if the court determines such services are needed, the court
15 shall order the provision of such services. When the child
16 is not returned to the child's home and if the child has been
17 previously placed in a licensed foster care facility, the
18 department or agency responsible for the placement of the child
19 shall consider placing the child in the same licensed foster
20 care facility.

21 *a.* The initial dispositional review hearing shall not be
22 waived or continued beyond six months after the date of the
23 dispositional hearing.

24 *b.* Subsequent dispositional review hearings shall not be
25 waived or continued beyond twelve months after the date of the
26 most recent dispositional review hearing.

27 *c.* For purposes of [this subsection](#), a hearing held pursuant
28 to [section 232.103](#) satisfies the requirements for initial
29 dispositional review or subsequent permanency hearing.

30 ~~10.~~ 12. *a.* As used in [this division](#), "*reasonable efforts*"
31 means the efforts made to preserve and unify a family prior
32 to the out-of-home placement of a child in foster care or
33 to eliminate the need for removal of the child or make it
34 possible for the child to safely return to the family's home.
35 Reasonable efforts shall include but are not limited to giving

1 consideration, if appropriate, to interstate placement of a
2 child in the permanency planning decisions involving the child
3 and giving consideration to in-state and out-of-state placement
4 options at a permanency hearing and when using concurrent
5 planning. If returning the child to the family's home is not
6 appropriate or not possible, reasonable efforts shall include
7 the efforts made in a timely manner to finalize a permanency
8 plan for the child. A child's health and safety shall be the
9 paramount concern in making reasonable efforts. Reasonable
10 efforts may include but are not limited to family-centered
11 services, if the child's safety in the home can be maintained
12 during the time the services are provided. In determining
13 whether reasonable efforts have been made, the court shall
14 consider both of the following:

15 (1) The type, duration, and intensity of services or support
16 offered or provided to the child and the child's family. If
17 family-centered services were not provided, the court record
18 shall enumerate the reasons the services were not provided,
19 including but not limited to whether the services were not
20 available, not accepted by the child's family, judged to be
21 unable to protect the child and the child's family during
22 the time the services would have been provided, judged to be
23 unlikely to be successful in resolving the problems which would
24 lead to removal of the child, or other services were found to
25 be more appropriate.

26 (2) The relative risk to the child of remaining in the
27 child's home versus removal of the child.

28 *b.* As used in [this section](#), "*family-centered services*" means
29 services and other support intended to safely maintain a child
30 with the child's family or with a relative, to safely and in a
31 timely manner return a child to the home of the child's parent
32 or relative, or to promote achievement of concurrent planning
33 goals by identifying and helping the child secure placement
34 for adoption, with a guardian, or with other alternative
35 permanent family connections. Family-centered services are

1 adapted to the individual needs of a family in regard to the
2 specific services and other support provided to the child's
3 family and the intensity and duration of service delivery.
4 Family-centered services are intended to preserve a child's
5 connections to the child's neighborhood, community, and family
6 and to improve the overall capacity of the child's family to
7 provide for the needs of the children in the family.

8 ~~11.~~ 13. The performance of reasonable efforts to place a
9 child for adoption or with a guardian may be made concurrently
10 with making reasonable efforts as defined in [this section](#).

11 ~~12.~~ 14. If the court determines by clear and convincing
12 evidence that aggravated circumstances exist, with written
13 findings of fact based upon evidence in the record, the court
14 may waive the requirement for making reasonable efforts. The
15 existence of aggravated circumstances is indicated by any of
16 the following:

17 *a.* The parent has abandoned the child.

18 *b.* The court finds the circumstances described in section
19 232.116, subsection 1, paragraph "i", are applicable to the
20 child.

21 *c.* The parent's parental rights have been terminated under
22 section 232.116 or involuntarily terminated by an order of a
23 court of competent jurisdiction in another state with respect
24 to another child who is a member of the same family, and there
25 is clear and convincing evidence to show that the offer or
26 receipt of services would not be likely within a reasonable
27 period of time to correct the conditions which led to the
28 child's removal.

29 *d.* The parent has been convicted of the murder of another
30 child of the parent.

31 *e.* The parent has been convicted of the voluntary
32 manslaughter of another child of the parent.

33 *f.* The parent has been convicted of aiding or abetting,
34 attempting, conspiring in, or soliciting the commission of
35 the murder or voluntary manslaughter of another child of the

1 parent.

2 g. The parent has been convicted of a felony assault which
3 resulted in serious bodily injury of the child or of another
4 child of the parent.

5 ~~13.~~ 15. Unless prohibited by the court order transferring
6 custody of the child for placement or other court order or the
7 department or agency that received the custody transfer finds
8 that allowing the visitation would not be in the child's best
9 interest, the department or agency may authorize reasonable
10 visitation with the child by the child's grandparent,
11 great-grandparent, or other adult relative who has established
12 a substantial relationship with the child.

13 Sec. 32. Section 235B.3A, subsection 3, Code 2017, is
14 amended to read as follows:

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

23 ~~{a}~~ [1] You have the right to ask the court for the following
24 help on a temporary basis:

25 ~~{1}~~ [a] Keeping the alleged perpetrator away from you, your
26 home, and your place of work.

27 ~~{2}~~ [b] The right to stay at your home without interference
28 from the alleged perpetrator.

29 ~~{3}~~ [c] Professional counseling for you, your family, or
30 household members, and the alleged perpetrator of the dependent
31 adult abuse.

32 ~~{b}~~ [2] If you are in need of medical treatment, you have the
33 right to request that the peace officer present assist you in
34 obtaining transportation to the nearest hospital or otherwise
35 assist you.

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

5 Sec. 33. Section 235E.3, subsection 3, Code 2017, is amended
6 to read as follows:

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

15 ~~{a}~~ [1] You have the right to ask the court for the following
16 help on a temporary basis:

17 ~~{1}~~ [a] Keeping the alleged perpetrator away from you, your
18 home, your facility, and your place of work.

19 ~~{2}~~ [b] The right to stay at your home or facility without
20 interference from the alleged perpetrator.

21 ~~{3}~~ [c] Professional counseling for you, your family, or
22 household members, and the alleged perpetrator of the dependent
23 adult abuse.

24 ~~{b}~~ [2] If you are in need of medical treatment, you have the
25 right to request that the peace officer present assist you in
26 obtaining transportation to the nearest hospital or otherwise
27 assist you.

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

32 Sec. 34. Section 236.12, subsection 1, paragraph c, Code
33 2017, is amended to read as follows:

34 c. Providing an abused person with immediate and adequate
35 notice of the person's rights. The notice shall consist of

1 handing the person a document that includes the telephone
2 numbers of shelters, support groups, and crisis lines operating
3 in the area and contains a copy of the following statement
4 written in English and Spanish; asking the person to read the
5 card; and asking whether the person understands the rights:

6 [1] You have the right to ask the court for the following
7 help on a temporary basis:

8 ~~[1]~~ [a] Keeping your attacker away from you, your home and
9 your place of work.

10 ~~[2]~~ [b] The right to stay at your home without interference
11 from your attacker.

12 ~~[3]~~ [c] Getting custody of children and obtaining support
13 for yourself and your minor children if your attacker is
14 legally required to provide such support.

15 ~~[4]~~ [d] Professional counseling for you, the children who
16 are members of the household, and the defendant.

17 [2] You have the right to seek help from the court to seek
18 a protective order with or without the assistance of legal
19 representation. You have the right to seek help from the
20 courts without the payment of court costs if you do not have
21 sufficient funds to pay the costs.

22 [3] You have the right to file criminal charges for threats,
23 assaults, or other related crimes.

24 [4] You have the right to seek restitution against your
25 attacker for harm to yourself or your property.

26 [5] If you are in need of medical treatment, you have
27 the right to request that the officer present assist you in
28 obtaining transportation to the nearest hospital or otherwise
29 assist you.

30 [6] If you believe that police protection is needed for your
31 physical safety, you have the right to request that the officer
32 present remain at the scene until you and other affected
33 parties can leave or until safety is otherwise ensured.

34 Sec. 35. Section 237A.13, subsection 1, paragraph a, Code
35 2017, is amended to read as follows:

1 *a.* The child's parent, guardian, or custodian is
2 participating in approved academic, ~~or~~ vocational, or technical
3 training.

4 Sec. 36. Section 257.24, Code 2017, is amended to read as
5 follows:

6 **257.24 Deposit of instructional support income surtax.**

7 1. The director of revenue shall deposit all moneys received
8 as instructional support income surtax to the credit of each
9 district from which the moneys are received, in the school
10 district income surtax fund which is established in section
11 298.14.

12 2. a. The director of revenue shall deposit instructional
13 support income surtax moneys received on or before November 1
14 of the year following the close of the school budget year for
15 which the surtax is imposed to the credit of each district from
16 which the moneys are received in the school district income
17 surtax fund.

18 b. Instructional support income surtax moneys received or
19 refunded after November 1 of the year following the close of
20 the school budget year for which the surtax is imposed shall be
21 deposited in or withdrawn from the general fund of the state
22 and shall be considered part of the cost of administering the
23 instructional support income surtax.

24 Sec. 37. Section 261A.27, Code 2017, is amended to read as
25 follows:

26 **261A.27 Exercise of powers as essential public function —**
27 **exemption from taxation.**

28 1. The exercise of the powers granted by **this chapter** will
29 be in all respects for the benefit of the people of this state,
30 for the increase of their commerce, welfare, and prosperity,
31 and for the improvement of their health and living conditions,
32 and as the operation and maintenance of a program by the
33 authority or its agent will constitute the performance of an
34 essential public function. Income of the authority is exempt
35 from all taxation in the state. Property of the authority,

1 acquired or held for purposes of **this chapter**, is exempt from
2 all taxation and special assessments in the state if the
3 property was exempt for the fiscal year in which the property
4 was first acquired or held and such property shall continue
5 to be exempt for subsequent fiscal years. Property of the
6 authority, acquired or held for purposes of **this chapter**, is
7 subject to taxation and special assessments in the state if the
8 property was taxable for the fiscal year in which the property
9 was first acquired or held and such property shall continue to
10 be taxable for subsequent fiscal years.

11 2. Obligations issued by the authority on or after July 1,
12 2000, pursuant to either ~~division~~ subchapter of **this chapter**,
13 their transfer, and income therefrom are exempt from taxation
14 of any kind by the state or any political subdivision of the
15 state.

16 Sec. 38. Section 261A.45, Code 2017, is amended to read as
17 follows:

18 **261A.45 Obligations issued to acquire federally guaranteed**
19 **securities.**

20 1. The authority may finance the cost of a project, refund
21 outstanding indebtedness, or reimburse advances from an
22 endowment or similar fund of an institution as authorized by
23 this ~~division~~ subchapter, by issuing its obligations pursuant
24 to a plan of financing involving the acquisition of a federally
25 guaranteed security or the acquisition or entering into of
26 commitments to acquire a federally guaranteed security. For
27 the purposes of **this section**, "*federally guaranteed security*"
28 means any direct obligation of, or obligation the principal of
29 and interest on which are fully guaranteed or insured by the
30 United States, or an obligation issued by, or the principal
31 of and interest on which are fully guaranteed or insured by
32 any agency or instrumentality of the United States, including
33 without limitation an obligation that is issued pursuant to the
34 National Housing Act, or any successor provision of law.

35 2. The authority may acquire or enter into commitments

1 to acquire a federally guaranteed security and pledge or
2 otherwise use the federally guaranteed security in the
3 manner the authority deems in its best interest to secure or
4 otherwise provide a source of repayment of its obligations
5 issued to finance or refinance a project, or may enter into an
6 appropriate agreement with an institution whereby the authority
7 may make a loan to the institution for the purpose of acquiring
8 or entering into commitments to acquire a federally guaranteed
9 security. An agreement entered into pursuant to [this section](#)
10 may contain provisions deemed necessary or desirable by the
11 authority for the security or protection of the authority or
12 the holders of the obligations, except that the authority,
13 prior to making an acquisition, commitment, or loan, shall
14 determine and enter into an agreement with the institution or
15 another appropriate institution to require that the proceeds
16 derived from the acquisition of a federally guaranteed security
17 will be used, directly or indirectly, for the purpose of
18 financing or refinancing a project.

19 3. The obligations issued pursuant to [this section](#) shall not
20 exceed in principal amount the cost of financing or refinancing
21 the project as determined by the participating institution
22 and approved by the authority, except that the costs may
23 include, without limitation, all costs and expenses necessary
24 or incidental to the acquisition of or commitment to acquire a
25 federally guaranteed security and to the issuance and obtaining
26 of insurance or guarantee of an obligation issued or incurred
27 in connection with a federally guaranteed security. In other
28 respects the bonds are subject to [this division subchapter](#), and
29 the trust agreement creating the bonds may contain provisions
30 set forth in [this division subchapter](#) as the authority deems
31 appropriate.

32 4. If a project is financed or refinanced pursuant to
33 this section, the title to the project shall remain in the
34 participating institution owning the project, subject to the
35 lien of a mortgage or security interest securing, directly or

1 indirectly, the federally guaranteed securities being purchased
2 or to be purchased.

3 Sec. 39. Section 274.6, Code 2017, is amended to read as
4 follows:

5 **274.6 Names.**

6 School corporations shall be designated as follows:

7 1. The independent school district of (naming city,
8 township, or village, and if there are two or more districts
9 therein, including some appropriate name or number), in the
10 county of (naming county), state of Iowa; ~~or, the~~ .

11 2. The consolidated school district of (some appropriate
12 name or number), in the county of (naming county), state of
13 Iowa; ~~or, the~~ .

14 3. The community school district of (some appropriate
15 name), in the county (or counties) of (naming county or
16 counties), state of Iowa; ~~or, the~~ .

17 4. The (some appropriate name) community school district,
18 in the county (or counties) of (naming county or counties),
19 state of Iowa.

20 Sec. 40. Section 275.4, Code 2017, is amended to read as
21 follows:

22 **275.4 Studies, surveys, and plans.**

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

30 b. In addition, the area education agency board shall
31 consult with the director of the department of education in
32 the development of surveys and plans. The director of the
33 department of education shall provide assistance to the area
34 education agency boards as requested and shall advise the area
35 education agency boards concerning plans of contiguous area

1 education agencies and the reorganization policies adopted by
2 the state board of education.

3 2. Completed plans shall be transmitted by the area
4 education agency board to the director of the department of
5 education.

6 Sec. 41. Section 279.19, Code 2017, is amended to read as
7 follows:

8 **279.19 Probationary period.**

9 1. The first three consecutive years of employment of
10 a teacher in the same school district are a probationary
11 period. However, if the teacher has successfully completed a
12 probationary period of employment for another school district
13 located in Iowa, the probationary period in the current
14 district of employment shall not exceed one year. A board of
15 directors may waive the probationary period for any teacher who
16 previously has served a probationary period in another school
17 district and the board may extend the probationary period for
18 an additional year with the consent of the teacher.

19 2. a. In the case of the termination of a probationary
20 teacher's contract, the provisions of [sections 279.15](#) and
21 [279.16](#) shall apply. However, if the probationary teacher is a
22 beginning teacher who fails to demonstrate competence in the
23 Iowa teaching standards in accordance with [chapter 284](#), the
24 provisions of [sections 279.17](#) and [279.18](#) shall also apply.

25 b. The board's decision shall be final and binding unless
26 the termination was based upon an alleged violation of a
27 constitutionally guaranteed right of the teacher or an alleged
28 violation of public employee rights of the teacher under
29 section 20.10.

30 3. Notwithstanding any provision to the contrary, the
31 grievance procedures of [section 20.18](#) relating to job
32 performance or job retention shall not apply to a teacher
33 during the first two years of the teacher's probationary
34 period. However, this ~~paragraph~~ subsection shall not apply to
35 a teacher who has successfully completed a probationary period

1 in a school district in Iowa.

2 Sec. 42. Section 279.21, Code 2017, is amended to read as
3 follows:

4 **279.21 Principals.**

5 1. The board of directors of a school district may employ
6 principals, under the provisions of [section 279.23](#). A
7 principal shall hold a current valid principal's certificate.
8 Notwithstanding the provisions of [section 279.23](#), after serving
9 at least nine months, a principal may be employed for a term of
10 not to exceed two years.

11 2. a. The principal, under the supervision of the
12 superintendent of the school district and pursuant to rules
13 and policies of the board of directors of the school district,
14 shall be responsible for administration and operation of the
15 attendance center to which the principal is assigned.

16 b. The principal shall, pursuant to the policies adopted by
17 the board of directors of the school district, be responsible
18 for the planning, management, operation, and evaluation of the
19 educational program offered at the attendance center to which
20 the principal is assigned and shall submit recommendations
21 to the superintendent regarding the appointment, assignment,
22 promotion, transfer, and dismissal of all personnel assigned to
23 the attendance center. The principal shall perform such other
24 duties as may be assigned by the superintendent.

25 c. For purposes of [this section](#) and [sections 279.23](#),
26 [279.23A](#), [279.24](#), and [279.25](#), the term "*principal*" includes
27 school principals, associate principals, and assistant
28 principals.

29 Sec. 43. Section 280.19A, Code 2017, is amended to read as
30 follows:

31 **280.19A Alternative options education programs — disclosure**
32 **of records.**

33 1. By January 15, 1995, each school district shall adopt
34 a plan to provide alternative options education programs to
35 students who are either at risk of dropping out or have dropped

1 out. An alternative options education program may be provided
2 in a district, through a sharing agreement with a school in a
3 contiguous district, or through an areawide program available
4 at the community college serving the merged area in which
5 the school district is located. Each area education agency
6 shall provide assistance in establishing a plan to provide
7 alternative education options to students attending a public
8 school in a district served by the agency.

9 2. If a district has not adopted a plan as required in this
10 section and implemented the plan by January 15, 1996, the area
11 education agency serving the district shall assist the district
12 with developing a plan and an alternative options education
13 program for the pupil. When a plan is developed, the district
14 shall be responsible for the operation of the program and
15 shall reimburse the area education agency for the actual costs
16 incurred by the area education agency under [this section](#).

17 3. Notwithstanding [section 22.7, subsection 1](#), records
18 kept regarding a student who has participated in a program
19 under [this section](#) shall be requested by school officials of
20 a public or nonpublic receiving school in which the student
21 seeks to enroll, and shall be provided by the sending school.
22 A school official who receives information under [this section](#)
23 shall disclose this information only to those school officials
24 and employees whose duties require them to be involved with
25 the student. A school official or employee who discloses
26 information received under [this section](#) in violation of
27 ~~this paragraph~~ subsection shall be subject to disciplinary
28 action, including but not limited to reprimand, suspension,
29 or termination. "*School officials and employees*" means those
30 officials and persons employed by a nonpublic school or public
31 school district, and area education agency staff members who
32 provide services to schools or school districts.

33 Sec. 44. Section 282.18, subsection 11, Code 2017, is
34 amended to read as follows:

35 11. A pupil who participates in open enrollment for purposes

1 of attending a grade in grades nine through twelve in a school
2 district other than the district of residence is ineligible to
3 participate in varsity interscholastic athletic contests and
4 athletic competitions during the pupil's first ninety school
5 days of enrollment in the district except that the pupil may
6 participate immediately in a varsity interscholastic sport if
7 the pupil is entering grade nine for the first time and did
8 not participate in an interscholastic athletic competition for
9 another school or school district during the summer immediately
10 following eighth grade, if the district of residence and the
11 other school district jointly participate in the sport, if the
12 sport in which the pupil wishes to participate is not offered
13 in the district of residence, if the pupil chooses to use open
14 enrollment to attend school in another school district because
15 the district in which the student previously attended school
16 was dissolved and merged with one or more contiguous school
17 districts under [section 256.11, subsection 12](#), if the pupil
18 participates in open enrollment because the pupil's district
19 of residence has entered into a whole grade sharing agreement
20 with another district for the pupil's grade, ~~or~~ if the parent
21 or guardian of the pupil participating in open enrollment is
22 an active member of the armed forces and resides in permanent
23 housing on government property provided by a branch of the
24 armed services, or if the district of residence determines
25 that the pupil was previously subject to a founded incident
26 of harassment or bullying as defined in [section 280.28](#) while
27 attending school in the district of residence. A pupil who
28 has paid tuition and attended school, or has attended school
29 pursuant to a mutual agreement between the two districts,
30 in a district other than the pupil's district of residence
31 for at least one school year is also eligible to participate
32 immediately in interscholastic athletic contests and athletic
33 competitions under [this section](#), but only as a member of a team
34 from the district that pupil had attended. For purposes of
35 this subsection, "*school days of enrollment*" does not include

1 enrollment in summer school. For purposes of **this subsection**,
2 *"varsity"* means the same as defined in **section 256.46**.

3 Sec. 45. Section 306.9, Code 2017, is amended to read as
4 follows:

5 **306.9 Diagonal roads — restoring and improving existing**
6 **roads.**

7 1. It is the policy of the state of Iowa that relocation
8 of primary highways through cultivated land shall be avoided
9 to the maximum extent possible. When the volume of traffic
10 for which the road is designed or other conditions, including
11 designation as part of the network of commercial and industrial
12 highways, require relocation, diagonal routes shall be avoided
13 if feasible and prudent alternatives consistent with efficient
14 movement of traffic exist.

15 2. The improvement of two-lane roads shall utilize the
16 existing right-of-way unless alignment or other conditions,
17 including designation as part of the network of commercial
18 and industrial highways, make changes imperative, and when
19 a two-lane road is expanded to a four-lane road, the normal
20 procedure shall be that the additional right-of-way be
21 contiguous to the existing right-of-way unless relocated for
22 compelling reasons, including the need to provide efficient
23 movement of traffic on the network of commercial and industrial
24 highways. This policy does not apply to a highway project for
25 which the corridor has been approved by the state department of
26 transportation and the corridor has been finalized by September
27 1, 1977.

28 3. It is the policy of the state of Iowa that in
29 constructing primary highways designed with four-lane divided
30 roadways, access controls shall be limited to the minimum level
31 necessary, as determined by the department, to ensure the safe
32 and efficient movement of traffic or to comply with federal aid
33 requirements.

34 4. Unless otherwise required by the federal law or
35 regulation, it is also the policy of this state that road use

1 tax fund moneys shall be used to rehabilitate or reconstruct
2 existing roads, streets, and bridges using substantially
3 existing right-of-way. This ~~paragraph~~ subsection does
4 not apply where additional right-of-way is needed for the
5 construction or completion of designated interstate or city
6 routes and highway bypasses or highways designated as part of
7 the network of commercial and industrial highways.

8 Sec. 46. Section 321A.1, subsection 11, Code 2017, is
9 amended to read as follows:

10 11. "*Proof of financial responsibility*" means proof of
11 ability to respond in damages for liability, on account of
12 accidents occurring subsequent to the effective date of the
13 proof, arising out of the ownership, maintenance, or use of a
14 motor vehicle, in amounts as follows:

15 a. With respect to accidents occurring on or after January
16 1, 1981, and prior to January 1, 1983, the amount of fifteen
17 thousand dollars because of bodily injury to or death of one
18 person in any one accident, and, subject to the limit for one
19 person, the amount of thirty thousand dollars because of bodily
20 injury to or death of two or more persons in any one accident,
21 and the amount of ten thousand dollars because of injury to
22 or destruction of property of others in any one accident, ~~and~~
23 with.

24 b. With respect to accidents occurring on or after January
25 1, 1983, the amount of twenty thousand dollars because of
26 bodily injury to or death of one person in any one accident,
27 and, subject to the limit for one person, the amount of forty
28 thousand dollars because of bodily injury to or death of
29 two or more persons in any one accident, and the amount of
30 fifteen thousand dollars because of injury to or destruction of
31 property of others in any one accident.

32 Sec. 47. Section 327G.79, Code 2017, is amended to read as
33 follows:

34 **327G.79 Valuing property in controversy.**

35 1. The department of inspections and appeals' determination

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

13 2. The department of inspections and appeals' determination
14 and order is final for the purpose of administrative review to
15 the district court as provided in [chapter 17A](#). The district
16 court's scope of review shall be confined to whether there is
17 substantial evidence to support the department of inspections
18 and appeals' determination and order.

19 3. For purposes of [this division subchapter](#), unless the
20 context otherwise requires, "*department*" means the state
21 department of transportation.

22 Sec. 48. Section 331.210A, subsection 2, paragraph e,
23 subparagraphs (1) and (2), Code 2017, are amended to read as
24 follows:

25 (1) The plan approved by the board of supervisors shall
26 be submitted to the state commissioner of elections for
27 approval. If the state commissioner or the Iowa ethics and
28 campaign disclosure board finds that the plan does not meet
29 the standards of [section 42.4](#), the state commissioner shall
30 reject the plan, and the board of supervisors shall direct the
31 commission to prepare and adopt an acceptable plan.

32 (2) For purposes of determining whether the standards
33 of [section 42.4](#) have been met, an eligible elector may
34 file a complaint with the state commissioner of elections
35 within fourteen days after a plan is approved by the board

1 of supervisors of the county in which the eligible elector
2 resides, on a form prescribed by the commissioner, alleging
3 that the plan was drawn for improper political reasons as
4 described in [section 42.4, subsection 5](#). If a complaint is
5 filed with the state commissioner of elections, the state
6 commissioner shall forward the complaint to the Iowa ethics and
7 campaign disclosure board established in [section 68B.32](#) for
8 resolution.

9 Sec. 49. Section 331.756, subsection 15, Code 2017, is
10 amended to read as follows:

11 15. Review the report and recommendations of the Iowa ethics
12 and campaign disclosure board and proceed to institute the
13 recommended actions or advise the board that prosecution is not
14 merited, as provided in [sections 68B.32C](#) and [68B.32D](#).

15 Sec. 50. Section 355.7A, subsection 14, Code 2017, is
16 amended to read as follows:

17 14. The acreage shall be shown for each parcel or tract
18 included in a retracement plat of survey to the nearest
19 one-hundredth of an acre. If a parcel or tract described
20 as part of the United States public land survey system and
21 not entirely within an official plat lies within more than
22 one forty-acre aliquot part of a section, the acreage shall
23 be shown only for assessment and taxation purposes for each
24 portion of the parcel that lies within each forty-acre aliquot
25 part. The surveyor shall not be required to establish the
26 location of the forty-acre aliquot line by survey but is
27 required to use reasonable assumptions in determining its
28 approximate location for assessment and taxation purposes. If
29 appropriate, areas of parcels or tracts of less than one acre
30 may be expressed in square feet to the nearest ten square feet.

31 Sec. 51. Section 400.15, Code 2017, is amended to read as
32 follows:

33 **400.15 Appointing powers.**

34 1. All appointments or promotions to positions within the
35 scope of [this chapter](#) other than those of chief of police and

1 chief of fire department shall be made:

2 a. In cities under the commission form of government, by
3 the superintendents of the respective departments, with the
4 approval of the city council;~~in.~~

5 b. In cities under the city manager plan, by the city
6 manager;~~in.~~

7 c. In all other cities with the approval of the city
8 council;~~and in.~~

9 d. In the police and fire departments by the chiefs of the
10 respective departments.

11 2. All such appointments or promotions shall promptly
12 be reported to the clerk of the commission by the appointing
13 officer. An appointing authority may transfer an employee,
14 other than police officers and fire fighters, from one
15 department to the same civil service classification in another
16 department, and such employee shall retain the same civil
17 service status.

18 Sec. 52. Section 400.21, Code 2017, is amended to read as
19 follows:

20 **400.21 Notice of appeal.**

21 If the appeal be taken by the person suspended, demoted,
22 or discharged, notice thereof, signed by the appellant and
23 specifying the ruling appealed from, shall be filed with
24 the clerk of the commission; if by the person making such
25 suspension, demotion, or discharge, such notice shall also be
26 served upon the person suspended, demoted, or discharged.

27 Sec. 53. Section 403.9, subsection 3, paragraph a, Code
28 2017, is amended to read as follows:

29 a. Bonds issued under this section shall be authorized by
30 resolution or ordinance of the local governing body and may be
31 issued in one or more series and shall bear such date or dates,
32 be payable upon demand or mature at such time or times, bear
33 interest at such rate or rates not exceeding that permitted by
34 chapter 74A, be in such denomination or denominations, be in
35 such form either coupon or registered, carry such conversion

1 or registration privileges, have such rank or priority, be
2 executed in such manner, be payable in such medium of payment,
3 at such place or places, and be subject to such terms of
4 redemption, with or without premium, be secured in such manner,
5 and have such other characteristics, as may be provided by
6 such resolution or trust indenture or mortgage issued pursuant
7 thereto.

8 Sec. 54. Section 437.9, Code 2017, is amended to read as
9 follows:

10 **437.9 County assessment — certification.**

11 The department of revenue shall, for the purpose of
12 determining what amount shall be assessed to any one of ~~said~~
13 the companies in each county of the state into which the
14 line or lines of the company extend, multiply the assessed
15 or taxable value per mile of line of ~~said~~ the company, as
16 ascertained according to the provisions of **this chapter**, by
17 the number of miles of line in each of ~~said~~ the counties, and
18 the result thereof shall be ~~by the department~~ certified by the
19 department to the several county auditors of the respective
20 counties into, over, or through which ~~said~~ the line or lines
21 extend.

22 Sec. 55. Section 437A.1, Code 2017, is amended to read as
23 follows:

24 **437A.1 Classification of chapter.**

25 The provisions of **this chapter** are classified and designated
26 as follows:

- 27 1. **Subchapter I** Introductory Provisions.
- 28 2. **Subchapter II** Generation, Transmission, and Delivery
29 Taxes.
- 30 3. **Subchapter III** Statewide Property Tax.
- 31 4. **Subchapter IV** General Provisions.

32 Sec. 56. Section 455B.381, unnumbered paragraph 1, Code
33 2017, is amended to read as follows:

34 As used in this part 4 of division IV, unless the context
35 otherwise requires:

1 Sec. 57. Section 455B.474, subsection 2, paragraph a,
2 subparagraph (1), Code 2017, is amended to read as follows:

3 (1) (a) Financial responsibility required by this
4 subsection may be established in accordance with rules adopted
5 by the commission by any one, or any combination, of the
6 following methods: ~~insurance, guarantee, surety bond, letter~~

7 (i) Insurance.

8 (ii) Guarantee.

9 (iii) Letter of credit, or qualification.

10 (iv) Qualification as a self-insurer.

11 (b) In adopting requirements under **this subsection**, the
12 commission may specify policy or other contractual terms,
13 conditions, or defenses which are necessary or are unacceptable
14 in establishing the evidence of financial responsibility.

15 Sec. 58. Section 455B.474, subsection 3, paragraph c, Code
16 2017, is amended to read as follows:

17 c. The material used in the construction or lining of
18 the tank is compatible with the substance to be stored.

19 If soil tests conducted in accordance with ASTM (American
20 society for testing and materials) international's standard
21 G57-78 or another standard approved by the commission show
22 that soil resistivity in an installation location is twelve
23 thousand ohm/cm or more ~~{unless, unless~~ a more stringent soil
24 resistivity standard is adopted by rule of the ~~commission}~~
25 commission, a storage tank without corrosion protection may
26 be installed in that location until the effective date of the
27 standards adopted by the commission and after January 1, 1986.

28 Sec. 59. Section 461A.25, Code 2017, is amended to read as
29 follows:

30 **461A.25 Leases and easements.**

31 1. The commission may recommend that the executive council
32 lease property under the commission's jurisdiction. All leases
33 shall reserve to the public of the state the right to enter
34 upon the property leased for any lawful purpose. The council
35 may, if it approves the recommendation and the lease to be

1 entered into is for five years or less, execute the lease in
2 behalf of the state and commission. If the recommendation
3 is for a lease in excess of five years, with the exception
4 of agricultural lands specifically dealt with in Article I,
5 section 24 of the Constitution of the State of Iowa, the
6 council shall advertise for bids. If a bid is accepted, the
7 lease shall be let or executed by the council in accordance
8 with the most desirable bid. The lease shall not be executed
9 for a term longer than fifty years. Any such leasehold
10 interest, including any improvements placed on it, shall be
11 listed on the tax rolls as provided in chapters 428 and 443,
12 and assessed and valued as provided in chapter 441; taxes shall
13 be levied on it as provided in chapter 444 and collected as
14 provided in chapter 445; and the leasehold interest is subject
15 to tax sale, redemption, and apportionment of taxes as provided
16 in chapters 446, 447 and 448. The lessee shall discharge and
17 pay all taxes.

18 2. The commission shall adopt rules providing for granting
19 easements to political subdivisions and utility companies
20 on state land under the jurisdiction of the department.
21 An applicant for an easement shall provide the director
22 with information setting forth the need for the easement,
23 availability of alternatives, and measures proposed to prevent
24 or minimize adverse impacts on the affected property. An
25 easement shall be executed by the director, approved as to form
26 by the attorney general, and if granted for a term longer than
27 five years, approved by the commission.

28 3. For the purposes of this section, property under the
29 commission's jurisdiction does not include an area of the bed
30 of a lake or river occupied by a dock or other appurtenance or
31 means of access to a dock, including but not limited to boat
32 hoists and boat slips, or occupied by a boat ramp, constructed
33 or installed and maintained under littoral or riparian rights.

34 Sec. 60. Section 515.24, Code 2017, is amended to read as
35 follows:

1 **515.24 Tax — computation.**

2 For the purpose of determining the basis of any tax upon
3 the ~~"gross amount of premiums"~~ gross amount of premiums, or
4 ~~"gross receipts from premiums, assessments, fees, and promissory~~
5 ~~obligations"~~ gross receipts from premiums, assessments, fees,
6 and promissory obligations, now or hereafter imposed upon
7 any fire or casualty insurance company under any law of this
8 state, such gross amount or gross receipts shall consist of
9 the gross written premiums or receipts for direct insurance,
10 without including or deducting any amounts received or paid
11 for reinsurance except that any company reinsuring windstorm
12 or hail risks written by county mutual insurance associations
13 shall be required to pay as a tax the applicable percent
14 provided in [section 432.1](#), calculated upon the gross amount
15 of reinsurance premiums received upon such risks, but with
16 such other deductions as provided by law, and in addition
17 deducting any so-called dividend or return of savings or gains
18 to policyholders; provided that as to any deposits or deposit
19 premiums received by any such company, the taxable premiums
20 shall be the portion of such deposits or deposit premiums
21 earned during the year with such deductions therefrom as
22 provided by law.

23 Sec. 61. Section 515.48, subsection 1, paragraph a,
24 subparagraphs (1), (2), (3), (4), (5), (6), and (7), Code 2017,
25 are amended to read as follows:

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

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

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

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

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

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

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

17 Sec. 62. Section 522B.11, subsection 7, paragraph b, Code
18 2017, is amended to read as follows:

19 b. The general assembly declares that the holding of
20 *Langwith v. Am. Nat'l Gen. Ins. Co.*, (~~No. 08-0778~~) 793
21 N.W. 2d 215 (Iowa 2010) is abrogated to the extent that it
22 overrules *Sandbulte* and imposes higher or greater duties and
23 responsibilities on insurance producers than those set forth
24 in *Sandbulte*.

25 Sec. 63. Section 523I.316, subsection 2, Code 2017, is
26 amended to read as follows:

27 2. *Disturbance of interment spaces — penalty.* A person who
28 knowingly and without authorization damages, defaces, destroys,
29 or otherwise disturbs an interment space commits criminal
30 mischief in the third degree under section 716.5. Criminal
31 mischief in the third degree is an aggravated misdemeanor.

32 Sec. 64. Section 554.7304, subsection 5, Code 2017, is
33 amended to read as follows:

34 5. The bailee shall deliver in accordance with [Part part 4](#)
35 against the first presented part of a tangible bill of lading

1 lawfully issued in a set. Delivery in this manner discharges
2 the bailee's obligation on the whole bill.

3 Sec. 65. Section 554.7503, subsection 3, Code 2017, is
4 amended to read as follows:

5 3. Title to goods based upon a bill of lading issued to
6 a freight forwarder is subject to the rights of any person
7 to which a bill issued by the freight forwarder is duly
8 negotiated. However, delivery by the carrier in accordance
9 with [Part part 4](#) pursuant to its own bill of lading discharges
10 the carrier's obligation to deliver.

11 Sec. 66. Section 554.8102, subsection 1, paragraph q, Code
12 2017, is amended to read as follows:

13 *q.* "Security entitlement" means the rights and property
14 interest of an entitlement holder with respect to a financial
15 asset specified in [Part part 5](#).

16 Sec. 67. Section 554.8104, subsection 3, Code 2017, is
17 amended to read as follows:

18 3. A person who acquires a security entitlement to a
19 security or other financial asset has the rights specified
20 in [Part part 5](#), but is a purchaser of any security, security
21 entitlement, or other financial asset held by the securities
22 intermediary only to the extent provided in [section 554.8503](#).

23 Sec. 68. Section 554.9805, subsection 5, Code 2017, is
24 amended to read as follows:

25 5. *Application of Part part 5.* A financing statement that
26 includes a financing statement filed before July 1, 2013,
27 and a continuation statement filed on or after July 1, 2013,
28 is effective only to the extent that the financing statement
29 satisfies the requirements of [Part part 5](#), as amended by
30 2012 Acts, ch. 1052, for an initial financing statement.
31 A financing statement that indicates that the debtor is a
32 decedent's estate indicates that the collateral is being
33 administered by a personal representative within the meaning
34 of [section 554.9503, subsection 1](#), paragraph "b", as amended by
35 2012 Acts, ch. 1052. A financing statement that indicates that

1 the debtor is a trust or is a trustee acting with respect to
2 property held in trust indicates that the collateral is held in
3 a trust within the meaning of [section 554.9503, subsection 1,](#)
4 paragraph "c", as amended by 2012 Acts, ch. 1052.

5 Sec. 69. Section 554.9806, subsection 3, paragraph a, Code
6 2017, is amended to read as follows:

7 a. satisfy the requirements of [Part part 5,](#) as amended by
8 2012 Acts, ch. 1052, for an initial financing statement;

9 Sec. 70. Section 554.13501, subsection 5, Code 2017, is
10 amended to read as follows:

11 5. If the lease agreement covers both real property and
12 goods, the party seeking enforcement may proceed under this
13 ~~Part~~ [part](#) as to the goods, or under other applicable law as to
14 both the real property and the goods in accordance with that
15 party's rights and remedies in respect of the real property, in
16 which case this ~~Part~~ [part](#) does not apply.

17 Sec. 71. Section 820.23, Code 2017, is amended to read as
18 follows:

19 **820.23 Application for extradition.**

20 1. When the return to this state of a person charged with
21 crime in this state is required, the prosecuting attorney shall
22 present to the governor the prosecuting attorney's written
23 application for a requisition for the return of the person
24 charged, in which application shall be stated the name of the
25 person so charged, the crime charged against the person, the
26 approximate time, place and circumstances of its commission,
27 the state in which the person is believed to be, including the
28 location of the accused therein at the time the application
29 is made and certifying that, in the opinion of the said
30 prosecuting attorney the ends of justice require the arrest
31 and return of the accused to this state for trial and that the
32 proceeding is not instituted to enforce a private claim.

33 2. When the return to this state is required of a person
34 who has been convicted of a crime in this state and has escaped
35 from confinement or broken the terms of the person's bail,

1 probation, or parole, the prosecuting attorney of the county
2 in which the offense was committed, the parole board, or the
3 warden of the institution or sheriff of the county, from which
4 escape was made, shall present to the governor a written
5 application for a requisition for the return of such person,
6 in which application shall be stated the name of the person,
7 the crime of which the person was convicted, the circumstances
8 of the person's escape from confinement or of the breach of the
9 terms of the person's bail, probation, or parole, the state in
10 which the person is believed to be, including the location of
11 the person therein at the time application is made.

12 3. The application shall be verified by affidavit, shall be
13 executed in duplicate and shall be accompanied by two certified
14 copies of the indictment returned, or information and affidavit
15 filed, or of the complaint made to the judge or magistrate,
16 stating the offense with which the accused is charged, or of
17 the judgment of conviction or of the sentence. The prosecuting
18 officer, parole board, warden, or sheriff may also attach such
19 further affidavits and other documents in duplicate as the
20 prosecuting officer, parole board, warden, or sheriff shall
21 deem proper to be submitted with such application. One copy
22 of the application, with the action of the governor indicated
23 by endorsement thereon, and one of the certified copies of the
24 indictment, complaint, information, and affidavits or of the
25 judgment of conviction or of the sentence shall be filed in
26 the office of the governor to remain of record in that office.
27 The other copies of all papers shall be forwarded with the
28 governor's requisition.

29 DIVISION II

30 CORRESPONDING CHANGES

31 Sec. 72. Section 232.103, subsection 7, Code 2017, is
32 amended to read as follows:

33 7. With respect to a temporary transfer order made pursuant
34 to [section 232.102, subsection 4 5](#), if the court finds that
35 removal of a child from the Iowa juvenile home is necessary

1 to safeguard the child's physical or emotional health and is
2 in the best interests of the child, the court shall grant
3 the director's motion for a new dispositional order to place
4 the child in a facility which has been designated to be an
5 alternative placement site for the juvenile home.

6 Sec. 73. Section 232.104, subsection 1, paragraph a,
7 subparagraph (2), Code 2017, is amended to read as follows:

8 (2) For an order entered under [section 232.102](#), for which
9 the court has waived reasonable efforts requirements under
10 [section 232.102](#), subsection ~~12~~ 14, the permanency hearing shall
11 be held within thirty days of the date the requirements were
12 waived.

13 Sec. 74. Section 232.182, subsection 5, unnumbered
14 paragraph 1, Code 2017, is amended to read as follows:

15 After the hearing is concluded, the court shall make and
16 file written findings as to whether reasonable efforts, as
17 defined in [section 232.102](#), [subsection ~~10~~ 12](#), have been made
18 and whether the voluntary foster family care placement is in
19 the child's best interests.

20 Sec. 75. Section 234.6, subsection 1, paragraph e,
21 subparagraph (3), Code 2017, is amended to read as follows:

22 (3) Family-centered services, as defined in section
23 [232.102](#), [subsection ~~10~~ 12](#), paragraph "b".

24 DIVISION III

25 CODE EDITOR DIRECTIVES

26 Sec. 76. CODE EDITOR DIRECTIVES.

27 1. Sections 502.510, 514B.17A, and 654.17, Code 2017, are
28 amended by striking the word "recision" and inserting in lieu
29 thereof the word "rescission".

30 2. Sections 15.318, subsection 4; 15.354, subsection 5;
31 29C.3, subsection 3; 29C.6, subsection 1; 144.13, subsection
32 4, paragraph "c"; 202C.2, subsection 4; 252A.3A, subsections
33 6, 7, 8, and 12; 489.111, subsection 4; 490.732, subsection 3;
34 502.202, subsection 19; 502.603, subsection 2, paragraph "b",
35 subparagraph (3); 508E.10, subsection 3; 523A.602, subsection

1 1, paragraph "b", unnumbered paragraph 1; 523A.602, subsection
2 1, paragraph "c"; 535.17, subsection 5, paragraph "f"; 551A.3,
3 subsection 3, paragraph "c", subparagraph (15), subparagraph
4 division (b); 551A.8, subsection 1; 558.71, subsection 3;
5 and 714F.4, subsection 1, Code 2017, are amended by striking
6 the word "recision" and inserting in lieu thereof the word
7 "rescission".

8 3. Sections 15E.41, 15E.42, 15E.67, 15E.69, 15E.71,
9 15E.201, 15E.204, 15E.211, 15E.301, 15E.302, 124.404, 124.550,
10 124.557, 124.558, 125.75A, 125.77, 125.90, 135B.19, 135B.21,
11 135B.23, 135B.24, 135B.31, 261.42, 261A.33, 261A.35, 261A.36,
12 261A.39, 261A.40, 261A.41, 261A.44, 261A.46, 261A.47, 261A.48,
13 261A.49, 261A.50, 266.41, 266.42, 266.46, 327G.1, 327G.61,
14 427B.22, 515F.30, 515F.33, 515F.37, 515F.38, 904.704, 904.806,
15 904.812, and 904.907, Code 2017, are amended by striking
16 the word "division" and inserting in lieu thereof the word
17 "subchapter".

18 4. Sections 15E.43, subsection 6; 15E.46, subsections
19 1 and 3; 15E.61, subsection 2, unnumbered paragraph 1;
20 15E.62, unnumbered paragraph 1; 15E.62, subsection 5; 15E.63,
21 subsections 1 and 9; 15E.64, subsections 1, 3, 4, and 7;
22 15E.66, subsections 2, 4, and 6; 15E.72, subsection 3,
23 paragraph "a"; 15E.72, subsection 4, paragraph "a"; 15E.72,
24 subsection 5, paragraph "a"; 15E.72, subsection 7; 15E.72,
25 subsection 11, unnumbered paragraph 1; 15E.202, unnumbered
26 paragraph 1; 15E.202, subsection 11; 15E.203, subsections
27 2 and 3; 15E.206, subsection 3, paragraph "b"; 15E.207,
28 unnumbered paragraph 1; 15E.207, subsection 2, paragraph "b",
29 subparagraph (3); 15E.208, subsection 3, unnumbered paragraph
30 1; 15E.208, subsection 3, paragraph "b", subparagraph (2),
31 subparagraph divisions (c), (d), and (e); 15E.208, subsection
32 5, paragraph "d", unnumbered paragraph 1; 15E.208, subsection
33 6, paragraph "a"; 15E.303, unnumbered paragraph 1; 15E.362,
34 subsection 1, unnumbered paragraph 1; 15E.362, subsection 1,
35 paragraph "d"; 124.101, subsection 5; 124.201, subsection 1,

1 paragraph "h"; 124.302, subsection 2; 124.303, subsection 3;
2 124.402, subsection 1, paragraph "a"; 124.551, subsection 1;
3 124.553, subsections 3 and 5; 124.554, subsection 1, unnumbered
4 paragraph 1; 125.89, subsection 2; 125.92, unnumbered paragraph
5 1; 135B.20, unnumbered paragraph 1; 261.9, subsection 7;
6 261.15, subsection 2; 261.35, unnumbered paragraph 1; 261.36,
7 unnumbered paragraph 1; 261.37, unnumbered paragraph 1;
8 261.37, subsections 5 and 7; 261.87, subsection 1, unnumbered
9 paragraph 1; 261.102, subsection 7; 261A.32, subsection 3;
10 261A.34, unnumbered paragraph 1; 261A.34, subsections 1 and
11 2; 261A.42, subsections 2 and 4; 266.40, unnumbered paragraph
12 1; 266.47, subsection 1, paragraph "a", subparagraph (1);
13 372.1, subsections 2 and 3; 427B.19A, subsection 1; 427B.20,
14 subsection 1, unnumbered paragraph 1; 491.111, subsection 1,
15 paragraph "b", subparagraph (3); 515F.31, unnumbered paragraph
16 1; 904.801, unnumbered paragraph 1; and 904.802, unnumbered
17 paragraph 1, Code 2017, are amended by striking the word
18 "division" and inserting in lieu thereof the word "subchapter".

19 5. Section 515F.3, subsection 2, unnumbered paragraph 1,
20 Code 2017, is amended by striking the word "divisions" and
21 inserting in lieu thereof the word "subchapters".

22 6. The Code editor shall change Code chapter division
23 designations to subchapter designations and correct internal
24 references as necessary in the following Code chapters:

- 25 a. 15E.
- 26 b. 124.
- 27 c. 125.
- 28 d. 135B.
- 29 e. 261.
- 30 f. 261A.
- 31 g. 266.
- 32 h. 327G.
- 33 i. 368.
- 34 j. 372.
- 35 k. 427B.

1 1. 491.
2 m. 507C.
3 n. 515F.
4 o. 524.
5 p. 904.
6 7. The Code editor shall change the Code chapter division
7 designations to article designations and correct internal
8 references as necessary in the following Code chapter:

9 a. 562B.
10 8. The Code editor shall designate unnumbered Code
11 chapter headings as numbered subchapters and correct internal
12 references as necessary within the following Code chapters:

- 13 a. 2.
- 14 b. 8.
- 15 c. 8B.
- 16 d. 11.
- 17 e. 29B.
- 18 f. 100.
- 19 g. 135C.
- 20 h. 192.
- 21 i. 226.
- 22 j. 275.
- 23 k. 306.
- 24 l. 306A.

25 9. The Code editor is directed to number unnumbered
26 paragraphs within sections 1.4, 8A.373, 12.44, 20.26, 28E.39,
27 29A.10, 29A.18, 29A.34, 29A.58, 29A.79, 29B.2, 29B.27, 29B.32,
28 29B.33, 29B.39, 29B.44, 29B.45, 29B.59, 29B.67, 29B.68, 29B.71,
29 29B.77, 29B.120, 37.20, 43.52, 43.88, 43.100, 43.111, 43.115,
30 50.11, 50.22, 59.1, 65.10, 73A.15, 80B.15, 85.43, 86.10,
31 86.12, 86.13A, 88A.2, 97B.66, 99A.6, 99D.8, 100.35, 103A.12,
32 103A.13, 103A.23, 135B.6, 135C.25E, 137F.5, 144.15, 144.37,
33 144.45, 152B.11, 164.21, 166A.2, 166D.14, 169.9, 169.12, 174.2,
34 183A.6, 191.3, 192.103, 194.4, 202B.402, 208.19, 216.3, 218.4,
35 234.12, 236.11, 256.45, 257.19, 260C.38, 261.3, 262.69, 262.82,

1 272.7, 275.26, 275.31, 275.51, 279.8A, 279.12, 280.13A, 294.12,
2 298.11, 298.14, 298.22, 299A.6, 306.30, 306.53, 308A.1, 312.3C,
3 312.15, 313A.12, 313A.31, 321.465, 322.8, 322A.10, 327D.66,
4 327G.78, 328.20, 350.6, 351.37, 352.1, 354.23, 356.3, 356.43,
5 358.18, 358.24, 362.4, 364.5, 364.11, 368.3, 372.7, 373.8,
6 384.7, 384.51, 394.1, 394.4, 400.4, 400.12, 400.13, 400.27,
7 403A.11, 410.1, 414.23, 414.24, 414.25, 452A.72, 904.706, and
8 905.8, Code 2017, in accordance with established Code section
9 hierarchy and correct internal references in the Code and in
10 any enacted Iowa Acts, as necessary.

11

EXPLANATION

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

14 This bill makes Code changes and corrections that are
15 considered to be nonsubstantive and noncontroversial, in
16 addition to style changes. Changes made include updating
17 or correcting names of and references to public and private
18 entities, corrections to names of federal Acts, corrections
19 to terminology, spelling, capitalization, punctuation,
20 and grammar, and numbering, renumbering, and reorganizing
21 various provisions to eliminate unnumbered paragraphs and to
22 facilitate citation. The Code sections in which the technical,
23 grammatical, and other nonsubstantive changes are made include
24 the following:

25 DIVISION I. Sections 1.5 and 1.7: Changes the words "Wild
26 Life" to "Wildlife" to correct the spelling of the term and
27 adds the word "National" to correct the name of the "Upper
28 Mississippi River National Wildlife and Fish Refuge" federal
29 Act.

30 Section 1.9: Changes the words "wild life" to "wildlife" to
31 conform the spelling of the term to the spelling of the term
32 elsewhere in the Code.

33 Sections 7.14 and 29A.1: Adds the words "the State of" to
34 two references to the Constitution of the State of Iowa to
35 conform the references to other references to the Constitution

1 of the State of Iowa elsewhere in the Code.

2 Sections 7E.5, 22.7, 68A.603, 68A.606, 68B.35, 331.210A, and
3 331.756: Adds the word "Iowa" in these provisions to correct
4 references by name to the Iowa ethics and campaign disclosure
5 board which is established in Code section 68B.32.

6 Section 8.36: Combines two unnumbered paragraphs into
7 a single paragraph in this section relating to when state
8 government's fiscal year commences.

9 Section 8.39: In subsection 5, converts items that appear
10 after a colon and redesignates the content to improve the
11 readability of this provision relating to reports on transfers
12 of funds that are to be reported to the legislative fiscal
13 committee.

14 Section 10A.701: Changes the word "this" to "the" to improve
15 the readability of this definition of the term "administrator".

16 Sections 12J.3 and 12J.6: Changes the word "company" to
17 "companies" to conform these references to a scrutinized
18 companies list to other references to the same list elsewhere
19 in Code chapter 12J.

20 Section 17A.12: In subsection 5, strikes the words "or" and
21 "by" and adds commas to improve the syntax and readability of a
22 series describing the methods by which an informal disposition
23 of a contested case may be made.

24 Section 17A.19: In subsection 7, adds the word "the" before
25 a reference to "Constitution" and "a" before the word "statute"
26 to improve the readability of language relating to judicial
27 review of agency actions in contested cases.

28 Section 26.3: In two places, strikes the word "and", adds
29 the word "in" and adds commas to improve the structure of a
30 series in language regarding advertisement of bids for public
31 improvements.

32 Section 43.27: Moves the word "provided" to update the
33 syntax of this provision relating to the printing of ballots.

34 Section 48A.25: Numbers unnumbered paragraphs to improve
35 citation to these provisions relating to compensation paid to

1 persons for assisting others in completing voter registration
2 forms.

3 Section 49.67: Numbers unnumbered paragraphs to improve
4 citation to this provision relating to reserve ballots.

5 Section 49.75: Updates the format of this provision
6 relating to oaths of precinct officials by removing quotation
7 marks and moving the text of the oath into a form.

8 Section 68.9: Numbers unnumbered paragraphs to improve
9 citation to this provision relating to organization of the
10 senate as a court of impeachment.

11 Section 96.19: Numbers unnumbered paragraphs to improve
12 citation and adds quotation marks around an instance of the
13 defined term in this definition of the term "wages".

14 Section 97B.44: Numbers unnumbered paragraphs and combines
15 two paragraphs dealing with the same subject matter to improve
16 citation to and readability of this provision relating to
17 beneficiaries under the Iowa public employees' retirement
18 system.

19 Section 103A.41: Removes parentheses, adds a comma, and
20 converts other commas to semicolons to update the style and
21 punctuation of this provision relating to the state historic
22 building code.

23 Section 124.306: Numbers unnumbered paragraphs to improve
24 citation to this provision relating to records of persons
25 registered to manufacture, distribute, dispense, or administer
26 controlled substances.

27 Section 124.407: Numbers unnumbered paragraphs to improve
28 citation to this provision relating to gatherings where
29 controlled substances are unlawfully used.

30 Section 159.27: Numbers unnumbered paragraphs to improve
31 citation to this provision relating to the Iowa seal for
32 agricultural products.

33 Section 232.102: Renumbers subsections to eliminate two
34 alphanumeric designations and corrects internal references
35 in this provision relating to transfer of legal custody and

1 placement of certain children.

2 Sections 235B.3A, 235E.3, and 236.12: Redesignates the
3 contents of these forms regarding rights of abused persons to
4 conform the forms to each other and to the numbering in similar
5 forms elsewhere in the Code.

6 Section 237A.13: Strikes the word "or" and adds commas to
7 create a series and to improve the readability of a provision
8 describing the requirements that must be met by participants in
9 the state child care assistance program.

10 Section 257.24: Numbers unnumbered paragraphs to improve
11 citation to this provision relating to the deposit of
12 instructional support income surtax moneys.

13 Section 261A.27: Numbers unnumbered paragraphs to improve
14 citation to this provision relating to the exercise of powers
15 by the higher education loan authority. An internal chapter
16 subunit reference within this provision is also changed to
17 correspond with chapter subunit changes directed to be made
18 within Code chapter 261A in Division III of the bill.

19 Section 261A.45: Numbers unnumbered paragraphs to improve
20 citation to this provision relating to the obligations issued
21 by the higher education loan authority. Internal chapter
22 subunit references within this provision are also changed to
23 correspond with chapter subunit changes directed to be made
24 within Code chapter 261A in Division III of the bill.

25 Section 274.6: Breaks a series of descriptors that appear
26 after a colon into a numbered list to improve citation to and
27 the readability of this provision relating to names of school
28 corporations.

29 Section 275.4: Numbers unnumbered paragraphs to improve
30 citation to this provision relating to the development of
31 school district reorganization studies, surveys, and plans.

32 Section 279.19: Numbers unnumbered paragraphs and corrects
33 an internal reference to improve citation to this provision
34 relating to probationary periods of employment for teachers.

35 Section 279.21: Numbers unnumbered paragraphs to improve

1 citation to this provision relating to school principals.

2 Section 280.19A: Numbers unnumbered paragraphs and corrects
3 an internal reference to improve citation to this provision
4 relating to alternative options education programs and records.

5 Section 282.18: In subsection 11, strikes the word "or"
6 to correct the grammar of a series in this provision relating
7 to eligibility of students participating in open enrollment
8 to also participate in interscholastic athletics. The clause
9 in which the word "or" is deleted was the last clause in the
10 series until an additional clause was added at the end of the
11 sentence by 2016 Iowa Acts, ch. 1079, §1.

12 Section 306.9: Numbers unnumbered paragraphs and corrects
13 an internal reference to improve citation to this provision
14 relating to improvement of public roads.

15 Section 321A.1: In subsection 11, breaks a series of
16 descriptors that appear after a colon into a lettered list to
17 improve citation to and the readability of this definition of
18 the term "proof of financial responsibility".

19 Section 327G.79: Numbers unnumbered paragraphs to improve
20 citation to this provision relating to valuation of abandoned
21 railway property that is to be sold. An internal chapter
22 subunit reference within this provision is also changed to
23 correspond with chapter subunit changes directed to be made
24 within Code chapter 327G in Division III of the bill.

25 Section 355.7A: Adds the words "of an" between the
26 words "hundredths" and "acre" to conform this expression of
27 agricultural land measurement in this provision regarding
28 retracement plats of survey for agricultural land to other
29 similar expressions elsewhere in the Code.

30 Section 400.15: Breaks a series of descriptors that appear
31 in a separate unnumbered paragraph and after a colon into
32 a lettered list and numbers the balance of the unnumbered
33 paragraphs to improve citation to and the readability of this
34 provision relating to appointments made under the civil service
35 Code chapter.

1 Section 400.21: Adds the word "the" to conform a reference
2 to the clerk of the civil service commission in this provision
3 regarding the filing of a notice of appeal from a civil service
4 commission ruling to other references to the clerk elsewhere in
5 the Code chapter.

6 Section 403.9: Adds a comma which appears to have been
7 inadvertently omitted within a series that describes the
8 characteristics of bonds issued by municipalities.

9 Section 437.9: Replaces "said" with "the" three times and
10 moves the words "by the department" to update the language
11 of this provision relating to assessment of electric utility
12 cooperative property.

13 Section 437A.1: Numbers a list of Code subchapters that
14 appear after a colon to improve the formatting of this
15 provision relating to classification of the provisions of the
16 Code chapter regarding taxes on electricity and natural gas
17 providers.

18 Section 455B.381: Adds the words "of division IV" to conform
19 the citation form for this definitions section within a Code
20 chapter part relating to remediation of hazardous conditions to
21 other Code chapter parts within this Code chapter.

22 Section 455B.474: In subsection 2, paragraph "a",
23 subparagraph (1), breaks a series of terms describing methods
24 for owners and operators of underground storage tanks to
25 establish financial responsibility into an enumerated list
26 to improve citation to the methods, and, in subsection 3,
27 paragraph "c", replaces parentheses with commas to update the
28 style of language relating to standards for material used to
29 line underground storage tanks.

30 Section 461A.25: Numbers unnumbered paragraphs to improve
31 citation and replaces a semicolon with the word "and" to
32 connect a subject to the verbs in a clause which is part of a
33 series in this provision relating to leases of and easements
34 granted for access to state property.

35 Section 515.24: Removes quotes and italics from two terms

1 which are not definitions in this provision relating to the
2 computation of tax on insurance premiums to conform to the
3 style used elsewhere in the Code.

4 Section 515.48: Replaces semicolons with periods and
5 strikes the word "and" in five places to conform the style of
6 this enumerated list of circumstances and property which may be
7 covered by insurance to the style of other similarly enumerated
8 lists elsewhere in the Code.

9 Section 522B.11: Replaces the slip opinion citation to a
10 court case with the current North West Reporter citation for
11 the same case in this provision relating to the limitations on
12 duties and responsibilities of insurance producers.

13 Section 523I.316: Adds a citation to the statute which
14 outlines the elements and penalties for criminal mischief in
15 the third degree to this provision which states that damaging,
16 defacing, destroying, or otherwise disturbing an interment
17 space constitutes criminal mischief in the third degree.

18 Sections 554.7304, 554.7503, 554.8102, 554.8104, 554.9805,
19 554.9806, and 554.13501: Lowercases the word "part" in these
20 provisions within the uniform commercial code Code chapter
21 to conform the capitalization of these references to other
22 references to Code chapter parts within Code chapter 554 and to
23 other similar references throughout the balance of the Code.

24 Section 820.23: Numbers unnumbered paragraphs to improve
25 citation and adds a terminal comma to a series to conform
26 to Code style in this provision relating to applications for
27 extradition of persons charged with a crime.

28 DIVISION II. This division contains corrections to internal
29 references to subunits within Code section 232.102, which are
30 redesignated in Division I of the bill.

31 DIVISION III. This division contains Code editor directives
32 to change the word "recision" to "rescission" to conform
33 the spelling of the word to a more common spelling in the
34 enumerated Code sections.

35 The division also contains Code editor directives to change

1 the word "division" to "subchapter" in various enumerated Code
2 sections in the Code and to change the Code chapter division
3 designations to subchapter designations within a corresponding
4 list of enumerated Code chapters.

5 The division also requires the Code editor to change Code
6 chapter division designations to article designations within
7 Code chapter 562B. Code chapter 562A, which deals with a
8 similar subject matter, is also divided into articles.

9 The division also requires the Code editor to designate
10 what are currently unnumbered Code chapter subunit headings as
11 numbered subchapters.

12 The division also requires the Code editor to number the
13 unnumbered paragraphs in various enumerated provisions in
14 accordance with established Code section hierarchy and to
15 correct internal references as necessary.