HOUSE FILE 739
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 236)

(COMPANION TO LSB 2258SV BY
COMMITTEE ON JUDICIARY)

(As Amended and Passed by the House March 9, 2021)

[ = New Language by the House

## A BILL FOR

An Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including retroactive applicability provisions.

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

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 7C.12, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

In addition to the powers and duties specified in sections 7C.1 ~~to~~ through 7C.11, the governor's designee:

Sec. 2. Section 9G.6, subsection 1, Code 2021, is amended to read as follows:

1. ~~No patents~~ Patents shall not be issued for any lands belonging to the state, except upon the certificate of the person or officer specially charged with the custody of the ~~same~~ patents, setting forth the appraised value per acre, the name of person to whom sold, the date of sale, the price per acre, the amount paid, the name of the person making final payment, and the name of the person who is entitled to the patent~~, and, if thus~~. If a person is entitled ~~by~~ to a patent due to an assignment from the original purchaser, ~~setting~~ the certificate shall set forth fully ~~such~~ the assignment~~,~~ ~~which certificate~~ and shall be filed and preserved in the land office.

Sec. 3. Section 10.1, subsection 17, paragraph b, Code 2021, is amended to read as follows:

*b.* As used in paragraph *"a"*, a type of membership interest in a limited liability company includes ~~any of the following:~~

~~(1) (a) A series as provided in chapter 489, article 12.~~

~~(b) This subparagraph is repealed on July 1, 2021.~~

~~(2) A~~ a protected series of a series limited liability company as provided in chapter 489, article 14.

Sec. 4. Section 10.10, subsection 1, paragraph c, subparagraph (2), Code 2021, is amended to read as follows:

(2) As used in subparagraph (1), a type of membership interest in a limited liability company includes ~~any of the following:~~

~~(a) (i) A series as provided in chapter 489, article 12.~~

~~(ii) This subparagraph division is repealed on July 1, 2021.~~

~~(b) A~~ a protected series of a series limited liability company as provided in chapter 489, article 14.

Sec. 5. Section 12B.14, Code 2021, is amended to read as follows:

**12B.14 False statements or reports.**

Any officer or other person making a false statement or report or in any manner violating any of the provisions of sections 12B.10 ~~to~~ through 12B.13 shall be guilty of a fraudulent practice.

Sec. 6. Section 15.108, subsection 1, paragraph b, Code 2021, is amended to read as follows:

*b.* Provide staff assistance to the corporation formed under authority of sections 15E.11 ~~to~~ through 15E.16 to receive and disburse funds to further the overall development and well-being of the state.

Sec. 7. Section 15.335, subsection 4, paragraph a, Code 2021, is amended to read as follows:

*a.* In lieu of the credit amount computed in subsection 2, an eligible business may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative simplified credit described in section 41(c)(4) of the Internal Revenue Code. The taxpayer may make this election regardless of the method used for the taxpayer's federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent tax year.

Sec. 8. Section 15.335, subsection 8, Code 2021, is amended to read as follows:

8. Any credit in excess of the tax liability for the taxable year shall be refunded with interest in accordance with section 421.60, subsection 2, paragraph *"e"*. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on its final, completed return credited to the tax liability for the following tax year.

Sec. 9. Section 15.354, subsection 2, paragraph d, Code

2021, is amended to read as follows:

*d.* An applicant that does not receive a tax incentive award during an application period may make additional applications during subsequent application periods. Such applicant shall be required to submit a new application ~~and~~, which shall be competitively reviewed and scored in the same manner as other ~~applicants~~ applications in that application period.

Sec. 10. Section 20.10, subsection 3, paragraph f, Code 2021, is amended to read as follows:

*f.* Violate the provisions of sections 732.1 ~~to~~ through 732.3, which are hereby made applicable to public employers, public employees, and employee organizations.

Sec. 11. Section 20.19, subsection 1, Code 2021, is amended to read as follows:

1. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 272, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to the date the next fiscal or budget year of

the public employer commences. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 ~~to~~ and 20.22 shall apply.

Sec. 12. Section 24.3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~No~~ A municipality shall not certify or levy in any fiscal year any tax on property subject to taxation unless and until the following estimates have been made, filed, and considered, as ~~hereinafter~~ provided in this chapter:

Sec. 13. Section 24.9, subsection 2, Code 2021, is amended to read as follows:

2. Budget estimates adopted and certified in accordance with this chapter may be amended and increased as the need arises to permit appropriation and expenditure during the fiscal year covered by the budget of unexpended cash balances on hand at the close of the preceding fiscal year and which cash balances had not been estimated and appropriated for expenditure during the fiscal year of the budget sought to be amended, and also to permit appropriation and expenditure during the fiscal year covered by the budget of amounts of cash anticipated to be available during the year from sources other than taxation and which had not been estimated and appropriated for expenditure during the fiscal year of the budget sought to be amended. Such amendments to budget estimates may be considered and adopted at any time during the fiscal year covered by the budget sought to be amended, by filing the amendments and upon publishing them and giving notice of the public hearing in the manner required in this section. Within ten days of the decision or order of the certifying or levying board, the proposed amendment of the budget is subject to protest, hearing on the protest, appeal to the state appeal board and review by that body, all in accordance with sections 24.27 ~~to~~ through 24.32, so far as applicable. A local budget shall be amended by May 31 of the current fiscal year to allow

time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after May 31 which is properly appealed but without adequate time for hearing and decision before June 30 is void. Amendments to budget estimates accepted or issued under this section are not within section 24.14.

Sec. 14. Section 24.24, Code 2021, is amended to read as follows:

**24.24 Violations.**

Failure on the part of a public official to perform any of the duties prescribed in chapter 73A, ~~and~~ this chapter, ~~and sections~~ section 8.39, and sections 11.1 ~~to~~, 11.2, 11.4, and 11.5, constitutes a simple misdemeanor, and is sufficient ground for removal from office.

Sec. 15. Section 29B.1, Code 2021, is amended to read as follows:

**29B.1 Persons subject to code — definitions — short title.**

1. This chapter applies to all members of the state military forces performing national guard duty or state active duty, while not on federal active duty. In addition, this chapter applies to all members of the state military forces who commit an offense during travel to or from the member's duty location or during intervals between consecutive periods of duty on the same day or on consecutive days in which the victim of the offense is another member of the state military forces.

2. As used in this chapter, unless the context otherwise requires~~, *"state military forces"* has the same meaning as in section 29A.6, and *"code"*~~:

*a. "Code"* means this chapter~~, which may be cited as the *"Iowa Code of Military Justice"*~~.

*b. "State military forces"* means the same as defined in section 29A.6.

3. This chapter may be cited as the *"Iowa Code of Military Justice"*.

Sec. 16. Section 34A.2, subsections 8 and 14, Code 2021, are

amended to read as follows:

8. *"Competitive local exchange service provider"* means ~~the same as defined in section 476.96~~ any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the Iowa utilities board as of September 30, 1992.

14. *"Local exchange carrier"* means ~~the same as defined in section 476.96~~ any person that was the incumbent and historical rate-regulated wireline provider of local exchange services or any successor to such person that provides local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the Iowa utilities board as of September 30, 1992.

Sec. 17. Section 35C.4, Code 2021, is amended to read as follows:

**35C.4 Mandamus — judicial review.**

A refusal to allow ~~said~~ the preference granted under this chapter, or a reduction of the salary for ~~said~~ a position with intent to bring about the resignation or discharge of the incumbent, shall entitle the applicant or incumbent, as the case may be, to maintain an action of mandamus to right the wrong. ~~At their election such parties~~ The applicant or incumbent may elect, in the alternative, to maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case. An action of mandamus shall be filed by an applicant or incumbent within three hundred days after a refusal to allow ~~said~~ the preference, or a reduction of the salary for ~~said~~ a position with intent to bring about the resignation or discharge of the incumbent.

Sec. 18. Section 37.26, Code 2021, is amended to read as

follows:

**37.26 General powers.**

For the purpose of carrying out the provisions of sections 37.22 ~~to~~ through 37.25, the commission shall have authority to receive and to convey title to real estate, to take mortgage or other security and to release or transfer the same.

Sec. 19. Section 37.27, Code 2021, is amended to read as follows:

**37.27 Nursing homes with memorial hospitals.**

If a memorial building has been constructed for the purpose of a hospital pursuant to this chapter, additions for hospital purposes, and nursing homes to be operated in conjunction with the hospital may be erected or acquired by following the procedure outlined in chapter 347 and by issuing general county purpose bonds in accordance with sections 331.441 ~~to~~ through 331.449, with the commissioners acting in the same manner and fashion as the hospital trustees under chapter 347, and with the procedure in all other respects to be identical.

Sec. 20. Section 43.3, Code 2021, is amended to read as follows:

**43.3 Offices affected by primary.**

Candidates of all political parties for all offices which are filled at a regular biennial election by direct vote of the people shall be nominated at a primary election at the time and in the manner ~~hereinafter~~ directed in this chapter.

Sec. 21. Section 43.13, Code 2021, is amended to read as follows:

**43.13 Failure to file nomination papers.**

The name of a candidate for any office named in section 43.11 shall not be printed on the official primary ballot of the candidate's party unless nomination papers are filed as ~~therein~~ provided in section 43.11 except as otherwise permitted by section 43.23.

Sec. 22. Section 43.46, Code 2021, is amended to read as follows:

**43.46 Delivering returns.**

The precinct election officials shall deliver all election supplies, by noon of the day after the close of the polls, to the commissioner who shall carefully preserve them and deliver the returns in the condition in which received except as is otherwise required by sections 50.20 ~~to~~ through 50.22, to the county board of supervisors.

Sec. 23. Section 43.108, Code 2021, is amended to read as follows:

**43.108 Organization of state convention — proxies prohibited.**

The convention shall be called to order by the chairperson of the state central committee, or that individual's designee, who shall ~~thereupon~~ present a list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county ~~shall~~ is not ~~be~~ fully represented, the delegates present from ~~such~~ that county shall cast the full vote ~~thereof~~ of the county if the rules of the convention~~,~~ or party bylaws or constitution so allow, and there shall be no proxies.

Sec. 24. Section 44.10, Code 2021, is amended to read as follows:

**44.10 Effect of withdrawal.**

~~No~~ The name ~~so~~ of a candidate who has withdrawn the candidate's nomination as provided in section 44.9 shall not be printed on the official ballot under ~~such~~ that nomination.

Sec. 25. Section 48A.5, subsection 4, paragraph a, Code 2021, is amended to read as follows:

*a.* Comply with all applicable requirements of sections 53.37 ~~to~~ through 53.53 relating to absentee ballots for members of the armed forces and other citizens living outside the United States.

Sec. 26. Section 54.8, subsection 2, Code 2021, is amended to read as follows:

2. Except as otherwise provided by law of this state outside

of this chapter, each elector shall present both completed ballots to the state commissioner who shall examine the ballots and accept and cast all ballots of electors whose votes are consistent with their pledges executed under section 54.5 or 54.7. Except as otherwise provided by law of this state outside of this chapter, the state commissioner shall not accept and shall not count an elector's presidential and vice presidential ballots if the elector has not marked both ballots or has marked ~~one~~ a ballot in violation of the elector's pledge.

Sec. 27. Section 74.2, Code 2021, is amended to read as follows:

**74.2 Endorsement and interest.**

1. If a warrant other than an anticipatory warrant is presented for payment, and is not paid for want of funds, or is only partially paid, the treasurer shall endorse the fact ~~thereon~~ on the warrant, with the date of presentation, and sign the endorsement~~, and thereafter the~~. After the date of presentation, the warrant or the balance due ~~thereon,~~ on the warrant shall bear interest at the rate specified in section 74A.2.

2. An anticipatory warrant issued under the authority of section 74.1, subsection 1, shall bear interest at a rate determined by the issuing governmental body, but not exceeding that permitted by chapter 74A.

Sec. 28. Section 80.4, subsection 3, Code 2021, is amended to read as follows:

3. The ~~aforesaid~~ allocation of duties described in this section shall not be interpreted to prevent flexibility in interdepartmental operations or to forbid other divisional allocations of duties in the discretion of the commissioner.

Sec. 29. Section 80.5, subsection 1, Code 2021, is amended to read as follows:

1. It shall be the duty of the department to prevent crime, to detect and apprehend criminals, and to enforce such other

laws as are ~~hereinafter~~ specified.

Sec. 30. Section 80.9A, subsection 6, unnumbered paragraph 1, Code 2021, is amended to read as follows:

A peace officer of the department shall not exercise the general powers of a peace officer within the limits of any city, except as follows:

Sec. 31. Section 80B.13, subsections 3 and 9, Code 2021, are amended to read as follows:

3. Issue certificates to law enforcement officers, reserve peace officers, and jailers who have met the requirements of this chapter and rules adopted under chapter 17A relative to hiring and training standards.

9. In accordance with chapter 17A, conduct investigations, hold hearings, appoint administrative law judges, administer oaths, and issue subpoenas enforceable in district court on matters relating to the revocation or suspension of a law enforcement officer's or reserve peace officer's certification.

Sec. 32. Section 84A.2, subsection 5, paragraph c, Code 2021, is amended to read as follows:

*c.* Sections 1 ~~to~~ through 13 of the federal Wagner-Peyser Act, as codified at 29 U.S.C. §49 et seq., relating to employment services.

Sec. 33. Section 85.31, subsection 3, Code 2021, is amended to read as follows:

3. If the employee leaves dependents only partially dependent upon the employee's earnings for support at the time of the injury, the weekly compensation to be paid as ~~aforesaid,~~ provided in subsections 1 and 2 shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of the injury.

Sec. 34. Section 85.34, subsection 2, paragraph v, Code 2021, is amended to read as follows:

*v.* In all cases of permanent partial disability other than

those ~~hereinabove~~ described or referred to in paragraphs "*a*" through "*u*" ~~hereof~~, the compensation shall be paid during the number of weeks in relation to five hundred weeks as the reduction in the employee's earning capacity caused by the disability bears in relation to the earning capacity that the employee possessed when the injury occurred. A determination of the reduction in the employee's earning capacity caused by the disability shall take into account the permanent partial disability of the employee and the number of years in the future it was reasonably anticipated that the employee would work at the time of the injury. If an employee who is eligible for compensation under this paragraph returns to work or is offered work for which the employee receives or would receive the same or greater salary, wages, or earnings than the employee received at the time of the injury, the employee shall be compensated based only upon the employee's functional impairment resulting from the injury, and not in relation to the employee's earning capacity. Notwithstanding section 85.26, subsection 2, if an employee who is eligible for compensation under this paragraph returns to work with the same employer and is compensated based only upon the employee's functional impairment resulting from the injury as provided in this paragraph and is terminated from employment by that employer, the award or agreement for settlement for benefits under this chapter shall be reviewed upon commencement of reopening proceedings by the employee for a determination of any reduction in the employee's earning capacity caused by the employee's permanent partial disability.

Sec. 35. Section 85.37, subsection 1, Code 2021, is amended to read as follows:

1. If an employee receives a personal injury causing temporary total disability, or causing a permanent partial disability for which compensation is payable during a healing period, compensation for the temporary total disability or for the healing period shall be upon the basis provided in this

section. The weekly benefit amount payable to any employee for any one week shall be upon the basis of eighty percent of the employee's weekly spendable earnings, but shall not exceed an amount, rounded to the nearest dollar, equal to ~~sixty-six and two-thirds~~ two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section 96.1A, subsection 35, and in effect at the time of the injury. ~~However, as of July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals two hundred percent of the statewide average weekly wage as determined in this section.~~ Total weekly compensation for any employee shall not exceed eighty percent per week of the employee's weekly spendable earnings. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less.

Sec. 36. Section 85.61, subsection 1, Code 2021, is amended to read as follows:

1. The word "*court*" ~~wherever used in this chapter and chapters 86 and 87, unless the context shows otherwise, shall be taken to mean~~ means the district court.

Sec. 37. Section 85.61, subsection 11, paragraph b, Code 2021, is amended to read as follows:

*b.* The term "*worker*" or "*employee*" shall include the singular and plural. Any reference to a worker or employee who has been injured shall, when such worker or employee is dead, include the worker's or employee's dependents as ~~herein~~ defined in this chapter or the worker's or employee's legal representatives; and where the worker or employee is a minor or incompetent, it shall include the minor's or ~~incompetent's~~ incompetent person's guardian, next friend, or trustee. Notwithstanding any law prohibiting the employment of minors, all minor employees shall be entitled to the benefits of this

chapter and chapters 86 and 87 regardless of the age of such minor employee.

Sec. 38. Section 85.65A, subsection 2, Code 2021, is amended to read as follows:

2. Prior to July 1 of each fiscal year ~~commencing on or after July 1, 1999~~, the commissioner of insurance shall conduct an examination of the outstanding liabilities of the second injury fund and shall make a determination as to whether sufficient funds will be available in the second injury fund to pay the liabilities of the fund for each of the next two fiscal years. If the commissioner of insurance determines sufficient funds will be available, the commissioner shall not impose a surcharge on employers during the next succeeding fiscal year. If the commissioner determines sufficient funds will not be available, the commissioner shall impose by rule, pursuant to chapter 17A, a surcharge on employers during the next succeeding fiscal year for payment to the treasurer of state for the second injury fund pursuant to the requirements of this section.

Sec. 39. Section 85A.3, Code 2021, is amended to read as follows:

**85A.3 Employees covered.**

All employees as defined by the workers' compensation law of Iowa employed in any business or industrial process ~~hereinafter~~ designated and described in this chapter and who in the course of their employment are exposed to an occupational disease as ~~herein~~ defined in this chapter are subject to the provisions of this chapter.

Sec. 40. Section 85A.11, subsections 1 and 2, Code 2021, are amended to read as follows:

1. ~~When~~ If any employee is clinically diagnosed as having brucellosis ~~(undulant fever)~~, ~~it~~ the employee shall not be considered ~~that the employee has~~ to have the disease unless the clinical diagnosis is confirmed by either of the following:

*a.* A positive blood culture for brucella organisms~~, or~~.

*b.* A positive agglutination test which must be verified by not less than two successive positive agglutination tests, each of which tests shall be positive in a titer of one to one hundred sixty or higher. ~~Said~~ The subsequent agglutination tests must be made of specimens taken not less than seven nor more than ten days after each preceding test.

2. The specimens for the tests required ~~herein~~ by this section must be taken by a licensed practicing physician or osteopathic physician, and immediately delivered to the state hygienic laboratory of the Iowa department of public health at Iowa City~~, and each such~~. Each specimen shall be in a container upon which is plainly printed the name and address of the subject, the date when the specimen was taken, the name and address of the subject's employer, and a certificate by the physician or osteopathic physician that the physician took the specimen from the named subject on the date stated over the physician's signature and address.

Sec. 41. Section 85A.13, subsection 3, Code 2021, is amended to read as follows:

3. *Pneumoconiosis complicated with other diseases.* In case of disability or death from pneumoconiosis complicated with tuberculosis of the lungs, compensation shall be payable as for uncomplicated pneumoconiosis, provided, however, that the pneumoconiosis was an essential factor in causing such disability or death. In case of disability or death from pneumoconiosis complicated with any other disease, or from any other disease complicated with pneumoconiosis, the compensation shall be reduced as ~~herein~~ provided in this chapter.

Sec. 42. Section 86.12, subsection 1, Code 2021, is amended to read as follows:

1. The workers' compensation commissioner may require any employer to supply the information required by section 86.10 or to file a report required by section 86.11 or 86.13 or by agency rule, by written demand sent to the employer's last known address. Upon failure to supply such information or file

such report within thirty days, the employer may be ordered to appear and show cause why the employer should not be subject to assessment of one thousand dollars for each occurrence. Upon such hearing, the workers' compensation commissioner shall enter a finding of fact and may enter an order requiring such assessment to be paid into the second injury fund created by sections 85.63 ~~to~~ through 85.69. In the event the assessment is not voluntarily paid within thirty days, the workers' compensation commissioner may file a certified copy of such finding and order with the clerk of the court for the district in which the employer maintains a place of business. If the employer maintains no place of business in this state, service shall be made as provided in chapter 85 for nonresident employers. In such case the finding and order may be filed in any court of competent jurisdiction within this state.

Sec. 43. Section 89A.2, subsection 1, paragraph f, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~A conveyance~~ An elevator installed in a building in a federally designated national historic district as long as each of the following conditions is met:

Sec. 44. Section 89A.2, subsection 2, Code 2021, is amended to read as follows:

2. Provisions of this chapter supersede conflicting provisions contained in building codes of this state or any subdivision ~~thereof~~ of this state.

Sec. 45. Section 89A.6, subsections 4 and 6, Code 2021, are amended to read as follows:

4. The inspections required by subsections 1 ~~to~~ through 3 shall be made only by inspectors or special inspectors. An inspection by a special inspector may be accepted by the commissioner in lieu of a required inspection by an inspector.

6. In addition to the inspections required by subsections 1 ~~to~~ through 3, the safety board may provide by rule for additional inspections as the safety board deems necessary to

enforce the provisions of this chapter.

Sec. 46. Section 91A.12, subsection 1, Code 2021, is amended to read as follows:

1. Any employer who violates the provisions of this chapter or the rules promulgated under it shall be subject to a civil money penalty of not more than five hundred dollars per pay period for each violation. The commissioner may recover such civil money penalty according to the provisions of subsections 2 ~~to~~ through 5. Any civil money penalty recovered shall be deposited in the general fund of the state.

Sec. 47. Section 96.9, subsection 4, paragraph b, Code 2021, is amended to read as follows:

*b.* Money requisitioned as provided ~~herein~~ in this subsection for the payment of expenses of administration shall be deposited in the employment security administration fund, but, until expended, shall remain a part of the unemployment compensation fund. The treasurer of state shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

Sec. 48. Section 96.26, Code 2021, is amended to read as follows:

**96.26 Moneys received.**

The department is authorized to accept, receive, and receipt for all moneys received from the United States for the payments authorized by ~~sections~~ section 96.25 ~~to~~, this section, section 96.27, and section 96.28 for lands and buildings and to comply with any rules made under the Social Security Act or the Wagner-Peyser Act.

Sec. 49. Section 96.28, Code 2021, is amended to read as follows:

**96.28 Deposit of funds.**

All moneys received from the United States for the payments authorized by sections 96.25 ~~to~~ through 96.27 for lands and buildings shall be deposited in the employment security administration fund in the state treasury and are appropriated therefrom for the purposes of this chapter.

Sec. 50. Section 97.50, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Any person being paid any benefits under the provisions of sections 97.13 ~~to~~ through 97.18, Code 1950, as amended, as of June 30, 1953, shall continue to receive such benefits as though that chapter had not been repealed.

2. Any person who became entitled to any benefits under the provisions of sections 97.13 ~~to~~ through 97.19, Code 1950, as amended, through the retirement or death of any person prior to June 30, 1953, shall be paid the same benefits upon proper application, subsequent to June 30, 1953, as though that chapter had not been repealed.

Sec. 51. Section 97.53, Code 2021, is amended to read as follows:

**97.53 Rule of construction.**

As used in sections 97.50 ~~to~~ through 97.52, unless clearly indicated by the context to the contrary, all references to employment or service refer to employment or service in Iowa public employment.

Sec. 52. Section 97B.1A, subsection 1, Code 2021, is amended to read as follows:

1. *"Abolished system"* means the Iowa old-age and survivors' insurance system repealed by sections 97.50 ~~to~~ through 97.53.

Sec. 53. Section 97B.43, subsection 1, Code 2021, is amended to read as follows:

1. Each member in service on July 4, 1953, who made contributions under the abolished system, and who has not applied for and qualified for benefit payments under the abolished system, shall receive credit for years of prior

service in the determination of retirement allowance payments under this chapter, if the member elects to become a member on or before October 1, 1953, the member has not made application for a refund of the part of the member's contributions under the abolished system which are payable under sections 97.50 ~~to~~ through 97.53, and the member gives written authorization prior to October 1, 1953, to the commission to credit to the retirement fund the amount of the member's contribution which would be subject to a claim for refund. The amount so credited shall, after transfer, be considered as a contribution to the retirement system made as of July 4, 1953, by the member and shall be included in the determination of the amount of moneys payable under this chapter. However, an employee who was under a contract of employment as a teacher in the public schools of the state of Iowa at the end of the school year 1952-1953, or any person covered by section 97B.1A, subsection 20, paragraph "c" or "d", shall be considered as in service as of July 4, 1953, if they were members of the abolished system.

Sec. 54. Section 97B.56, Code 2021, is amended to read as follows:

**97B.56 Abolished system — liquidation fund.**

The assets of the old-age and survivors' liquidation fund, established by sections 97.50 ~~to~~ through 97.53 and any future payments or assets payable to the old-age and survivors' liquidation fund, are hereby transferred to the retirement fund, and all payments hereafter due in accordance with the provisions of said sections shall be paid from the retirement fund.

Sec. 55. Section 99.1A, Code 2021, is amended to read as follows:

**99.1A Houses of prostitution or other nuisances.**

1. ~~Whoever shall erect, establish, continue, maintain, use, own, or lease~~ A person who erects, establishes, continues, maintains, uses, owns, or leases any building, erection, or place used for the purpose of prostitution or gambling, except

as authorized under the laws of this state is guilty of a nuisance~~, and the~~. The building, erection, or place, or the ground itself, in or upon which ~~such~~ prostitution or gambling is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining ~~such~~ the nuisance, are also declared a nuisance and shall be enjoined and abated as ~~hereinafter~~ provided in this chapter.

2. The provisions of this section do not apply to social and charitable gambling conducted pursuant to chapter 99B or to devices lawful under section 99B.52 or 99B.53.

Sec. 56. Section 99F.7A, subsection 3, Code 2021, is amended to read as follows:

3. A licensee under this section may enter into operating agreements with one or two entities to have up to a total of two individually branded internet sites to conduct advance deposit sports wagering for the licensee, unless one additional operating agreement or individually branded internet site is authorized by the commission. However, a person shall not sell, grant, assign, or turn over to another person the operation of an individually branded internet site to conduct advance deposit sports wagering for the licensee without the approval of the commission. This section does not prohibit an agreement entered into between a licensee under this section and an advanced deposit sports wagering operator as approved by the commission.

Sec. 57. Section 101A.11, subsection 2, Code 2021, is amended to read as follows:

[2. Black sporting powder is intended for handloading or reloading ammunition for small arms with bores equivalent to ten gauge or less, loading ~~black~~ blank ammunition, loading cap and ball revolvers, loading muzzle loading arms, or loading muzzle loading cannon.]

Sec. 58. Section 123.63, Code 2021, is amended to read as follows:

**123.63 Temporary writ.**

In ~~such~~ an action to enjoin a nuisance, the court shall, upon the presentation of a petition ~~therefor~~, allow a temporary writ of injunction without bond, if ~~it shall be made to appear~~ the petitioner provides evidence to the satisfaction of the court, ~~by evidence~~ in the form of affidavits, depositions, oral testimony, or otherwise, that the nuisance complained of exists.

Sec. 59. Section 123.65, Code 2021, is amended to read as follows:

**123.65 Scope of injunction.**

When an injunction has been granted, it shall be binding upon the defendant throughout the state and any violation of the provisions of this chapter anywhere within the state shall be punished as a contempt as ~~herein~~ provided in section 123.68.

Sec. 60. Section 123.66, Code 2021, is amended to read as follows:

**123.66 Trial of action.**

Any action brought ~~hereunder~~ to enjoin a nuisance or to establish a violation of the injunction shall be accorded priority over other business pending before the district court.

Sec. 61. Section 124.204, subsection 4, paragraph m, Code 2021, is amended to read as follows:

*m.* Marijuana, except as otherwise provided in subsection 7.

Sec. 62. Section 124.204, subsection 7, Code 2021, is amended to read as follows:

7. *Exclusions.* This section does not apply to any of the following:

*a.* Hemp as defined in section 204.2 that is or was produced in this state, or was produced in another state, in accordance with the provisions of chapter 204 with a maximum delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis.

*b.* A hemp product as provided in chapter 204 with a maximum delta-9 tetrahydrocannabinol concentration that does not exceed

three-tenths of one percent on a dry weight basis.

Sec. 63. Section 124E.12, subsection 6, Code 2021, is amended to read as follows:

6. The department~~, the department of transportation,~~ and any health care practitioner, including any authorized agent or employee thereof, are not subject to any civil or disciplinary penalties by the board of medicine or any business, occupational, or professional licensing board or entity, solely for activities conducted relating to a patient's possession or use of medical cannabidiol as authorized under this chapter. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

Sec. 64. Section 125.3, Code 2021, is amended to read as follows:

**125.3 Substance abuse program established.**

The Iowa department of public health shall develop, implement, and administer a comprehensive substance abuse program pursuant to sections 125.1 ~~to~~ and 125.2, this section, and sections 125.7, 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.

Sec. 65. Section 125.7, subsection 1, Code 2021, is amended to read as follows:

1. Approve the comprehensive substance abuse program, developed by the department pursuant to sections 125.1 ~~to~~ through 125.3, this section, and sections 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.

Sec. 66. Section 125.85, subsection 3, Code 2021, is amended to read as follows:

3. Upon the filing of an application for recommitment under subsection 1 or 2, the court shall schedule a recommitment hearing for no later than ten days after the date the application is filed. A copy of the application, the notice of hearing, and any reports shall be served or provided in the

manner and to the persons as required by sections 125.77 ~~to~~ through 125.80, 125.83, and 125.84.

Sec. 67. Section 135.79, Code 2021, is amended to read as follows:

**135.79 Civil penalty.**

Any hospital or health care facility which fails to file with the department the financial reports required by sections 135.74 ~~to~~, 135.75, 135.76, and 135.78 is subject to a civil penalty of not to exceed five hundred dollars for each offense.

Sec. 68. Section 135B.34, subsection 7, Code 2021, is amended to read as follows:

7. For the purposes of this ~~subsection~~ section, "*comprehensive preliminary background check*" means the same as defined in section 135C.1.

Sec. 69. Section 135C.46, subsection 1, Code 2021, is amended to read as follows:

1. A facility shall not discriminate or retaliate in any way against a resident or an employee of the facility who has initiated or participated in any proceeding authorized by this chapter. A facility which violates this section is subject to a penalty of not less than two hundred fifty nor more than five thousand dollars, to be assessed and collected by the director in substantially the manner prescribed by sections 135C.40 ~~to 135C.43~~ through 135C.42 and paid into the state treasury to be credited to the general fund, or to immediate revocation of the facility's license.

Sec. 70. Section 135P.3, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

If an adverse health care incident occurs in a health facility, the health care provider, the health ~~care~~ facility, or the health care provider jointly with the health facility, may provide the patient with written notice of the desire of the health care provider, the health ~~care~~ facility, or of the health care provider jointly with the health facility, to enter into an open discussion under this chapter. A health ~~care~~

facility may designate a person or class of persons who have authority to provide such notice on behalf of the facility. If the health care provider or health facility provides such notice, such notice must be sent within one year after the date on which the health care provider knew, or through the use of diligence should have known, of the adverse health care incident. The notice must include all of the following:

Sec. 71. Section 142.13, Code 2021, is amended to read as follows:

**142.13 Burial in private cemetery lot.**

In the event ~~such~~ that a deceased person, whose body has been used for scientific purposes as provided ~~herein, shall own~~ in this chapter, owns or ~~have~~ has the right of burial in a private or family cemetery lot in the state of Iowa, that ~~such~~ deceased person's body shall be buried in ~~such~~ that lot.

Sec. 72. Section 144.5, subsection 1, Code 2021, is amended to read as follows:

1. Administer and enforce this chapter and the rules issued ~~hereunder~~ under this chapter, and issue instructions for the efficient administration of the statewide system of vital statistics and the division for records and statistics.

Sec. 73. Section 144.20, Code 2021, is amended to read as follows:

**144.20 Information.**

Information in the possession of the petitioner necessary to prepare the adoption report shall be furnished with the petition for adoption by each petitioner for adoption or the petitioner's attorney. The ~~social agency, welfare agency,~~ adoption services provider or other person concerned shall supply the court with such additional information in their possession as necessary to complete the certificate. The provision of such information shall be submitted to the court prior to the issuance of a final decree in the matter by the court, unless found by the court to be unavailable after diligent inquiry.

Sec. 74. Section 144.41, Code 2021, is amended to read as follows:

**144.41 Amending local records.**

When a certificate is amended under sections 144.38 ~~to~~ through 144.40 the state registrar shall report the amendment to the custodian of any permanent local records and such records shall be amended accordingly.

Sec. 75. Section 144.50, Code 2021, is amended to read as follows:

**144.50 Length of time records to be kept.**

Records maintained under sections 144.47 ~~to~~ through 144.49 shall be retained for a period of not less than ten years and shall be made available for inspection by the state registrar or the state registrar's representative upon demand.

Sec. 76. Section 144.56, subsection 2, Code 2021, is amended to read as follows:

2. This section does not apply to any death investigated under the authority of sections 331.802 ~~to~~ through 331.804.

Sec. 77. Section 144F.2, subsection 1, paragraph b, Code 2021, is amended to read as follows:

*b.* A legal representative who is an agent under a durable power of attorney for health care pursuant to chapter 144B shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver only if, consistent with chapter 144B, in the judgment of the attending physician, the patient is unable to make the health care decision. A legal representative who is a guardian shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver to the extent consistent with the powers and duties granted the guardian pursuant to sections 232D.401 and 232D.402 or section 633.635.

Sec. 78. Section 144F.6, Code 2021, is amended to read as follows:

**144F.6 Construction of chapter relative to other health care directives.**

Nothing in this chapter shall be construed to interfere with the authority or responsibilities of an agent operating under a valid durable power of attorney for health care pursuant to chapter 144B or of the powers and duties granted to a guardian pursuant to section 232D.401, 232D.402, or 633.635.

Sec. 79. Section 145A.7, Code 2021, is amended to read as follows:

**145A.7 Special election.**

When a protesting petition is received, the officials receiving the petition shall call a special election of all registered voters of that political subdivision upon the question of approving or rejecting the order setting out the proposed merger plan. The election shall be held on a date specified in section 39.2, subsection 4, paragraph *"a"* or *"b"*, as applicable. The vote will be taken by ballot in the form provided by sections 49.43 ~~to~~ through 49.47, and the election shall be initiated and held as provided in chapter 49. A majority vote of those registered voters voting at the special election shall be sufficient to approve the order and thus include the political subdivision within the merged area.

Sec. 80. Section 148C.4, subsection 1, Code 2021, is amended to read as follows:

1. A physician assistant may provide any legal medical service for which the physician assistant has been prepared by the physician assistant's education, training, or experience and is competent to perform. For the purposes of this section, *"legal medical service for which the physician assistant has been prepared by the physician assistant's education, training, or experience and is competent to perform"* includes but is not limited to making a pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a correctional institution listed in section 904.102, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility.

Sec. 81. Section 148C.5, subsection 3, Code 2021, is amended to read as follows:

3. The board shall not amend or rescind any of the following rules unless, prior to the submission of such an amendment or rescission to the administrative rules coordinator, the board consults with and receives approval from the board of medicine to make such a submission:

*a.* 645 IAC 326.1 regarding the following terms:

(1) "Physician".

(2) "Physician assistant".

(3) "Supervising physician".

(4) "Supervision".

*b.* 645 IAC 326.2(1)(f).

*c.* 645 IAC 326.4(6).

*d.* 645 IAC 326.8.

~~*e.* 645 IAC 326.19(3)(b)(3).~~

~~*f.* 645 IAC 327.1(1)(s)(1) — (4).~~

~~*g.* 645 IAC 327.1(1)(u).~~

~~*h.*~~ *e.* 645 IAC 327.1(1)~~(z)~~(v).

~~*i.*~~ *f.* 645 IAC 327.4(1)(b)(2) — (4).

~~*j.*~~ *g.* 645 IAC 327.4(2).

~~*k.* 645 IAC 327.6(1)(d).~~

Sec. 82. Section 152.10, subsection 1, Code 2021, is amended to read as follows:

1. Notwithstanding sections 147.87 ~~to~~ through 147.89, the board may restrict, suspend, or revoke a license to practice nursing or place the licensee on probation. The board may also prescribe by rule conditions of license reinstatement. The board shall ~~prescribe~~ adopt rules of procedure by which to restrict, suspend, or revoke a license. These procedures shall conform to the provisions of chapter 17A.

Sec. 83. Section 153.15, Code 2021, is amended to read as follows:

**153.15 Dental hygienists — scope of term.**

1. A licensed dental hygienist may perform those services

which are educational, therapeutic, and preventive in nature which attain or maintain optimal oral health as determined by the board ~~and~~. Services may include but are not necessarily limited to ~~complete~~ the following:

*a.* Complete oral prophylaxis~~, application~~.

*b.* Application of preventive agents to oral structures~~, exposure~~.

*c.* Exposure and processing of radiographs~~, administration~~.

*d.* Administration of medicaments prescribed by a licensed dentist~~, obtaining~~.

*e.* Obtaining and preparing nonsurgical, clinical and oral diagnostic tests for interpretation by the dentist~~, and preparation~~.

*f.* Preparation of preliminary written records of oral conditions for interpretation by the dentist.

2. Such services, except educational services, shall be performed under supervision of a licensed dentist but nothing ~~herein~~ in this section shall be construed to authorize a dental hygienist to practice dentistry.

3. Educational services shall be limited to ~~assessing~~ the following:

*a.* Assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups~~; and conducting~~.

*b.* Conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups, and other agencies providing consultation and technical assistance for promotional, preventive, and educational services.

Sec. 84. Section 153.17, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Except as ~~herein~~ otherwise provided in this chapter, it shall be unlawful for any person to practice dentistry or dental surgery or dental hygiene in this state, other than:

Sec. 85. Section 153.33, subsection 3, paragraphs b, d, e,

and f, Code 2021, are amended to read as follows:

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

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

*e.* In case of disobedience of a subpoena lawfully served ~~hereunder~~ under this subsection, the board or any party to such hearing aggrieved thereby may invoke the aid of the district court in the county where ~~such~~ the hearing is being conducted to require the attendance and testimony of such witnesses. ~~Such~~ The district court of the county within which the hearing is being conducted may, in case of contumacy or refusal to obey ~~such~~ the subpoena, issue an order requiring ~~such~~ the person

to appear before ~~said~~ the board, and, if so ordered, to give evidence touching the matter involved in the hearing. Any failure to obey such order of the court may be punished by ~~such~~ the court as ~~a~~ contempt ~~thereof~~.

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

Sec. 86. Section 153.33, subsection 5, paragraph d, Code 2021, is amended to read as follows:

*d.* This ~~section~~ subsection shall not prohibit the board from imposing discipline on a licensee, registrant, or trainee for willful or repeated violations.

Sec. 87. Section 154.1, subsection 3, paragraph a, Code 2021, is amended to read as follows:

*a.* An optometrist licensed under this chapter may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this subsection, and notwithstanding section 147.107, may without charge supply any ~~of the above pharmaceuticals~~ diagnostic and therapeutic pharmaceutical agents to commence a course of therapy. A licensed optometrist may perform minor surgical procedures and use medications for the diagnosis and treatment of diseases, disorders, and

conditions of the eye and adnexa. A license to practice optometry under this chapter does not authorize the performance of surgical procedures which require the use of injectable or general anesthesia, moderate sedation, penetration of the globe, or the use of ophthalmic lasers for the purpose of ophthalmic surgery within or upon the globe. The removal of pterygia and Salzmann's nodules, incisional corneal refractive surgery, and strabismus surgery are prohibited.

Sec. 88. Section 154.2, subsection 1, Code 2021, is amended to read as follows:

1. Merchants or dealers who sell glasses as merchandise in an established place of business and who do not profess to be optometrists or practice optometry as ~~herein defined~~ described in this chapter.

Sec. 89. Section 161A.48, subsection 3, Code 2021, is amended to read as follows:

3. Upon receiving evidence of the submission of an application, the commissioners shall forward to the officer or agency to which the application was made a written request to receive notification of the disposition of the application. When notified of the approval of the application, the commissioners shall issue to the same parties who received the original administrative order, or their successors in interest, a supplementary order, to be delivered in the same manner as provided by sections 161A.43 ~~to 161A.53~~ through 161A.47, this section, and sections 161A.49 through 161A.51 for delivery of original administrative orders. The supplementary order shall state a time, not more than six months after approval of the application for public cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time thereafter when the work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order, but the owner of land on which a soil and water conservation practice is being established under this section is not

required to incur a cost for the practice in any one calendar year which exceeds ten dollars per acre for each acre of land belonging to that owner and located in the county containing the land on which the required practice is being established or in counties contiguous to that county.

Sec. 90. Section 177A.19, subsection 4, Code 2021, is amended to read as follows:

4. The procedures provided in section 177A.17 and all other applicable provisions of sections 177A.5 ~~to~~ through 177A.18 shall govern and apply to the enforcement of this section.

Sec. 91. Section 189.17, Code 2021, is amended to read as follows:

**189.17 Confiscation or condemnation.**

Unless a procedure or method of seizure and confiscation or condemnation is otherwise provided, the secretary is ~~hereby~~ authorized to prohibit the entrance into channels of commerce or possession of any article found to be adulterated or improperly labeled according to the provisions of this subchapter or rules ~~established hereunder~~ adopted pursuant to this subchapter. Any articles found in channels of commerce or in possession by an inspector which are not in compliance with the adulteration or labeling provisions of this subchapter shall be subject to immediate seizure by the department. Seized articles shall be condemned unless ~~of such character that~~ the articles can be made to conform with the provisions of this subchapter by methods approved by the secretary. Condemned articles shall be effectively destroyed for the purpose for which they were intended by the owner of the article, or the owner's agent, under the supervision of an inspector in such manner as the secretary may prescribe.

Sec. 92. Section 190B.101, Code 2021, is amended to read as follows:

**190B.101 Definitions.**

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

1. "*Department*" means the department of revenue.

2. "*Tax credit*" means the from farm to food donation tax credit as established in this ~~chapter~~ subchapter.

Sec. 93. Section 190B.102, Code 2021, is amended to read as follows:

**190B.102 Department of revenue — cooperation with other departments.**

1. This ~~chapter~~ subchapter shall be administered by the department of revenue.

2. The department shall adopt all rules necessary to administer this ~~chapter~~ subchapter.

3. The department of agriculture and land stewardship, the department of public health, the department of human services, and the department of inspections and appeals shall cooperate with the department of revenue to administer this ~~chapter~~ subchapter.

Sec. 94. Section 190B.103, Code 2021, is amended to read as follows:

**190B.103 From farm to food donation tax credit.**

A from farm to food donation tax credit is allowed against the taxes imposed in chapter 422, subchapters II and III, as provided in this ~~chapter~~ subchapter.

Sec. 95. Section 196.10, Code 2021, is amended to read as follows:

**196.10 Labeling.**

Sections 189.9 ~~to~~ through 189.12 shall apply to the labeling of packaged eggs which have been candled and graded if not inconsistent with the provisions of this chapter. All cases of loose packed eggs sold in this state shall identify the egg handler's name or license number or United States department of agriculture plant number, and the grade of the eggs contained in the case. Each carton containing eggs for retail sale in Iowa which have been candled and graded shall be marked with the grade and size of the eggs contained, the date they were packed, and the name and address of the distributor or packer.

Sec. 96. Section 200.8, subsection 2, paragraph a, Code 2021, is amended to read as follows:

*a.* File not later than the last day of January and July of each year, on forms furnished by the secretary, a semiannual statement setting forth the number of net tons of commercial fertilizer or soil conditioners distributed in this state by grade for each county during the preceding ~~six-months'~~ six-month period; and upon filing such statement shall pay the inspection fee at the rate stated in subsection 1 ~~of this section~~. However, in lieu of the semiannual statement by grade for each county, ~~as hereinabove provided for, the registrant,~~ on individual packages of specialty fertilizer containing twenty-five pounds or less, the registrant shall file not later than the last day of July of each year, on forms furnished by the secretary, an annual statement setting forth the number of net tons of specialty fertilizer distributed in this state by grade during the preceding twelve-month period.

Sec. 97. Section 200.16, Code 2021, is amended to read as follows:

**200.16 "Stop sale" orders.**

The secretary may issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of commercial fertilizer or soil conditioner, ~~and to hold at a designated place when~~ if the secretary finds ~~said~~ the commercial fertilizer or soil conditioner is being offered or exposed for sale in violation of any of the provisions of this chapter or any of the rules and regulations promulgated ~~hereunder~~ under this chapter. The secretary may hold the commercial fertilizer or soil conditioner at a designated place until the law has been complied with and ~~said~~ the commercial fertilizer or soil conditioner is released in writing by the secretary, or ~~said~~ the violation has been otherwise legally disposed of by written authority, and all costs and expenses incurred in connection with the withdrawal have been paid.

Sec. 98. Section 200.18, subsections 1 and 6, Code 2021, are

amended to read as follows:

1. If it shall appear from the examination of any commercial fertilizer or soil conditioner or any anhydrous ammonia installation, equipment, or operation that any of the provisions of this chapter or the rules and regulations issued ~~thereunder~~ under this chapter have been violated, the secretary shall cause notice of the violations to be given to the registrant, distributor, or possessor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the secretary. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this chapter or rules and regulations issued ~~thereunder~~ under this chapter have been violated, the secretary may certify the facts to the proper prosecuting attorney.

6. The secretary is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under ~~the~~ this chapter notwithstanding the existence of other remedies at law, said injunction to be issued without bond.

Sec. 99. Section 204.8, subsection 1, paragraph c, Code 2021, is amended to read as follows:

*c.* The department shall provide the department of public safety any official test results that indicate a sample ~~exceeds~~ ~~the~~ has a maximum concentration of delta-9 tetrahydrocannabinol in excess of two percent on a dry weight basis.

Sec. 100. Section 205.8, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Nothing in sections 205.5 ~~to~~ through 205.7 shall apply:

Sec. 101. Section 208A.4, Code 2021, is amended to read as follows:

**208A.4 Inspection by department.**

1. Before any antifreeze ~~shall be~~ is sold, exposed for

sale, or held with intent to sell within this state, a sample ~~thereof~~ of the product must be inspected by the department of agriculture and land stewardship. Upon application of the manufacturer, packer, seller, or distributor and the payment of a fee of twenty dollars for each brand of antifreeze submitted, the department shall inspect the antifreeze submitted. If the antifreeze is not adulterated or misbranded, if it meets the standards of the department, and is not in violation of this chapter, the department shall give the applicant a written permit authorizing the sale of such antifreeze in this state until the formula or labeling of the antifreeze is changed in any manner.

2. If the department ~~shall~~ finds at a later date ~~find~~ that the product to be sold, exposed for sale, or held with intent to sell has been materially altered or adulterated, a change has been made in the name, brand, or trademark under which the antifreeze is sold, or it violates the provisions of this chapter, the department shall notify the applicant and the permit shall be canceled forthwith.

Sec. 102. Section 210.8, Code 2021, is amended to read as follows:

**210.8 Sales of dry commodities.**

All dry commodities unless bought or sold in package or wrapped form shall be bought or sold only by the standard weight or measure ~~herein~~ established in this chapter, or by numerical count, unless the parties otherwise agree in writing, except as provided in sections 210.9 ~~to~~ through 210.12.

Sec. 103. Section 210.18, Code 2021, is amended to read as follows:

**210.18 Sales to be by standard weight or measure — labeling.**

1. All commodities bought or sold by weight or measure shall be bought or sold only by the standards established by this chapter, unless the vendor and vendee otherwise agree. Sales by weight shall be by avoirdupois weight unless troy weight is agreed upon by the vendor and vendee.

2. All commodities bought or sold in package form shall be labeled in compliance with the general provisions for labeling provided for in ~~sections~~ section 189.9 ~~to~~ and sections 189.11 through 189.16, unless otherwise provided for in this chapter.

Sec. 104. Section 210.21, Code 2021, is amended to read as follows:

**210.21 Violations.**

It shall be unlawful for any person to manufacture, procure, or keep for the purpose of sale, offer or expose for sale, or sell bread in the form of loaves which are not of one of the weights specified in section 210.19 or violate the rules of the secretary of agriculture pertaining thereto. Any person who, in person or by a servant, or agent, or as the servant or agent of another, shall violate any of the provisions of sections 210.19 ~~to~~, 210.20, this section, and sections 210.22 through 210.25, shall be guilty of a simple misdemeanor.

Sec. 105. Section 210.23, Code 2021, is amended to read as follows:

**210.23 Exception.**

Any person engaged in home baking is exempt from the provisions of sections 210.19 ~~to~~ through 210.22.

Sec. 106. Section 210.24, Code 2021, is amended to read as follows:

**210.24 Enforcement — rules and regulations.**

The secretary of agriculture shall enforce the provisions of sections 210.19 ~~to~~ through 210.23, this section, and section 210.25. The secretary shall make rules for the enforcement of the provisions of said sections not inconsistent therewith, and such rules and regulations shall include reasonable variations and tolerances.

Sec. 107. Section 217.3, subsection 5, Code 2021, is amended to read as follows:

5. Insure that all programs administered or services rendered by the department directly to any citizen or through a local ~~board of welfare~~ agency to any citizen are

coordinated and integrated so that any citizen does not receive a duplication of services from various departments or local agencies that could be rendered by one department or local agency. If the council finds that such is not the case, it shall hear and determine which department or local agency shall provide the needed service or services and enter an order of their determination by resolution of the council which must be concurred in by at least a majority of the members. Thereafter such order or resolution of the council shall be obeyed by all state departments and local agencies to which it is directed.

Sec. 108. Section 218.31, Code 2021, is amended to read as follows:

**218.31 Witnesses.**

In aid of any investigation the administrator shall have the power to summon and compel the attendance of witnesses; to examine the ~~same~~ witnesses under oath, which the administrator shall have power to administer; to have access to all books, papers, and property material to such investigation, and to order the production of any other books or papers material ~~thereto~~ to the investigation. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

Sec. 109. Section 218.43, Code 2021, is amended to read as follows:

**218.43 Deduction to pay court costs.**

If ~~such wage be~~ wages are paid to a resident pursuant to section 218.42, the administrator in control of ~~such~~ an institution listed in section 218.1 may deduct ~~therefrom~~ from the wages an amount sufficient to pay all or a part of the costs taxed to ~~such~~ the resident by reason of the resident's commitment to ~~said~~ the institution. In such case the amount so deducted shall be forwarded to the clerk of the district court or proper official.

Sec. 110. Section 218.44, Code 2021, is amended to read as follows:

**218.44 Wages paid to dependent — deposits.**

If ~~such wage be~~ wages are paid to a resident pursuant to section 218.42, the administrator in control of ~~such~~ an institution listed in section 218.1 may pay all or any part of the ~~same~~ wages directly to any dependent of ~~such~~ the resident~~, or~~. The administrator may also deposit ~~such wage~~ the wages to the account of such resident, or may so deposit part ~~thereof~~ of the wages and allow the resident a portion for the resident's own personal use, or may pay to the county of commitment all or any part of the resident's care, treatment, or subsistence while at said institution from any credit balance accruing to the account of ~~said~~ the resident.

Sec. 111. Section 218.92, Code 2021, is amended to read as follows:

**218.92 Patients with dangerous mental disturbances.**

When a patient in a state resource center for persons with an intellectual disability, a state mental health institute, or another institution under the administration of the department of human services has become so mentally disturbed as to constitute a danger to self, to other patients or staff of the institution, or to the public, and the institution cannot provide adequate security, the administrator in charge of the institution, with the consent of the director of the Iowa department of corrections, may order the patient to be transferred to the Iowa medical and classification center, if the superintendent of the institution from which the patient is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the patient, other patients, or the public. If the patient transferred was hospitalized pursuant to sections 229.6 ~~to~~ through 229.15, the transfer shall be promptly reported to the court that ordered the hospitalization of the patient, as required by section 229.15, subsection 5. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the patient as the institution

from which the patient was transferred had while the patient was hospitalized in the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 112. Section 218.100, Code 2021, is amended to read as follows:

**218.100 Central warehouse and supply depot.**

The department of human services shall establish a fund for maintaining and operating a central warehouse as a supply depot and distribution facility for surplus government products, carload canned goods, paper products, other staples, and such other items as determined by the department. The fund shall be permanent and shall be composed of the receipts from the sales of merchandise, recovery of handling, operating and delivery charges of such merchandise, and from the funds contributed by the institutions now in a contingent fund being used for this purpose. All claims for purchases of merchandise, operating, and salary expenses shall be subject to the provisions of sections 218.86 ~~to~~, 218.87, and 218.88.

Sec. 113. Section 222.1, subsection 3, Code 2021, is amended to read as follows:

3. A special intellectual disability unit may be maintained at one of the state mental health institutes for the purposes set forth in sections 222.88 ~~to~~ through 222.91.

Sec. 114. Section 222.2, subsection 7, Code 2021, is amended to read as follows:

7. *"Special unit"* means a special intellectual disability unit established at a state mental health institute pursuant to sections 222.88 ~~to~~ through 222.91.

Sec. 115. Section 225.15, subsection 1, Code 2021, is amended to read as follows:

1. When a respondent arrives at the state psychiatric hospital, the admitting physician shall examine the respondent and determine whether or not, in the physician's judgment, the respondent is a fit subject for observation, treatment, and

hospital care. If, upon examination, the physician decides that the respondent should be admitted to the hospital, the respondent shall be provided a proper bed in the hospital. The physician who has charge of the respondent shall proceed with observation, medical treatment, and hospital care as in the physician's judgment are proper and necessary, in compliance with sections 229.13 ~~to~~, 229.14, this section, and section 229.16. After the respondent's admission, the observation, medical treatment, and hospital care of the respondent may be provided by a mental health professional, as defined in section 228.1, who is licensed as a physician, advanced registered nurse practitioner, or physician assistant.

Sec. 116. Section 225.17, subsection 2, Code 2021, is amended to read as follows:

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

Sec. 117. Section 227.2, subsection 1, paragraph g, Code 2021, is amended to read as follows:

*g.* Any failure to comply with standards adopted under section 227.4 for care of persons with mental illness and persons with an intellectual disability in county care facilities, which is not covered in information submitted pursuant to paragraphs "*a*" ~~to~~ through "*f*", and any other matters which the director of public health, in consultation with the administrator of the division, may require.

Sec. 118. Section 227.10, Code 2021, is amended to read as follows:

**227.10 Transfers from county or private institutions.**

Patients who have been admitted at public expense to

any institution to which this chapter is applicable may be involuntarily transferred to the proper state hospital for persons with mental illness in the manner prescribed by sections 229.6 ~~to~~ through 229.13. The application required by section 229.6 may be filed by the administrator of the division or the administrator's designee, or by the administrator of the institution where the patient is then being maintained or treated. If the patient was admitted to that institution involuntarily, the administrator of the division may arrange and complete the transfer, and shall report it as required of a chief medical officer under section 229.15, subsection 5. The transfer shall be made at the mental health and disability services region's expense, and the expense recovered, as provided in section 227.7. However, transfer under this section of a patient whose expenses are payable in whole or in part by the mental health and disability services region is subject to an authorization for the transfer through the regional administrator for the patient's county of residence.

Sec. 119. Section 227.15, Code 2021, is amended to read as follows:

**227.15 Authority to confine in hospital.**

No person shall be involuntarily confined and restrained in any private institution or hospital or county hospital or other general hospital with a psychiatric ward for the care or treatment of persons with mental illness, except by the procedure prescribed in sections 229.6 ~~to~~ through 229.15.

Sec. 120. Section 229.17, Code 2021, is amended to read as follows:

**229.17 Status of respondent during appeal.**

If a respondent appeals to the supreme court from a finding that the contention the respondent is seriously mentally impaired has been sustained, and the respondent was previously ordered taken into immediate custody under section 229.11 or has been hospitalized for psychiatric evaluation and appropriate treatment under section 229.13 before the court

is informed of intent to appeal its finding, the respondent shall remain in custody as previously ordered by the court, the time limit stated in section 229.11 notwithstanding, or shall remain in the hospital subject to compliance by the hospital with sections 229.13 ~~to~~ through 229.16, as the case may be, unless the supreme court orders otherwise. If a respondent appeals to the supreme court regarding a placement order, the respondent shall remain in placement unless the supreme court orders otherwise.

Sec. 121. Section 229.19, subsection 1, paragraph c, Code 2021, is amended to read as follows:

*c.* The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 ~~to~~ through 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case, the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate.

Sec. 122. Section 229.21, subsection 2, Code 2021, is amended to read as follows:

2. When an application for involuntary hospitalization under section 229.6 or for involuntary commitment or treatment of persons with substance-related disorders under section 125.75 is filed with the clerk of the district court in any

county for which a judicial hospitalization referee has been appointed, and no district judge, district associate judge, or magistrate who is admitted to the practice of law in this state is accessible, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon the court by sections 229.7 ~~to~~ through 229.19, this section, and section 229.22 or sections 125.75 ~~to~~ through 125.94 in the proceeding so initiated. Subject to the provisions of subsection 4, orders issued by a referee, in discharge of duties imposed under this section, shall have the same force and effect as if ordered by a district judge. However, any commitment to a facility regulated and operated under chapter 135C shall be in accordance with section 135C.23.

Sec. 123. Section 229.22, subsection 4, Code 2021, is amended to read as follows:

4. The cost of hospitalization at a public hospital of a person detained temporarily by the procedure prescribed in this section shall be paid in the same way as if the person had been admitted to the hospital by the procedure prescribed in sections 229.6 ~~to~~ through 229.13.

Sec. 124. Section 229.24, subsection 2, Code 2021, is amended to read as follows:

2. If authorized in writing by a person who has been the subject of any proceeding or report under sections 229.6 ~~to~~ through 229.13 or section 229.22, or by the parent or guardian of that person, information regarding that person which is confidential under subsection 1 may be released to any designated person.

Sec. 125. Section 232.9, Code 2021, is amended to read as follows:

**232.9 Motion for change of judge.**

Prior to a hearing pursuant to sections 232.44 ~~to~~ through 232.47, 232.50, or 232.54, the child may file a motion with the district court for the appointment of a new judge. The chief

judge of the district court for cause shown shall appoint a new judge.

Sec. 126. Section 232.11, subsection 2, Code 2021, is amended to read as follows:

2. The child's right to be represented by counsel under subsection 1, paragraphs "b" ~~to~~ through "f", ~~of this section~~ shall not be waived by a child of any age. The child's right to be represented by counsel under subsection 1, paragraph "a", shall not be waived by a child less than sixteen years of age without the written consent of the child's parent, guardian, or custodian. The waiver by a child who is at least sixteen years of age is valid only if a good faith effort has been made to notify the child's parent, guardian, or custodian that the child has been taken into custody and of the alleged delinquent act for which the child has been taken into custody, the location of the child, and the right of the parent, guardian, or custodian to visit and confer with the child.

Sec. 127. Section 232.72, subsection 3, Code 2021, is amended to read as follows:

3. If the child's home is located in a county not served by the office receiving the report, the department shall promptly transfer the matter by transmitting a copy of the report of injury and any other pertinent information to the office and the county attorney serving the other county. ~~They~~ The office and the county attorney shall promptly proceed as provided in section 232.71B.

Sec. 128. Section 232.127, subsection 9, Code 2021, is amended to read as follows:

9. A child found in contempt of court because of violation of conditions imposed under this section shall not be considered delinquent. Such a contempt may be punished by imposition of a work assignment or assignments to benefit the state or a governmental subdivision of the state. In addition to or in lieu of such an assignment or assignments, the court may impose one of the dispositions set out in sections 232.100

~~to~~ through 232.102.

Sec. 129. Section 232.142, subsection 2, Code 2021, is amended to read as follows:

2. For the purpose of providing and maintaining a county or multicounty home, the board of supervisors of any county may issue general county purpose bonds in accordance with sections 331.441 ~~to~~ through 331.449. Expenses for providing and maintaining a multicounty home shall be paid by the counties participating in a manner to be determined by the boards of supervisors.

Sec. 130. Section 233A.11, Code 2021, is amended to read as follows:

**233A.11 County attorney to appear for child.**

In case legal proceedings are necessary to enforce any right conferred on any child by sections 233A.7 ~~to~~ through 233A.10, ~~inclusive,~~ the county attorney of the county in which such proceedings should be instituted shall, on request of the superintendent, approved by the administrator, institute and carry on, in the name of the superintendent, the proceedings in behalf of the superintendent.

Sec. 131. Section 233A.15, Code 2021, is amended to read as follows:

**233A.15 Transfers to work in parks.**

1. The administrator may detail children, classed as trustworthy, from the state training school, to perform services for the department of natural resources within the state parks, state game and forest areas, and other lands under the jurisdiction of the department of natural resources. The department of natural resources shall provide permanent housing and work guidance supervision, but the care and custody of the children so detailed shall remain under employees of the division of child and family services of the department of human services. All such programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills, and habit patterns which will be conducive

to the habilitation of the youths involved.

2. The administrator is hereby authorized to use state-owned mobile housing equipment and facilities in performing ~~such~~ services at temporary locations in the ~~above~~ areas described in subsection 1.

Sec. 132. Section 249.1, subsection 5, paragraph b, Code 2021, is amended to read as follows:

*b.* By the state of Iowa directly pursuant to sections 249.3 ~~to~~ through 249.5.

Sec. 133. Section 252B.1, subsection 2, Code 2021, is amended to read as follows:

2. *"Child"* includes but shall not be limited to a stepchild, foster child, or legally adopted child and means a child actually or apparently under eighteen years of age~~, and~~ or a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge. *"Child"* includes *"child"* as defined in section 239B.1.

Sec. 134. Section 256.43, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The director~~, pursuant to section 256.9, subsection 55,~~ shall establish an online learning program model that provides for the following:

Sec. 135. Section 256.43, subsection 1, paragraph i, Code 2021, is amended to read as follows:

*i.* Criteria for school districts or schools to use when choosing providers of online learning to meet the online learning ~~program~~ requirements specified in rules adopted pursuant to section 256.7, subsection 32.

Sec. 136. Section 256B.6, subsection 1, Code 2021, is amended to read as follows:

1. When the school district or area education agency has provided special education services and programs as provided ~~herein~~ in this chapter for any child requiring special education, either by admission to a special class or by supportive services, it shall be the duty of the parent or

guardian to enroll the child for instruction in such special classes or supportive services as may be established, except in the event a doctor's certificate is filed with the secretary of the school district showing that it is inadvisable for medical reasons for the child requiring special education to receive the special education provided; all the provisions and conditions of chapter 299 shall be applicable to this section, and any violations shall be punishable as provided in chapter 299.

Sec. 137. Section 256B.9, subsection 6, Code 2021, is amended to read as follows:

6. The division may conduct an evaluation of the special education instructional program or special education support services being provided by an area education agency, school district, or private agency, pursuant to sections 273.1 ~~to~~ through 273.9 and this chapter, to determine if the program or service is adequate and proper to meet the needs of the child; if the child is benefiting from the program or service; if the costs are in proportion to the educational benefits being received; and if there are any improvements that can be made in the program or service. A written report of the evaluation shall be sent to the area education agency, school district, or private agency evaluated and to the president of the senate and speaker of the house of representatives of the general assembly.

Sec. 138. Section 257.22, Code 2021, is amended to read as follows:

**257.22 Statutes applicable.**

The director of revenue shall administer the instructional support income surtax imposed under this chapter, and sections 422.4, 422.20, sections 422.22 ~~to~~ through 422.31, sections 422.68, 422.70, and sections 422.72 ~~to~~ through 422.75 shall apply with respect to administration of the instructional support income surtax.

Sec. 139. Section 257B.28, Code 2021, is amended to read as

follows:

**257B.28 Statute of limitation.**

Lapse of time is not a bar to action to recover a part of the permanent school fund, and it does not prevent the introduction of evidence in an action, except as provided in sections 614.29 ~~to~~ through 614.38.

Sec. 140. Section 260C.39, subsections 1 and 3, Code 2021, are amended to read as follows:

1. Any merged area may combine with any adjacent merged area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at an election held on a date specified in section 39.2, subsection 4, paragraph *"c"*, and held on the same day in each area. Prior to the election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area's taxable base is located, who shall publish notice of the election according to section 49.53. The two respective county commissioners of elections shall conduct the election pursuant to the provisions of chapters 39 ~~to~~ through 53. The votes cast in the election shall be canvassed by the county board of supervisors, and the county commissioner of elections of each county in the merged areas shall certify the results to the board of directors of each merged area.

3. The terms of employment of personnel, for the academic year following the effective date of the agreement to combine the merged areas shall not be affected by the combination of the merged areas, except in accordance with the procedures under sections 279.15 ~~to~~, 279.16, 279.18 and ~~section~~ 279.24, to the extent those procedures are applicable, or under the terms of the base bargaining agreement. The authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to any applicable procedures under chapter 279, shall be transferred to the

acting, and then to the new, board of the combined merged area upon certification of a favorable vote to each of the merged areas affected by the agreement. The collective bargaining agreement of the merged area receiving the greatest amount of general state aid shall serve as the base agreement for the combined merged area and the employees of the merged areas which combined to form the new combined merged area shall automatically be accreted to the bargaining unit from that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the merged areas which are combining under this section, then that agreement shall serve as the base agreement, and the employees of the merged areas which are combining to form the new combined merged area shall automatically be accreted to the bargaining unit of that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. The board of the combined merged area, using the base agreement as its existing contract, shall bargain with the combined employees of the merged areas that have agreed to combine for the academic year beginning with the effective date of the agreement to combine merged areas. The bargaining shall be completed by March 15 prior to the academic year in which the agreement to combine merged areas becomes effective or within one hundred eighty days after the organization of the acting board of the new combined merged area, whichever is later. If a bargaining agreement was already concluded in the former merged area which has the collective bargaining agreement that is serving as the base agreement for the new combined merged area, between the former merged area board and the employees of the former merged area, that agreement is void, unless the agreement contained multiyear provisions affecting academic years subsequent to the effective date of the agreement to form a combined merged area. If the base

collective bargaining agreement contains multiyear provisions, the duration and effect of the agreement shall be controlled by the terms of the agreement. The provisions of the base agreement shall apply to the offering of new contracts, or the continuation, modification, or termination of existing contracts between the acting or new board of the combined merged area and the combined employees of the new combined merged area.

Sec. 141. Section 260C.48, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The state board shall develop standards and rules for the accreditation of community college programs. Except as provided in this subsection and subsection 4, standards developed shall be general in nature so as to apply to more than one specific program of instruction. With regard to community college-employed instructors, the standards adopted shall at a minimum require that community college instructors ~~who are under contract for at least half-time or more, and by July 1, 2011, all instructors,~~ meet the following requirements:

Sec. 142. Section 261A.24, Code 2021, is amended to read as follows:

**261A.24 Chapter as alternative method — powers not subject to supervision or regulation.**

Sections 261A.1 through 261A.23 provide a complete, additional, and alternative method for the doing of the things authorized by ~~the~~ this chapter and the limitations imposed by this chapter do not affect powers or rights conferred by other laws, and the issuance of obligations and refunding obligations under this chapter need not comply with the requirements of any other law applicable to the issuance of obligations. Except as otherwise expressly provided in this chapter, the powers granted to the authority under this chapter are not subject to the supervision or regulation and do not require the approval or consent of a city or political subdivision or department, division, commission, board, body, bureau, official, or agency

of a political subdivision or of the state.

Sec. 143. Section 261E.11, subsection 2, Code 2021, is amended to read as follows:

2. The programming in this chapter may be delivered via internet-based technologies ~~including but not limited to the Iowa learning online program~~. An internet-based course may qualify for additional supplemental weighting if it meets the requirements of section 261E.8 or section 261E.10.

Sec. 144. Section 272.2, subsection 14, paragraph a, Code 2021, is amended to read as follows:

*a.* The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of an offense and the offense directly relates to the duties and responsibilities of the profession or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or ~~crime~~ offense in relation to the position sought, the time elapsed since the ~~crime~~ offense was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the ~~crime~~ offense, the likelihood that the person will commit the same abuse or ~~crime~~ offense again, and the number of founded abuses committed by or criminal convictions of the person involved.

Sec. 145. Section 275.11, Code 2021, is amended to read as follows:

**275.11 Proposals involving two or more districts.**

Subject to the approval of the area education agency board, contiguous or marginally adjacent territory located in two or more school districts may be united into a single district in the manner provided in sections 275.12 ~~to~~ through 275.18, 275.20, and 275.22.

Sec. 146. Section 275.23, Code 2021, is amended to read as follows:

**275.23 Frequency of change.**

A school district which is enlarged, reorganized, or changes its boundaries under sections 275.12 ~~to~~ through 275.18, 275.20, and 275.22, shall not file a petition under section 275.12 for the purpose of reducing the area served or changing the boundaries to exclude areas encompassed by the enlargement, reorganization, or boundary changes for a period of five years following the effective date of the enlargement, reorganization, or boundary change unless the action is approved by the director of the department of education.

Sec. 147. Section 275.24, Code 2021, is amended to read as follows:

**275.24 Effective date of change.**

When a school district is enlarged, reorganized, or changes its boundary pursuant to sections 275.12 ~~to~~ through 275.18, 275.20, and 275.22, the change shall take effect on July 1 following the date of the reorganization election held pursuant to section 275.18.

Sec. 148. Section 276.1, Code 2021, is amended to read as follows:

**276.1 Title.**

~~Sections 276.1 to~~ This section, sections 276.2 through 276.5, and sections 276.8 through 276.11 of this chapter shall be known and may be cited as the "*Iowa Community Education Act*".

Sec. 149. Section 276.3, unnumbered paragraph 1, Code 2021, is amended to read as follows:

As used in sections 276.1 ~~to~~, 276.2, this section, sections 276.4, 276.5, and sections 276.8 through 276.11 unless the context otherwise requires:

Sec. 150. Section 279.9, Code 2021, is amended to read as follows:

**279.9 Use of tobacco, alcoholic beverages, or controlled substances.**

The rules adopted under section 279.8 shall ~~prohibit~~ include rules prohibiting the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance as defined in section 124.101, subsection 5, by any student of the schools ~~and the~~. The board may suspend or expel a student for a violation of a rule described under this section.

Sec. 151. Section 280.3, subsection 2, Code 2021, is amended to read as follows:

2. The minimum educational program shall be the curriculum set forth in ~~subsection 3 of this section and~~ section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status, or place of national origin.

Sec. 152. Section 280.19A, subsections 1 and 2, Code 2021, are amended to read as follows:

1. ~~By January 15, 1995, each~~ Each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

2. ~~If a district has not adopted a plan as required in this section and implemented the plan by January 15, 1996, the area education agency serving the district shall assist the district with developing a plan and an alternative options education program for the pupil.~~ When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

Sec. 153. Section 285.1, subsection 16, paragraph c, Code 2021, is amended to read as follows:

*c.* If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence and the district of residence meets the requirements of subsections 14 ~~to 16 of this section~~, 15, and this subsection by using subsection 17, paragraph "*c*", ~~of this section~~ and the district in which the nonpublic school is located is contiguous to the district of the pupil's residence and is willing to provide transportation under subsection 17, paragraph "*a*" or "*b*", ~~of this section,~~ the district in which the nonpublic school is located may provide transportation services, subject to section 285.9, subsection 3, and may make the claim for reimbursement under section 285.2. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shall be relieved of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located.

Sec. 154. Section 285.1, subsection 17, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The public school district may meet the requirements of subsections 14 ~~to~~ through 16 by any of the following:

Sec. 155. Section 294.11, Code 2021, is amended to read as follows:

**294.11 Termination resolution adopted.**

~~Any~~ The board of directors of any school district which has in operation the pension and annuity retirement system created pursuant to sections 294.8 ~~to~~ through 294.10 may terminate ~~such~~ the system by ~~the adoption by the board of directors of such district, of~~ adopting a resolution declaring ~~such~~ the system terminated as of a date specified ~~therein~~ in the resolution.

Sec. 156. Section 296.4, Code 2021, is amended to read as follows:

**296.4 Notice — ballots.**

Notice of the election shall be given by the county commissioner of elections by publication in accordance with section 49.53. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 ~~to~~ through 53 and certify the results to the board of directors.

Sec. 157. Section 306.19, subsection 4, Code 2021, is amended to read as follows:

4. Proceedings for the condemnation of land for any highway shall be under the provisions of chapter 6A and chapter 6B. Provided that, in the condemnation of right-of-way for secondary roads that is contiguous to existing road right-of-way for the maintenance, safety improvement, or upgrade of the existing secondary road, the board of supervisors may proceed as provided in sections 306.28 ~~to~~ through 306.37.

Sec. 158. Section 306.22, subsection 2, paragraph g, Code 2021, is amended to read as follows:

*g.* Any tract of land sold on contract shall be listed on the tax rolls by and taxed to the contract purchaser, as provided in chapters 428 and 443; assessed and valued as provided in chapter 441; taxes levied as provided in chapter 444; collected as provided in chapter 445; and subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446 ~~to~~ through 449. The contract purchaser shall discharge and pay all taxes.

Sec. 159. Section 306.27, Code 2021, is amended to read as follows:

**306.27 Changes for safety, economy, and utility.**

The state department of transportation as to primary roads and the boards of supervisors as to secondary roads on their own motion may change the course of any part of any road or

stream, watercourse, or dry run and may pond water in order to avoid the construction and maintenance of bridges, or to avoid grades, or railroad crossings, or to straighten a road, or to cut off dangerous corners, turns, or intersections on the highway, or to widen a road above statutory width, or for the purpose of preventing the encroachment of a stream, watercourse, or dry run upon the highway. The department and the board of supervisors shall conduct their proceedings in the manner and form prescribed in chapter 6B, except that the board of supervisors may use the form prescribed in sections 306.28 ~~to~~ through 306.37 for the condemnation of right-of-way that is contiguous to existing road right-of-way and necessary for the maintenance, safety improvement, or upgrade of the existing secondary road. Changes are subject to chapter 455B and chapter 459, subchapters II and III.

Sec. 160. Section 309.25, Code 2021, is amended to read as follows:

**309.25 Material considerations for farm-to-market roads.**

In planning and in adopting ~~said~~ the secondary road program or project by the board of supervisors, ~~said~~ the board and the county engineer shall give due and careful consideration, to the location of primary roads, and of roads ~~heretofore~~ previously improved as county roads, to the market centers and main roads leading thereto, and to rural mail and school bus routes~~, it being~~. It is the intent of this chapter that ~~said~~ the secondary road program or project will, when finally executed, afford the highest possible systematic, intracounty and intercounty connections of all roads of the county.

Sec. 161. Section 309.26, Code 2021, is amended to read as follows:

**309.26 Provisional selection of roads.**

The board after due consultation with the county engineer, shall first select in a provisional way the roads which they then consider advisable to embrace in ~~said~~ the secondary road program~~, and~~. The board shall direct ~~said~~ the county engineer

to make a reconnaissance survey and estimate of all ~~said~~ of the roads selected, or of such part ~~thereof~~ of the roads as, in view of the public necessity and convenience, present the most urgent need and necessity for early construction.

Sec. 162. Section 311.9, Code 2021, is amended to read as follows:

**311.9 Publicly owned real estate.**

In making ~~said~~ the apportionment under section 311.8, real estate owned by the state, county, or any city, shall be treated as other real estate, but no other publicly owned real estate shall be included. In apportioning benefits to real estate owned by a city, the county, or the state, ~~no~~ consideration shall not be given to the buildings ~~thereon~~ located on that real estate.

Sec. 163. Section 311.15, Code 2021, is amended to read as follows:

**311.15 Hearing — adjournment — order.**

1. Hearings on the proposed establishment of ~~said~~ a secondary road assessment district may be adjourned from time to time without loss of jurisdiction by the board. On final hearing the board shall proceed to a determination of ~~said~~ the matters raised in the proposal. ~~It~~ The board may reject, approve, or modify and approve said proposal. The board may exclude lands from the district or may add lands ~~thereto~~ or otherwise modify the proposal.

2. ~~Should~~ If the proposal ~~be~~ is approved in whole or in part, the board shall establish ~~such~~ the district. The order of the board establishing ~~such~~ the district shall state the road or roads to be improved, the type of improvement, and the lands included in ~~said~~ the district. ~~Said~~ The order shall be final~~. No~~ and lands shall ~~thereafter~~ not be added to or excluded from ~~said~~ the district after the order is entered by the board.

Sec. 164. Section 311.17, subsection 1, Code 2021, is amended to read as follows:

1. If an owner, other than the state or a county or city, of any tracts of land on which the assessment is more than five hundred dollars~~, shall,~~ files a written agreement in the office of the county auditor within twenty days from the date of the assessment, ~~agree in writing filed in the office of the county auditor,~~ that, in consideration of the owner having the right to pay the assessment in installments, the owner will not make any objection of illegality or irregularity as to the assessment upon the real estate~~,~~ and will pay the assessment plus interest, the assessment shall be payable in ten equal installments. The first installment shall be payable on the date of the agreement. The other installments shall be paid annually at the same time and in the same manner as the September semiannual payment of ordinary taxes with interest accruing as provided in section 384.65, subsection 3. The rate of interest shall be as established by the board, but not exceeding that permitted by chapter 74A.

Sec. 165. Section 320.6, Code 2021, is amended to read as follows:

**320.6 Conditions — damages.**

1. ~~Such mains~~ Mains, pipes, and cattleways ~~shall be so~~ erected and maintained ~~as~~ under this chapter shall not ~~to~~ interfere with public travel or with the future improvement of the highway. The owner of ~~such~~ the mains, pipes, and cattleways shall be responsible for all damages arising from ~~the~~ laying, ~~maintenance~~ maintaining, or ~~erection of~~ erecting the ~~same~~ mains, pipes, or cattleways or from the ~~same~~ mains, pipes, or cattleways not being kept in a proper state of repair.

2. The location of ~~such~~ mains or pipes ~~shall~~ may be changed, on reasonable notice, when ~~such~~ change ~~shall be~~ is necessary ~~in~~ due to the improvement or maintenance of the highway.

Sec. 166. Section 321.57, subsection 4, Code 2021, is amended to read as follows:

4. The provisions of this section and sections 321.58

~~to~~ through 321.62 shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or dealer.

Sec. 167. Section 321.236, subsection 1, paragraphs c and d, Code 2021, are amended to read as follows:

*c.* ~~(1)~~ If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the renewal of registration of a vehicle shall be refused for unpaid restitution under section 321.40, the simple notice of fine under paragraph "*b*" shall contain the following statement:

Failure to pay restitution owed by you can be grounds for refusing to renew your motor vehicle's registration.

~~(2) This paragraph "c" does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.~~

*d.* ~~(1)~~ If the local authority regulating the standing or parking of vehicles under this subsection is a county or is a city which has an agreement with a county treasurer by which the renewal of registration of a vehicle shall be refused for uncontested and unpaid parking fines under section 321.40, the simple notice of a fine under paragraph "*b*" shall contain the following statement:

Failure to pay parking fines owed by you can be grounds for refusing to renew your motor vehicle's registration.

~~(2) This paragraph "d" does not invalidate forms for notice of parking violations in existence prior to July 1, 2007. Existing forms may be used until supplies are exhausted.~~

Sec. 168. Section 321.236, subsection 8, Code 2021, is amended to read as follows:

8. Restricting the use of highways as authorized in sections 321.471 ~~to~~ through 321.473.

Sec. 169. Section 321.266, subsection 3, Code 2021, is amended to read as follows:

3. Every law enforcement officer who, in the regular course

of duty, investigates a motor vehicle accident of which report must be made as required in subsections 1 ~~to 3 of this section~~ and 2, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four hours after completing such investigation, forward a written report of such accident to the department.

Sec. 170. Section 321.291, Code 2021, is amended to read as follows:

**321.291 Information or notice.**

In every charge of violation of section 321.285 the ~~information~~ citation or complaint, and also the notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed limit applicable within the district or at the location.

Sec. 171. Section 321.314, Code 2021, is amended to read as follows:

**321.314 When signal required.**

No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner ~~hereinafter~~ provided in sections 321.315 through 321.318 in the event any other vehicle may be affected by such movement.

Sec. 172. Section 321.316, Code 2021, is amended to read as follows:

**321.316 Stopping.**

~~No~~ A person shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided ~~herein~~ in sections 321.314, 321.315, 321.317, and 321.318 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Sec. 173. Section 321.318, unnumbered paragraph 1, Code 2021, is amended to read as follows:

All signals ~~herein~~ required under this chapter which may be given by hand and arm shall when so given be given from the left side of the vehicle and the following manner and interpretation thereof is suggested:

Sec. 174. Section 321.359, Code 2021, is amended to read as follows:

**321.359 Moving other vehicle.**

~~No~~ A person shall not move a vehicle not owned by ~~such~~ that person into any ~~such~~ prohibited area described in section 321.358 or ~~away~~ to a place that is an unlawful distance from a curb ~~such distance as is unlawful~~.

Sec. 175. Section 321.398, Code 2021, is amended to read as follows:

**321.398 Lamps on other vehicles and equipment.**

All vehicles, including animal-drawn vehicles and including those referred to in section 321.383 not ~~hereinbefore~~ specifically required to be equipped with lamps, shall at the times specified in section 321.384 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and, except for animal-drawn vehicles, with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear. Animal-drawn vehicles shall be equipped with a flashing amber light visible from a distance of five hundred feet to the rear of the vehicle during the time specified in section 321.384.

Sec. 176. Section 321.409, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Except as ~~hereinafter~~ otherwise provided in this chapter, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and the lamps may, in addition, be so arranged that selection can be made

automatically, subject to the following limitations:

Sec. 177. Section 321.420, Code 2021, is amended to read as follows:

**321.420 Number of lamps lighted.**

Whenever a motor vehicle equipped with headlamps as ~~herein~~ required in this chapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Sec. 178. Section 321.501, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~Plaintiff~~ The plaintiff in any ~~such~~ action against a nonresident shall cause the original notice of suit to be served as follows:

Sec. 179. Section 321.507, Code 2021, is amended to read as follows:

**321.507 Venue of actions.**

Actions against nonresidents as contemplated by ~~this law~~ sections 321.498, 321.500 through 321.502, 321.504 through 321.506, and 321.508 through 321.512 may be brought in the county of which plaintiff is a resident, or in the county in which the injury was received, or damage done.

Sec. 180. Section 321A.2, subsection 1, paragraph a, Code 2021, is amended to read as follows:

*a.* The department shall administer and enforce the provisions of this chapter and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of sections 321A.4 ~~to~~ through 321A.11.

Sec. 181. Section 321A.10, Code 2021, is amended to read as follows:

**321A.10 Custody, disposition, and return of security.**

1. Security deposited in compliance with the requirements

of sections 321A.4 through 321A.9, this section, and section 321A.11 shall be placed by the department in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3~~, and such~~.

2. The deposit or any balance ~~thereof~~ of the deposit shall be returned to the depositor or the depositor's personal representative when evidence satisfactory to the department has been filed with the department that ~~there~~ one of the following has occurred:

*a.* There has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with section 321A.6, subsection 4~~, or whenever,~~.

*b.* Whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3, the department ~~shall be~~ is given reasonable evidence that there is no ~~such~~ action for damages arising out of the accident pending and no judgment rendered in any such action has been left unpaid.

Sec. 182. Section 321A.23, subsection 1, Code 2021, is amended to read as follows:

1. This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may ~~now or hereafter~~ be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

Sec. 183. Section 321A.30, Code 2021, is amended to read as

follows:

**321A.30 Rights not affected.**

This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended ~~hereunder~~ under this chapter, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of such motor vehicle by such transferee. This chapter shall not in any way affect the rights of any secured party or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

Sec. 184. Section 321J.10, subsection 8, Code 2021, is amended to read as follows:

8. Subsections 1 ~~to~~ through 7 of this section do not apply where a test may be administered under section 321J.7.

Sec. 185. Section 321J.12, subsection 2, Code 2021, is amended to read as follows:

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 186. Section 321J.20, subsection 5, Code 2021, is amended to read as follows:

5. A person holding a temporary restricted license issued by the department under this chapter shall be prohibited from operating a school bus.

Sec. 187. Section 323A.2, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The orderly flow of an adequate supply of motor fuel is declared to be essential to the economy and to the welfare of the people of this state. Therefore, in the public interest and notwithstanding the terms, provisions, or conditions of

any franchise, a franchisee unable to obtain motor fuel from the franchisor may purchase the fuel from another available source, subject to subsections 2 ~~to~~ through 5 and provided the franchisee has done all of the following:

Sec. 188. Section 327C.21, Code 2021, is amended to read as follows:

**327C.21 Costs — attorney's fees.**

When a decree ~~shall be~~ is entered against a railroad corporation or person under sections 327C.16 ~~to~~ through 327C.20, the court shall render judgment for costs, and attorney's fees for counsel representing the state.

Sec. 189. Section 327D.40, Code 2021, is amended to read as follows:

**327D.40 Authorization.**

Sections 327D.1 ~~to~~ through 327D.29 ~~of this chapter~~ shall not be construed to prohibit the making of rates by two or more railway companies for the transportation of property over two or more of their respective lines within the state; and a ~~less~~ lower charge by each of said companies for its portion of such joint shipment than it charges for a shipment for the same distance wholly over its own line within the state shall not be considered a violation of ~~said~~ this chapter, and shall not render such company ~~liable~~ subject to any of the penalties ~~thereof~~ of this chapter.

Sec. 190. Section 327D.131, Code 2021, is amended to read as follows:

**327D.131 Prima facie evidence.**

Certificates mentioned in sections 327D.127 ~~to~~ through 327D.130, this section, and section 327D.132 shall be prima facie evidence of the facts ~~therein~~ recited in the certificates in any action arising between consignors and consignees and common carriers.

Sec. 191. Section 327D.132, Code 2021, is amended to read as follows:

**327D.132 Violation — penalty.**

Any common carrier operating in this state violating any of the provisions of sections 327D.127 ~~to~~ through 327D.131 by neglecting or refusing to weigh cars or to furnish certificates of weights as ~~therein~~ provided in those sections shall, upon conviction, be subject to a schedule "one" penalty.

Sec. 192. Section 327D.190, Code 2021, is amended to read as follows:

**327D.190 Damages by fire.**

Any corporation operating a railway shall be liable for all damages sustained by any person on account of loss of or injury to the person's property occasioned by fire set out or caused by the operation of such railway. Such damages may be recovered by the party injured in the manner set out in sections 327G.6 ~~to~~ through 327G.8 and to the same extent, save as to double damages.

Sec. 193. Section 327G.68, Code 2021, is amended to read as follows:

**327G.68 Failure of company to act.**

In case of failure, neglect, or refusal of any railroad company to comply with any of the provisions of sections 327G.65 ~~to~~ through 327G.67, the person, firm, corporation, or association primarily to be served thereby may file a complaint with the department setting forth the facts upon which such grievance is based. The ~~said~~ department after reasonable notice to the railroad company shall investigate and determine all matters in controversy and make such order as the facts in relation thereto will warrant. Any such order shall have the same force and effect as other orders made by ~~said~~ the department in other proceedings within its jurisdiction and shall be enforced in the same manner.

Sec. 194. Section 329.6, Code 2021, is amended to read as follows:

**329.6 Zoning powers.**

1. If any municipality owning or controlling an airport adjacent to which there is an airport hazard area shall fail

or refuse, within sixty days after demand made upon it by the department, to adopt reasonably adequate airport zoning regulations under section 329.3, or to proceed as provided in section 329.4, the department may petition the district court of the county in which such airport hazard area, or any part thereof, is located, in the name of the state, praying that zoning regulations be established for the airport hazard area in question, and the provisions of section 329.4, subsections 3 ~~to~~ through 9, shall apply to such actions provided, however, that such municipality shall be joined as a party defendant in any such action.

2. The department may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards appertaining to any airport within the state, in violation of any zoning regulations adopted or established pursuant to the provisions of this chapter.

Sec. 195. Section 331.303, subsection 6, Code 2021, is amended to read as follows:

6. Adopt rules relating to the labor of prisoners in the county jail in accordance with sections 356.16 ~~to~~ through 356.19, and may establish the cost of board and provide for the transportation of certain prisoners in accordance with section 356.30.

Sec. 196. Section 331.321, subsection 1, paragraphs i and r, Code 2021, are amended to read as follows:

*i.* One or more county engineers in accordance with sections 309.17 ~~to~~ through 309.19.

*r.* A county zoning commission, an administrative officer, and a board of adjustment in accordance with sections 335.8 ~~to~~ through 335.11, if the board adopts county zoning under chapter 335.

Sec. 197. Section 331.323, subsection 2, paragraph a, Code 2021, is amended to read as follows:

*a.* Require additional security on an officer's bond, in accordance with sections 65.2 and 65.3, or hear a petition of

the surety for release and require a new bond, in accordance with sections 65.4 ~~to~~ through 65.8.

Sec. 198. Section 331.324, subsection 1, paragraph b, Code 2021, is amended to read as follows:

*b.* Grant claims for mileage and expenses of officers and employees in accordance with sections 70A.9 ~~to~~ through 70A.13 and section 331.215, subsection 2.

Sec. 199. Section 331.341, subsection 3, Code 2021, is amended to read as follows:

3. Contracts for improvements which may be paid for from the secondary road fund shall be awarded in accordance with sections 309.40 ~~to~~ through 309.41, 309.43, 310.14, 314.1, 314.2, and other applicable state law.

Sec. 200. Section 331.362, subsections 8 and 9, Code 2021, are amended to read as follows:

8. The board shall proceed upon a petition to construct a sidewalk in accordance with sections 320.1 ~~to~~ through 320.3. The board may grant permission to lay gas and water mains, construct and maintain cattleways, or construct sidewalks in connection with the secondary roads, in accordance with sections 320.4 ~~to~~ through 320.8.

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 ~~to~~ through 321.239, 321.241, 321.247 through 321.250, 321.254, 321.255, 321.285, subsection 4, sections 321.352, 321.471 ~~to~~ through 321.473, and other applicable provisions of chapter 321, chapter 321E, and sections 321G.9, 321I.10, and 327G.15.

Sec. 201. Section 331.381, subsections 4 and 14, Code 2021, are amended to read as follows:

4. Comply with chapter 222, including but not limited to sections 222.13, 222.14, ~~and~~ 222.59 ~~to~~ through 222.70, 222.73 through 222.75, and 222.77 through 222.82, in regard to the care of persons with an intellectual disability.

14. Proceed in response to a petition to establish a county library district in accordance with sections 336.2 ~~to~~ through

336.5, or a petition to provide library service by contract or to terminate the service under section 336.18.

Sec. 202. Section 331.382, subsection 1, paragraphs b and i, Code 2021, are amended to read as follows:

*b.* Establishment of a water recreational area as provided in sections 461A.59 ~~to~~ through 461A.78.

*i.* Establishment of an airport commission as provided in sections 330.17 ~~to~~ through 330.20.

Sec. 203. Section 331.401, subsection 1, paragraphs b, k, and m, Code 2021, are amended to read as follows:

*b.* Establish budgets for the farm-to-market road fund and the secondary road fund in accordance with sections 309.10 and 309.93 ~~to~~ through 309.97.

*k.* Levy taxes as certified to it by tax-certifying bodies in the county, in accordance with the statutes authorizing the levies and in accordance with chapter 24, ~~and~~ sections 444.1 ~~to~~ through 444.4, and sections 444.6 through 444.8, and levy taxes as required in chapters 433, 434, 437, and 438.

*m.* Apportion taxes upon receipt of a petition, in accordance with sections 449.1A ~~to~~ through 449.3.

Sec. 204. Section 331.402, subsection 1, Code 2021, is amended to read as follows:

1. The payment of county obligations by anticipatory warrants is subject to chapters 74 and 74A and other applicable state law. Anticipatory warrants drawn on the secondary road fund are also subject to sections 309.46 ~~to~~ through 309.55.

Sec. 205. Section 331.502, subsections 10, 19, and 28, Code 2021, are amended to read as follows:

10. Carry out duties relating to the determination of residency, collection of funds due the county, and support of persons with an intellectual disability as provided in sections 222.13, 222.50, 222.61 ~~to~~ through 222.66, 222.69, and 222.74.

19. Carry out duties relating to the establishment, alteration, and vacation of public highways as provided in sections 306.21, 306.25, 306.29 ~~to 306.31~~, 306.30, 306.37, and

306.40.

28. Carry out duties relating to the establishment and management of levee and drainage districts as provided in chapter 468, subchapter I, parts 1 ~~to~~ through 5, chapter 468, subchapter II, parts 1, 3, and 6, and chapter 468, subchapters III and V.

Sec. 206. Section 331.512, subsections 2, 6, 7, and 10, Code 2021, are amended to read as follows:

2. Carry out duties relating to tax sales of property within special charter cities as provided in sections 420.220 ~~to~~ through 420.229.

6. Carry out duties relating to the preparation of the tax list as provided in sections 428.4, 441.17, 441.21, 443.2 ~~to~~ through 443.4, 443.6 through 443.9, and 443.21.

7. Carry out duties relating to the valuation and taxation of telegraph and telephone companies as provided in sections 433.8 ~~to~~ through 433.10 including mapping requirements as provided in sections 433.14 and 433.15.

10. Carry out duties relating to the valuation and taxation of pipeline companies as provided in sections 438.14 ~~to~~ through 438.16.

Sec. 207. Section 331.552, subsections 5, 13, 19, and 25, Code 2021, are amended to read as follows:

5. Account for, report, and pay into the state treasury any money, property, or securities received on behalf of the state as provided in sections 8A.506 ~~to~~ through 8A.508.

13. Make transfer payments to the state for school expenses for blind and deaf and hard-of-hearing children and support of persons with mental illness as provided in sections 230.21~~,~~ and 269.2~~, and 270.7~~.

19. Carry out duties relating to the sale and redemption of anticipatory certificates for secondary road construction as provided in sections 309.50 ~~to~~ through 309.55.

25. Carry out duties relating to the funding of drainage districts as provided in chapter 468, subchapter I, parts 1

~~to~~ through 5, chapter 468, subchapter II, parts 1, 5, and 6, chapter 468, subchapter III, and chapter 468, subchapter IV, parts 1 and 2.

Sec. 208. Section 331.554, subsection 5, paragraph b, Code 2021, is amended to read as follows:

*b.* In lieu of the requirements and procedures specified in sections 74.1, 74.2, and 74.3, when warrants other than anticipatory warrants are presented for payment and not paid for want of funds or are only partially paid, the treasurer may issue a warrant order for an amount equal to the unpaid warrants drawn on a fund. The warrant order shall be dated and include the fund name, amount, and the rate of interest established under section 74A.6. The warrant order shall be endorsed by the treasurer, "not paid for want of funds", and include the treasurer's signature. The treasurer shall keep a list of all warrants comprising a warrant order and shall submit a duplicate copy of the warrant order to the auditor. The procedures of sections 74.4 ~~to~~ through 74.7 apply to warrant orders.

Sec. 209. Section 331.557, subsections 1 and 2, Code 2021, are amended to read as follows:

1. Issue, renew, and replace lost or damaged vehicle registration cards or plates and issue and transfer certificates of title for vehicles as provided in sections 321.17 ~~to~~ through 321.20B, 321.22 through 321.26, 321.28 through 321.32, 321.34, 321.35, and 321.37 through 321.52.

2. Collect, pay to the state, or refund registration fees as provided in sections 321.105 ~~to~~ through 321.106, 321.109 through 321.113, 321.115 through 321.117, 321.119 through 321.135, 321.145, and 321.148 through 321.156.

Sec. 210. Section 331.559, subsection 1, Code 2021, is amended to read as follows:

1. Determine and collect taxes on mobile homes and manufactured homes as provided in sections 435.22 ~~to~~ through 435.26.

Sec. 211. Section 331.602, subsection 29, Code 2021, is amended to read as follows:

29. Record the name and description of a farm as provided in sections 557.22 ~~to~~ through 557.26.

Sec. 212. Section 331.653, subsections 30 and 32, Code 2021, are amended to read as follows:

30. Collect unpaid motor vehicle fees and penalties as provided in sections 321.133 ~~to~~ through 321.135.

32. Enforce sections 321.372 ~~to~~ through 321.379 relating to school buses.

Sec. 213. Section 335.12, Code 2021, is amended to read as follows:

**335.12 Rules.**

The board of adjustment shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to this chapter. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board may determine. ~~Such~~ The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Sec. 214. Section 335.16, Code 2021, is amended to read as follows:

**335.16 Decision.**

In exercising the ~~above-mentioned~~ powers ~~such~~ in section 335.15, the board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made,

and to that end shall have all the powers of the officer from whom the appeal is taken.

Sec. 215. Section 335.17, Code 2021, is amended to read as follows:

**335.17 Vote required.**

The concurring vote of three members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of ~~any such~~ an administrative official, or to decide in favor of the applicant on any matter upon which ~~it~~ the board is required to pass under ~~any such~~ an ordinance or to effect any variation in ~~such~~ an ordinance.

Sec. 216. Section 335.19, Code 2021, is amended to read as follows:

**335.19 Review by court.**

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review ~~such~~ the decision of the board of adjustment and shall prescribe ~~therein~~ within the writ the time within which a return ~~thereto~~ must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Sec. 217. Section 335.20, Code 2021, is amended to read as follows:

**335.20 Record advanced.**

The board of adjustment shall not be required to return the original papers acted upon by ~~it~~ the board, but it shall be sufficient to return certified or sworn copies ~~thereof~~ of the originals or of such portions ~~hereof~~ of the originals as may be called for by ~~such~~ the writ under section 335.19. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from

and shall be verified.

Sec. 218. Section 335.21, subsection 2, Code 2021, is amended to read as follows:

2. Costs shall not be allowed against the board of adjustment unless it ~~shall appear~~ appears to the court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 219. Section 335.27, Code 2021, is amended to read as follows:

**335.27 Agricultural land preservation ordinance.**

If a county adopts an agricultural land preservation ordinance under this chapter which subjects farmland to the same use restrictions provided in section 352.6 for agricultural areas, then section 6B.3, subsection 1, paragraph "*f*", and sections 352.10 ~~to~~ through 352.12 shall apply to farms and farm operations which are subject to the agricultural land preservation ordinance.

Sec. 220. Section 335.30, subsection 1, Code 2021, is amended to read as follows:

1. A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to~~,~~ a permanent foundation system, set-back, and minimum square footage, which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A county shall not require more than one permanent foundation system for a manufactured home. For purposes of this section, a permanent foundation may be a

pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in this section, "*manufactured home*" means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. This section shall not be construed as abrogating a recorded restrictive covenant.

Sec. 221. Section 349.10, Code 2021, is amended to read as follows:

**349.10 New date fixed if all rejected.**

If all certified statements are rejected under the provisions of section 349.9, the board shall fix a new date for the selection of official newspapers and nothing ~~herein~~ in this chapter shall be construed to prevent the applicants so rejected from filing new certified statements.

Sec. 222. Section 356.15, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, with the exception of charges and expenses for the following prisoners:

Sec. 223. Section 356.28, Code 2021, is amended to read as follows:

**356.28 Employment.**

The sheriff or any suitable person or agency designated by the court may endeavor to secure employment for unemployed prisoners granted privileges under sections 356.26 ~~to~~ through

356.35.

Sec. 224. Section 356.30, Code 2021, is amended to read as follows:

**356.30 Prisoner to pay for board — limitations.**

Every prisoner of a county jail under a sentence to accommodate the person's work schedule in accordance with section 356.26 is liable for the cost of the prisoner's board in the jail as fixed by the county board of supervisors. The sheriff shall charge the prisoner's account for the board and any meals provided in section 356.31. If the prisoner is gainfully self-employed the prisoner shall pay the sheriff for the board, in default of which the prisoner's privilege under this chapter is automatically forfeited. If necessarily absent from jail at a meal time, the prisoner shall at the prisoner's request be furnished with a lunch to carry to work. If the jail food is furnished directly, by the county, the sheriff shall account for and pay over the meal payments to the county treasurer. The county board of supervisors may by resolution provide that the county furnish or pay for the transportation of prisoners employed under sections 356.26 ~~to~~ through 356.35 to and from the place of employment. However, the charges for board and meals under this section shall not exceed fifty percent of the wages or salaries of the prisoner, after deductions required by law, including deductions to satisfy any court-ordered child support obligations, earned during the period of time for which the charges are made.

Sec. 225. Section 356.33, subsection 1, Code 2021, is amended to read as follows:

1. District judges, district associate judges, and judicial magistrates, within their respective jurisdictional authority, may make all determinations and orders under sections 356.26 ~~to~~ through 356.35.

Sec. 226. Section 356A.4, Code 2021, is amended to read as follows:

**356A.4 Work release.**

A person detained, committed, or transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2, may further be released from such facility during necessary and reasonable hours, by court order, for the purposes stated in section 356.26. Such release and any wages earned shall be governed by the provisions of sections 356.27 ~~to~~ through 356.35 except that during such time the released person shall not be in the legal custody of the sheriff; any wages earned shall be collected, managed, and dispensed by the person in charge of the facility and not the sheriff; and any wages earned shall first be applied to the reasonable cost of housing such person in the facility.

Sec. 227. Section 357.5, Code 2021, is amended to read as follows:

**357.5 Decision at hearing.**

On the day fixed for ~~such~~ hearing under section 357.4, the board of supervisors shall by resolution establish the benefited water district or disallow the petition. For adequate reasons, the board of supervisors may defer action on ~~such~~ the petition for not to exceed ten days after the day first set for a hearing.

Sec. 228. Section 357.8, Code 2021, is amended to read as follows:

**357.8 Plat.**

The ~~said~~ engineer appointed under section 357.6 shall prepare a preliminary plat showing the proper design in general outline, the size and location of the water mains, the general location of hydrants, if ~~such~~ hydrants are included in ~~said~~ the petition, valves, and other appurtenances, and shall show the lots and parcels of land within the proposed district as they appear on the county auditor's plat books, together with the names of the owners and the amount which it is estimated that ~~such~~ each lot or parcel will be assessed.

Sec. 229. Section 357.14, subsection 1, Code 2021, is amended to read as follows:

1. If the ~~result of said~~ majority of votes cast at the election ~~be~~ are in favor of ~~said~~ the improvement, the board of supervisors shall instruct the engineer to complete the plans and specifications, ready for receiving bids for construction of the project~~, which the~~. The engineer shall ~~do~~ complete the plans and specifications within thirty days of receiving notice to do so, unless for adequate reason the board ~~shall extend~~ extends the time.

Sec. 230. Section 357.24, Code 2021, is amended to read as follows:

**357.24 Fee of engineer.**

The fee for engineering services shall be fixed by the board of supervisors and the engineer may be paid either a percentage or a per diem~~,~~ from proceeds of the bond sale or by cash from the contractor, if the contractor takes bonds in settlement for the contractor's work under the contract.

Sec. 231. Section 357.26, Code 2021, is amended to read as follows:

**357.26 Duties of trustees.**

It is anticipated that this chapter will usually be utilized to finance a distribution system where the source of supply is without the district, and not under its control, and that individuals within the district will pay water rent to a municipality or corporation without the district. It is intended that the trustees may so operate the utility as will best serve the users, and they are expressly authorized to buy and sell water, to fix the rates to consumers and make all contracts reasonable or necessary to accomplish the purpose of this chapter and to carry on all the operations incident to maintaining and operating said utility and to the procuring and furnishing of water to the consumers ~~therein~~ in the district. If the development of a source of supply is within the means of the district, the trustees may install wells, tanks, meters, and any other equipment properly pertaining to operate ~~it~~ the utility.

Sec. 232. Section 359.31, Code 2021, is amended to read as follows:

**359.31 Power and control.**

Township trustees shall control any such cemeteries, or appoint trustees for the ~~same~~ cemeteries, or sell the ~~same~~ property to any private corporation for cemetery purposes.

Sec. 233. Section 359.45, Code 2021, is amended to read as follows:

**359.45 Anticipatory bonds.**

Townships may anticipate the collection of taxes authorized by section 359.43 and for such purposes may direct the county board of supervisors to issue bonds under sections 331.441 ~~to~~ through 331.449 relating to essential county purpose bonds except that the bonds are payable only from tax levies on property subject to the levy under section 359.43.

Sec. 234. Section 360.1, subsection 1, Code 2021, is amended to read as follows:

1. The trustees, on a petition of a majority of the resident freeholders of any civil township, shall request the county commissioner of elections to submit the question of building or acquiring by purchase, or acquiring by a lease with purchase option, a public hall to the electors thereof. The county commissioner shall conduct the election pursuant to the applicable provisions of chapters 39 ~~to~~ through 53 and certify the result to the trustees.

Sec. 235. Section 364.17, subsection 3, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) Authority for the issuance of citations pursuant to sections 805.1 ~~to~~ through 805.5 upon a failure to satisfactorily remedy a violation.

Sec. 236. Section 372.2, subsection 2, paragraph b, Code 2021, is amended to read as follows:

*b.* The council shall notify the county commissioner of elections to publish notice of the election and conduct the election pursuant to chapters 39 ~~to~~ through 53. The county

commissioner of elections shall certify the results of the election to the council.

Sec. 237. Section 384.54, subsection 13, Code 2021, is amended to read as follows:

13. Corrections of assessments or valuations made by order of the district court are conclusive and not subject to review on appeal, or otherwise, except as provided in subsections 10 ~~to~~ through 12 of this section. When court confirmation is obtained there is no right of appeal under the provisions of section 384.66.

Sec. 238. Section 384.75, subsection 1, Code 2021, is amended to read as follows:

1. Any provision of law, resolution, or ordinance specifying a time when or the order in which acts must be done in a proceeding which may result in a special assessment, is subject to the qualifications of sections 384.72 ~~to~~ through 384.74.

Sec. 239. Section 384.76, Code 2021, is amended to read as follows:

**384.76 Application to joint undertakings.**

The provisions of this subchapter apply to any public improvement undertaken jointly by the city and another city or by the city and the state or any other political subdivision of the state, and a city may enter into an agreement for such purpose under the provisions of chapter 28E and may assess and pay its portion of the cost of a public improvement as provided in this subchapter, but any requirement of this subchapter in respect to approval of detailed plans and specifications, calling for construction bids, awarding construction contracts and acceptance of the completed improvement may be carried out by each city with other cities, the state or any other political subdivision of the state, as provided in an agreement entered into as permitted by chapter 28E. However, an agreement between the city and the state department of transportation is also governed by the provisions of sections

313.21 ~~to~~ through 313.23.

Sec. 240. Section 386.7, subsection 1, Code 2021, is amended to read as follows:

1. Section 386.6, subsections 1 ~~to~~ through 5, are applicable to a self-liquidating improvement to the same extent as they are applicable to an improvement and the proceedings initiating a self-liquidating improvement shall be governed thereby.

Sec. 241. Section 390.3, subsection 2, Code 2021, is amended to read as follows:

2. However, in the performance of a joint agreement, the governing body is not subject to statutes generally applicable to public contracts, including hearings on plans, specifications, form of contracts, costs, notice, and competitive bidding required under chapter 26 and section 384.103, unless all parties to the joint agreement are cities located within the state of Iowa.

Sec. 242. Section 403.15, subsection 1, Code 2021, is amended to read as follows:

1. There is hereby created in each municipality a public body corporate and politic to be known as the "urban renewal agency" of the municipality. An urban renewal agency shall not transact any business or exercise its powers ~~hereunder~~ under this chapter until or unless the local governing body has made the finding prescribed in section 403.4, and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 403.14.

Sec. 243. Section 403.16, Code 2021, is amended to read as follows:

**403.16 Personal interest prohibited.**

1. For purposes of this section:

*a. "Action"* does not include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function under this chapter.

*b. "Action affecting such property"* includes only that

action directly and specifically affecting such property as a separate property but shall not include any action, any benefits of which accrue to the public generally, or which affects all or a substantial portion of the properties included or planned to be included in such a project.

*c. "Participation"* does not include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

2. ~~No~~ A public official or employee of a municipality, or board or commission ~~thereof~~ of a municipality, and ~~no~~ a commissioner or employee of an urban renewal agency, which has been vested by a municipality with urban renewal project powers under section 403.14, shall not voluntarily acquire any personal interest~~, as described in this section~~, whether direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project. Where ~~such~~ an acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest~~, as described~~ proscribed in this section, whether direct or indirect, in any property which the official, commissioner, or employee knows is included or planned to be included in an urban renewal project, the official, commissioner, or employee shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body~~; and any~~. Any such official, commissioner, or employee with an interest proscribed in this section shall not participate in any action by the municipality, or board or commission ~~thereof~~ of the municipality, or urban renewal agency

affecting such property, which is proscribed in this section. ~~For the purposes of this section the following definitions and standards of construction shall apply:~~

~~1. "*Action affecting such property*" shall include only that action directly and specifically affecting such property as a separate property but shall not include any action, any benefits of which accrue to the public generally, or which affects all or a substantial portion of the properties included or planned to be included in such a project.~~

~~2.~~ 3. Employment by a public body, its agencies, or institutions or by any other person having ~~such~~ an interest proscribed in this section shall not be deemed an interest by ~~such~~ the employee or of any ownership or control by ~~such~~ the employee of interests of the employee's employer. Such an employee may participate in an urban renewal project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

~~3. The word "*participation*" shall be deemed not to include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.~~

4. The designation of a bank or trust company as depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest proscribed by this section.

5. Stock ownership in a corporation having such an interest shall not be deemed an indicia of an interest, or of ownership or control by the person owning such stocks, proscribed by this section when less than five percent of the outstanding stock of

the corporation is owned or controlled directly or indirectly by such person.

~~6. The word "action" shall not be deemed to include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function under this chapter.~~

~~7.~~ 6. The limitations of this section shall be construed to permit action by a public official, commissioner, or employee where any benefits of such an action accrue to the public generally, ~~such~~ the action affects all or a substantial portion of the properties included or planned to be included in such a project, or ~~such~~ the action promotes the public purposes of such project~~, and~~. The limitations of this section shall be construed to limit only that action by a public official, commissioner, or employee which directly or specifically affects property in which such official, commissioner, or employee has an interest or in which an employer of such official, commissioner, or employee has an interest. Any disclosure required to be made by this section to the local governing body shall concurrently be made to an urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of section 403.14. ~~No~~ A commissioner or other officer of any urban renewal agency, board, or commission exercising powers pursuant to this chapter shall not hold any other public office under the municipality, other than the commissionership or office with respect to such urban renewal agency, board, or commission. Any violation of the provisions of this section shall constitute misconduct in office, but ~~no~~ ordinance or resolution of a municipality or agency shall not be invalid by reason of a vote or votes cast in violation of the standards of this section unless ~~such~~ the vote or votes were decisive in the passage of ~~such~~ the ordinance or resolution.

Sec. 244. Section 414.2, Code 2021, is amended to read as

follows:

**414.2 Districts.**

For any or all of ~~said~~ the purposes of this chapter, the local legislative body, ~~hereinafter~~ referred to as the council, may divide the city into districts, including historical preservation districts but only as provided in section 303.34, of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts ~~it~~ the council may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Sec. 245. Section 414.7, subsection 1, Code 2021, is amended to read as follows:

1. The council shall provide for the appointment of a board of adjustment. In the regulations and restrictions adopted pursuant to the authority of this chapter, the council shall provide that the board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with ~~its~~ the general purpose and intent of the ordinances and in accordance with general or specific rules contained in the ~~ordinance~~ ordinances and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may directly petition the board of adjustment ~~direct~~ to modify regulations and restrictions as applied to such property owners.

Sec. 246. Section 419.13, Code 2021, is amended to read as follows:

**419.13 Exception to budget law and certain bond provisions.**

The provisions of sections 73A.12 ~~to~~ through 73A.16 shall not apply to bonds issued under the provisions of this chapter.

Sec. 247. Section 419.17, subsection 1, unnumbered

paragraph 1, Code 2021, is amended to read as follows:

Cities may also issue revenue bonds for projects located within a qualified urban renewal area or an area designated a revitalization area pursuant to sections 404.1 ~~to~~ through 404.7. The revenue bonds shall be issued pursuant to the provisions of this chapter and all provisions of this chapter shall apply, except that:

Sec. 248. Section 420.41, subsection 1, paragraph g, Code 2021, is amended to read as follows:

*g.* In respect of the power to enact, make, adopt, amend and repeal ordinances necessary or proper in connection with any provisions referred to in paragraphs *"a"* ~~to~~ through *"f"* ~~inclusive~~, of this subsection.

Sec. 249. Section 420.229, Code 2021, is amended to read as follows:

**420.229 Delinquent city taxes — exclusive collection procedure.**

All general city taxes and special assessments which, under the provisions of sections 420.220 ~~to 420.229 shall~~ through 420.228, are not ~~be~~ collectible by sale or ~~shall be~~ are collectible by sale only in events or in a manner ~~hereby~~ prescribed in this chapter shall respectively be deemed barred or barred as to collection ~~thereof~~ in any other event or any other manner than so prescribed.

Sec. 250. Section 420.240, Code 2021, is amended to read as follows:

**420.240 Redemption statutes applicable.**

The provisions of sections 447.7 ~~to~~ through 447.13 shall, so far as ~~the same~~ those sections shall be applicable, and are not ~~herein~~ changed or modified in this chapter, apply to sales of real estate for delinquent taxes ~~herein~~ contemplated in this chapter; but where the words "auditor of the county" or "treasurer" are used in ~~said~~ those sections the words "city clerk", "recorder", "auditor", or "person authorized to make out the tax list" and "city collector" or "city treasurer or

officer authorized to receive same" shall be substituted.

Sec. 251. Section 420.244, Code 2021, is amended to read as follows:

**420.244 Force and effect.**

All deeds and conveyances ~~hereafter~~ made and executed on account of any general or special tax sale shall be of the same force and effect as deeds made by the county treasurer as provided in sections 448.3 ~~to~~ through 448.5 for delinquent county taxes.

Sec. 252. Section 420.245, Code 2021, is amended to read as follows:

**420.245 Rights and remedies.**

The purchaser as well as the owner of any real property sold on account of such general or special delinquent taxes or assessments shall be entitled to all the rights and remedies which are granted and prescribed by sections 446.35, 446.36, and 448.6 ~~to~~ through 448.14, but wherever the words "county and county treasurer and auditor" are used, the words "city, city treasurer, city clerk, recorder, auditor, or collector or officer authorized to act as ~~collector,"~~ collector", shall be substituted.

Sec. 253. Section 420.246, Code 2021, is amended to read as follows:

**420.246 Tax and deed statutes applicable.**

Sections 446.16, 446.32, and 448.10 ~~to~~ through 448.12 are applicable to cities acting under special charters, except that, where the word "treasurer" is used, there shall be substituted the words "city collector or treasurer or deputy treasurer or deputy or officer authorized to collect city taxes"; and where the word "auditor" is used, there shall be substituted the words "city clerk or recorder".

Sec. 254. Section 420.247, Code 2021, is amended to read as follows:

**420.247 Failure to obtain deed — cancellation of sale.**

After July 4, 1942, section 446.37 shall apply to cities

acting under special charter which collect their own taxes, except that the terms "county auditor" and "county treasurer" in ~~said section to~~ section 446.37 shall be taken, for the purposes of this section, to refer to the persons performing their respective functions in relation to tax sales by such cities.

Sec. 255. Section 421.17, subsection 19, paragraph b, Code 2021, is amended to read as follows:

*b.* (1) The provisions of sections 17A.10 ~~to~~ through 17A.18A relating to contested cases shall not apply to any matters involving the equalization of valuations of classes of property as authorized by this chapter and chapter 441.

(2) This exemption from the provisions of sections 17A.10 ~~to~~ through 17A.18A shall not apply to a hearing before the director as provided in section 441.49, subsection 5.

Sec. 256. Section 421.27, subsection 9, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) In ~~this~~ the case of all other entities, including corporations described in section 422.36, subsection 5, and all other entities required to file an information return under section 422.15, subsection 2, the entity's Iowa net income after the application of the Iowa business activity ratio, if applicable, multiplied by the top income tax rate imposed under section 422.5A for the tax year.

Sec. 257. Section 422.5, subsection 1, paragraph b, subparagraph (1), Code 2021, is amended to read as follows:

(1) The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to paragraph *"a"* by the amounts of nonrefundable credits under this subchapter and by multiplying this resulting amount by a fraction of which the nonresident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph *"a"*, is the numerator and the nonresident's total net income computed under section 422.7 is the denominator. This ~~provision~~ subparagraph also applies to individuals who are

residents of Iowa for less than the entire tax year.

Sec. 258. Section 422.5, subsection 4, Code 2021, is amended to read as follows:

4. The tax ~~herein~~ levied under this section shall be computed and collected as ~~hereinafter~~ provided in this subchapter.

Sec. 259. Section 422.7, subsection 12, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the~~ interstate compact for adult offender supervision under chapter 907B applies.

Sec. 260. Section 422.7, subsection 12A, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the~~ interstate compact for adult offender supervision under chapter 907B applies.

Sec. 261. Section 422.7, subsection 32, paragraph c, subparagraph (2), subparagraph division (b), Code 2021, is amended to read as follows:

(b) ~~(i) Except as provided in subparagraph subdivision (ii), "elementary~~ "*Elementary or secondary school*" means ~~an~~ all of the following:

(i) An elementary or secondary school in this state which is accredited under section 256.11, and adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216.

(ii) ~~"Elementary or secondary school" includes an~~ An elementary or secondary school located out of state that educates a beneficiary who meets the definition of "*children requiring special education*" in section 256B.2, if the elementary or secondary school is accredited under the laws of the state in which it is located and adheres to the federal

Civil Rights Act of 1964 and applicable state law analogous to chapter 216.

Sec. 262. Section 422.12, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

There shall be deducted from but not to exceed the tax, after the ~~same shall have been~~ tax is computed as provided in this subchapter, the following:

Sec. 263. Section 422.35, subsection 6, paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2021, applies, or to whom the~~ interstate compact for adult offender supervision under chapter 907B applies.

Sec. 264. Section 422.35, subsection 6A, paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the ~~interstate probation and parole compact under section 907A.1, Code 2021, applies, or to whom the~~ interstate compact for adult offender supervision under chapter 907B applies.

Sec. 265. Section 422.89, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The penalty for underpayment of any installment of estimated tax imposed under section 422.88 shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax ~~amount~~ amounts at least to one of the following:

Sec. 266. Section 426A.15, Code 2021, is amended to read as follows:

**426A.15 Penalty.**

Any person making a false affidavit for the purpose of obtaining the exemption provided for in sections 426A.11 ~~to~~

through 426A.14 or who knowingly receives such exemption without being legally entitled thereto, or who makes claim for exemption in more than one county in the state shall be guilty of a fraudulent practice.

Sec. 267. Section 427.1, subsection 8, paragraph b, Code 2021, is amended to read as follows:

*b.* All deeds or leases by which such property is held shall be filed for record before the property ~~herein~~ described in this subsection shall be omitted from the assessment. All such property shall be listed upon the tax rolls of the district or districts in which it is located and shall have ascribed to it an actual fair market value and an assessed or taxable value, as contemplated by section 441.21, whether such property ~~be~~ is subject to a levy or ~~be~~ is exempted as ~~herein~~ provided in this subsection and such information shall be open to public inspection.

Sec. 268. Section 427A.1, subsection 1, paragraph h, Code 2021, is amended to read as follows:

*h.* Property assessed by the department of revenue pursuant to sections 428.24 ~~to~~ through 428.26, 428.28, and 428.29, or chapters 433, 434, 437, 437A, 437B, and 438.

Sec. 269. Section 427B.26, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

In lieu of the valuation and assessment provisions in section 441.21, subsection 8, paragraphs *"b"*, *"c"*, and *"d"*, and sections 428.24 ~~to~~ through 428.26, 428.28, and 428.29, wind energy conversion property which is first assessed for property taxation on or after January 1, 1994, and on or after the effective date of the ordinance enacted pursuant to subsection 1, shall be valued by the local assessor for property tax purposes as follows:

Sec. 270. Section 427B.26, subsection 3, Code 2021, is amended to read as follows:

3. The taxpayer shall file with the local assessor by February 1 of the assessment year in which the wind energy

conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under this section in lieu of the valuation and assessment provisions in section 441.21, subsection 8, paragraphs "b", "c", and "d", and sections 428.24 ~~to~~ through 428.26, 428.28, and 428.29.

Sec. 271. Section 428A.1, subsections 2 and 3, Code 2021, are amended to read as follows:

2. When each deed, instrument, or writing by which any real property in this state is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. However, if the deed, instrument, or writing contains multiple parcels some of which are located in more than one county, separate declarations of value shall be submitted on the parcels located in each county and submitted to the county recorder of that county when paying the tax as provided in section 428A.5. A declaration of value is not required for those instruments described in section 428A.2, subsections 2 ~~to~~ through 5, 7 ~~to~~ through 13, and 16 ~~to~~ through 21, or described in section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, or if a transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain.

3. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 9H.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the

declaration of value, but shall enter on the declaration of value the information the director of revenue requires for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall provide the information the director of revenue requires for the production of the sales/assessment ratio study at times as directed by the director of revenue. The assessor shall retain for three years from December 31 of the year in which the transfer of realty for which the declaration was filed took place. The director of revenue shall, upon receipt of the information required to be filed under this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 9H.1.

Sec. 272. Section 437.11, Code 2021, is amended to read as follows:

**437.11 Rate — purposes.**

Such portions of the transmission line or lines within the state referred to in section 437.2, as are located outside cities, shall be taxable upon said assessment provided for by sections 437.6 ~~to~~ through 437.9 at the same rate, by the same officers and for the same purposes as property of individuals within such counties, townships, or lesser taxing districts, outside cities, and the county treasurer shall collect said taxes at the same time and in the same manner as other taxes, and the same penalties shall be due and collectible as for the nonpayment of individual taxes.

Sec. 273. Section 437.12, Code 2021, is amended to read as follows:

**437.12 Assessment exclusive.**

Every transmission line or part of a transmission line, of which the department of revenue is required by this chapter

to find the value, shall be exempt from other assessment or taxation either under sections 428.24 ~~to~~ through 428.26, or under any other law of this state except as provided in this chapter.

Sec. 274. Section 437B.2, subsection 1, Code 2021, is amended to read as follows:

1. *"Centrally assessed property tax"* means property tax imposed with respect to the value of property determined by the director pursuant to sections 428.24 ~~to~~ through 428.26, 428.28, and 428.29, Code 2013, and allocated to water service.

Sec. 275. Section 438.7, Code 2021, is amended to read as follows:

**438.7 Consolidated list of real estate.**

The department of revenue shall, by some convenient method of binding, arrange the statements required to be made by sections 438.4 ~~to~~ through 438.6 so as to form a consolidated list of all real estate reported to the department as being owned or used for pipeline purposes within the state of Iowa.

Sec. 276. Section 441.22, Code 2021, is amended to read as follows:

**441.22 Forest and fruit-tree reservations.**

Forest and fruit-tree reservations fulfilling the conditions of ~~sections 427C.1 to 427C.13~~ chapter 427C shall be exempt from taxation. In all other cases where trees are planted upon any tract of land, without regard to area, for forest, fruit, shade, or ornamental purposes, or for windbreaks, the assessor shall not increase the valuation of the property because of such improvements.

Sec. 277. Section 441.47, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The department of revenue on or about August 15, 1977, and every two years thereafter shall order the equalization of the levels of assessment of each class of property in the several assessing jurisdictions by adding to or deducting from the valuation of each class of property such percentage in each

case as may be necessary to bring the same to its taxable value as fixed in this chapter, ~~and~~ chapters 427 ~~to~~ through 440, and chapter 443. The department shall adjust to actual value the valuation of any class of property as set out in the abstract of assessment when the valuation is at least five percent above or below actual value as determined by the department. For purposes of such value adjustments and before such equalization the director shall adopt, in the manner prescribed by chapter 17A, such rules as may be necessary to determine the level of assessment for each class of property in each county. The rules shall cover:

Sec. 278. Section 441.56, Code 2021, is amended to read as follows:

**441.56 Assessor's duties — combined appointment.**

When the duties of the county assessor are combined with the duties of another officer or employee as provided in section 331.323, subsection 1, the person named to perform the combined duties shall be appointed as provided in sections 441.5 ~~to~~ through 441.8.

Sec. 279. Section 443.2, Code 2021, is amended to read as follows:

**443.2 Tax list.**

1. Before the first day of July in each year, the county auditor shall transcribe the assessments of the townships and cities into a book or record, to be known as the tax list, properly ruled and headed, with separate columns, in which shall be entered the names of the taxpayers, descriptions of lands, number of acres and value, numbers of city lots and value, and each description of tax, with a column for polls and one for payments, and shall complete it by entering the amount due on each installment, separately, and carrying out the total of both installments. The total of all columns of each page of each book or other record shall balance with the tax totals. After computing the amount of tax due and payable on each property, the county auditor shall round the total amount of

tax due and payable on the property to the nearest even whole dollar.

2. The county auditor shall list the aggregate actual value and the aggregate taxable value of all taxable property within the county and each political subdivision including property subject to the statewide property tax imposed under section 437A.18 or 437B.14 on the tax list in order that the actual value of the taxable property within the county or a political subdivision may be ascertained and shown by the tax list for the purpose of computing the debt-incurring capacity of the county or political subdivision. As used in this section, *"actual value"* is the value determined under section 441.21, subsections 1 ~~to~~ through 3, prior to the reduction to a percentage of actual value as otherwise provided in section 441.21. *"Actual value"* of property subject to statewide property tax is the assessed value under section 437A.18 or 437B.14.

Sec. 280. Section 444.8, Code 2021, is amended to read as follows:

**444.8 Mandatory provisions.**

The provisions of sections 444.1 ~~to~~ through 444.4, 444.6, and 444.7, and the methods of computation, certification, and levy ~~therein~~ provided in those sections shall be obligatory on all officers within the several counties of the state upon whom devolves the duty of determining, certifying, and levying taxes.

Sec. 281. Section 455B.137, Code 2021, is amended to read as follows:

**455B.137 Privileged information.**

Information received by the department or any employees of the department through filed reports, inspections, or as otherwise authorized in this division II or chapter 459, subchapter II, concerning trade secrets, secret industrial processes, or other privileged communications, except emission data, shall not be disclosed or opened to public inspection,

except as may be necessary in a proceeding concerning a violation of ~~said~~ this division II or chapter 459, subchapter II, or of any rules promulgated ~~thereunder~~ under this division II or chapter 459, subchapter II, or as otherwise authorized or ordered by appropriate court action or proceedings. Nothing in this section shall be construed to prevent the director from compiling or publishing analyses or summaries relating to the general condition of the atmosphere; provided that such analyses or summaries do not reveal any information otherwise confidential under this section.

Sec. 282. Section 455B.183, subsection 4, Code 2021, is amended to read as follows:

4. Plans and specifications for all other waste disposal systems and public water supply systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. Plans and specifications for public water supply systems and water supply distribution system extensions must be certified by a licensed engineer as provided in subsection 1, paragraph *"a"*. The construction of any such waste disposal system or public water supply system shall be in accordance with standards formulated and adopted by the ~~department~~ commission pursuant to section 455B.173, subsections 5 ~~to~~ through 8. If it is necessary or desirable to make material changes in the plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit. The revised plans and specifications for a public water supply system must be certified by a licensed engineer as provided in subsection 1, paragraph *"a"*.

Sec. 283. Section 455B.223, Code 2021, is amended to read as follows:

**455B.223 Competent operator required.**

It shall be unlawful for any person, firm, corporation,

municipal corporation, or other governmental subdivision or agency, operating a water treatment plant, water distribution system, or wastewater treatment plant to operate same unless the competency of the operator to operate such plant or system is duly certified to by the director under the provisions of this part 2 of division III. It shall also be unlawful for any person to perform the duties of an operator, as defined ~~herein~~ in this part, without being duly certified under the provisions of ~~said~~ this part.

Sec. 284. Section 455B.224, Code 2021, is amended to read as follows:

**455B.224 Simple misdemeanor.**

Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, violating any provisions of this part 2 of division III or the rules adopted ~~thereunder~~ under this part after written notice ~~thereof~~ of the violation by the executive director is guilty of a simple misdemeanor. Each day of operation in such violation of ~~said~~ this part or any rules adopted ~~thereunder~~ under this part shall constitute a separate offense. It shall be the duty of the appropriate county attorney to secure injunctions of continuing violations of any provisions of ~~said~~ this part or the rules adopted ~~thereunder~~ under this part.

Sec. 285. Section 455B.307, subsection 2, Code 2021, is amended to read as follows:

2. The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this part 1 of division IV or the rules adopted pursuant to ~~the~~ this part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of ~~the~~ this part or rules issued pursuant to ~~the~~ this part.

Sec. 286. Section 455B.473, subsection 6, Code 2021, is

amended to read as follows:

6. Subsections 1 ~~to~~ through 3 do not apply to an underground storage tank for which notice was given pursuant to section 103, subsection c, of the Comprehensive Environmental Response, Compensation, and Liabilities Act of 1980.

Sec. 287. Section 455B.803, subsection 2, paragraph e, Code 2021, is amended to read as follows:

*e.* On July 1, 2020, the commission shall cease enforcement of the removal, collection, and recovery plans under this section. ~~On or before July 1, 2020, the commission shall review the mercury-added switch removal, collection, and recovery portion of this division and submit a recommendation to the general assembly regarding the necessity of continuing the enforcement of the removal, collection, and recovery plans under this section.~~

Sec. 288. Section 456A.24, subsection 2, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Acquire by purchase, condemnation, lease, agreement, gift, and devise lands or waters suitable for the purposes ~~hereinafter~~ enumerated in this subsection, and rights-of-way ~~thereto~~ to those lands and waters, and to maintain the ~~same~~ lands and waters for the following purposes, to wit:

Sec. 289. Section 456A.24, subsections 3 and 7, Code 2021, are amended to read as follows:

3. Extend and consolidate lands or waters suitable for the ~~above~~ purposes enumerated in subsection 2 by exchange for other lands or waters and to purchase, erect, and maintain buildings necessary to the work of the department.

7. Pay the salaries, wages, compensation, traveling, and other necessary expenses of the commissioners, director, officers, and other employees of the department~~, and to~~; expend money for necessary supplies and equipment~~,~~; and ~~to~~ make such other expenditures as may be necessary for the carrying into effect the purposes of this chapter.

Sec. 290. Section 458A.2, subsections 7 and 19, Code 2021,

are amended to read as follows:

7. *"Gas"* means and includes all natural gas and all other fluid hydrocarbons which are produced at the wellhead and not ~~hereinabove~~ defined in this section as oil.

19. *"Waste"* means and includes all of the following:

*a.* Physical waste, as that term is generally understood in the oil and gas industry~~.~~.

*b.* The inefficient, excessive, or improper use of, or the unnecessary dissipation of reservoir energy~~.~~.

*c.* The location, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner which causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas~~.~~.

*d.* The inefficient storing of oil~~, and~~.

*e.* The production of oil or gas in excess of transportation or marketing facilities or in excess of reasonable market demand.

Sec. 291. Section 458A.16, subsection 2, Code 2021, is amended to read as follows:

2. ~~If any~~ A person is guilty of a fraudulent practice if the person, for the purpose of evading this chapter, or any rule or order of the department, ~~makes~~ does any of the following:

*a.* Makes or causes to be made any false entry or statement in a report required by this chapter or by any rule or order~~, or makes~~.

*b.* Makes or causes to be made any false entry in any record, account, or memorandum required by this chapter, or by any rule or order~~, or omits~~.

*c.* Omits, or causes to be omitted, from any record, account, or memorandum, full, true, and correct entries as required by this chapter, or by any rule or order~~, or removes~~.

*d.* Removes from this state or destroys, mutilates, alters, or falsifies any ~~such~~ record, account, or memorandum~~, the~~

~~person is guilty of a fraudulent practice~~ required by this chapter, or by any rule or order.

Sec. 292. Section 459.501, subsection 3, paragraph a, subparagraph (3), subparagraph division (a), subparagraph subdivision (i), Code 2021, is amended to read as follows:

(i) Providing for seizure of animals pursuant to sections ~~169.3D~~ 163.3D and ~~169.3E~~ 163.3E.

Sec. 293. Section 460.302, subsection 3, paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) On July 1, 1987, initiate a pilot demonstration and research project concerning elimination of groundwater contamination attributed to the use of agricultural chemicals and agricultural drainage wells. The project shall be established in a location in north central Iowa determined by the department to be the most appropriate. A demonstration project shall also be established in northeast Iowa to study techniques for the cleanup of sinkholes.

Sec. 294. Section 461A.34, Code 2021, is amended to read as follows:

**461A.34 Powers in municipalities.**

Municipalities, or individuals, or corporations organized only for ~~that~~ the purpose ~~only~~ of establishing a park, acting separately or in conjunction with each other, may establish ~~like~~ parks outside the limits of cities~~, and when~~. If a park is established without the support of the public state parks fund, the municipalities, corporations, or persons establishing the ~~same~~ park, as the case may be, shall have control ~~thereof~~ of the park independently of the executive council~~; but~~. However, none of the ~~said~~ municipalities, individuals, or corporations, acting under the provisions of this section shall establish, maintain, or operate any such park as ~~herein~~ contemplated in this section for pecuniary profit.

Sec. 295. Section 461A.44, Code 2021, is amended to read as follows:

**461A.44 Prohibited areas.**

No person shall enter upon portions of any state park or preserve in disregard of official signs forbidding ~~same~~ entrance upon park or preserve property, except by permission of the director or the director's representative.

Sec. 296. Section 461A.59, Code 2021, is amended to read as follows:

**461A.59 Powers in municipalities.**

Municipalities or corporations organized only for ~~that~~ the purpose ~~only~~ of establishing a water recreational area, acting separately or in conjunction with each other in counties not having a county conservation board, may establish water recreational areas ~~and when~~. If a water recreational area is established without the support of public funds of the state of Iowa, the municipalities or corporations establishing the ~~same~~ water recreational area, as the case may be, shall have control ~~thereof~~ of the water recreational area independently of the executive council.

Sec. 297. Section 461A.61, unnumbered paragraph 1, Code 2021, is amended to read as follows:

~~Said~~ A petition filed under section 461A.60 shall state:

Sec. 298. Section 462A.14D, subsection 8, Code 2021, is amended to read as follows:

8. Subsections 3 ~~to~~ through 7 of this section do not apply where a test may be administered under section 462A.14A, subsection 4, paragraph "*f*".

Sec. 299. Section 462A.29, Code 2021, is amended to read as follows:

**462A.29 Official duty exempted.**

Peace officers, members of the commission, ~~its~~ and the commission's deputies, agents, and employees are not violating the provisions of this chapter while acting within the scope of their employment in search and rescue operations, law enforcement duty, emergency duty, and other resource management activities as determined by rules of the commission.

Sec. 300. Section 468.37, Code 2021, is amended to read as

follows:

**468.37 Contracts.**

All agreements and contracts for work or materials in constructing the improvements of ~~such~~ a district shall be in writing~~,~~ and be signed by the chairperson of the board of supervisors for and on behalf of the district and the parties who are to perform the work or furnish the materials specified in ~~such~~ the contract. ~~Such~~ The contract shall specify the particular work to be done or materials to be furnished, the time when it shall begin and when it shall be completed, the amount to be paid and the times of payment, ~~with~~ and contain such other terms and conditions as to details as are necessary to a clear understanding of the terms ~~thereof~~ of the contract.

Sec. 301. Section 468.71, Code 2021, is amended to read as follows:

**468.71 Form, negotiability, and effect.**

Each ~~of such certificates~~ improvement certificate shall state the amount of one or more drainage assessments or part thereof made against the property, designating ~~it~~ the property and the owner thereof liable for the payment of ~~such~~ the assessments. ~~Said~~ The certificates shall be negotiable and transfer to the bearer all right and interest in and to the tax in every such assessment or part thereof described in ~~such~~ the certificates, and shall authorize such bearer to collect and receive every assessment embraced in ~~said certificate~~ the certificates by or through any of the methods provided by law for ~~their~~ collection of the assessments as the ~~same~~ certificates mature.

Sec. 302. Section 468.72, Code 2021, is amended to read as follows:

**468.72 Interest — place of payment.**

~~Such~~ Improvement certificates issued under section 468.70 shall bear interest at a rate determined by the board, payable annually, and shall be paid by the taxpayer to the county treasurer, who shall receipt for the ~~same~~ interest payment and

cause the amount to be credited on the certificates issued ~~therefor~~ for the drainage assessments.

Sec. 303. Section 468.214, Code 2021, is amended to read as follows:

**468.214 Applicable statutes.**

Except as otherwise provided ~~herein~~ in this part, all provisions of this chapter relative to assessment of damages, appointment of an engineer, employment of counsel, payment for work, levy and collection of drainage and levee assessments and taxes, the issue of improvement certificates and drainage or levee bonds, the taking of appeals and the manner of trial thereof and all other proceedings relating thereto shall apply.

Sec. 304. Section 468.259, unnumbered paragraph 1, Code 2021, is amended to read as follows:

In lieu of the hearings provided for in section 468.258, the board of either district may call an election for the purpose of determining the dissolution of the contained district or the acceptance of that district's improvements and rights-of-way by the overlying district. The questions may be submitted at a regular election of the district or at a special election called for that purpose. It is not mandatory for the county commissioner of elections to conduct the elections, however the provisions of sections 49.43 ~~to~~ through 49.47, and of subchapter III of this chapter, as they are applicable, shall govern the elections, and the question to be submitted shall be set forth in the notice of election.

Sec. 305. Section 468.274, Code 2021, is amended to read as follows:

**468.274 Notice.**

Immediately upon the filing of the report of the commissioners and the engineer, if the ~~same~~ report recommends the establishment of such district, notice shall be given by the auditor of each county to the owners of all the lots and tracts of land in the auditor's own county respectively embraced within such district as recommended by the

commissioners as shown by the transfer books in the office of the auditor of each of said counties, and also to the persons in actual occupancy of all the lots or tracts of land in such district, and also to each lienholder or encumbrancer of any of such lots or tracts as shown by the records of the respective counties.

Sec. 306. Section 468.371, Code 2021, is amended to read as follows:

**468.371 Registration.**

When bonds have been executed as ~~aforesaid~~ provided in this part they shall be delivered to the county treasurer and the treasurer's receipt taken ~~therefor~~ for each bond. The county treasurer shall register ~~the same~~ each bond in a book provided for that purpose, which shall show the number of each bond, its date, date of sale, amount, date of maturity, and the name and address of the purchaser, and if exchanged what evidences of debt were received ~~therefor, which~~ for each bond. The record shall at all times be open to the inspection of the owners of property within the district. The treasurer shall ~~thereupon~~ certify on the back of each bond as follows:

This bond duly and properly registered in my office this .... day of ..... (month), ... (year).

.....

Treasurer of the County of

.....

Sec. 307. Section 468.553, Code 2021, is amended to read as follows:

**468.553 Record of bonds.**

When the bonds have been executed as ~~aforesaid~~ provided in this part they shall be delivered to the county treasurer and the treasurer's receipt taken ~~therefor~~ for each of the bonds. The treasurer shall register ~~said~~ each of the bonds in a book provided for that purpose which shall show the number of each bond, its date, date of sale, amount, date of maturity, and the name and address of the purchaser, and if exchanged

what evidences of indebtedness were received ~~therefor, which~~ for each bond. The record shall at all times be open to the inspection of the owners of property within ~~said~~ the drainage district. The treasurer shall ~~thereupon~~ certify on the back of each bond as follows:

This bond duly and properly registered in my office this .... day of ..... (month), ... (year).

.....

Treasurer of the County of

.....

Sec. 308. Section 476.4, subsection 3, Code 2021, is amended to read as follows:

3. Every rate, charge, rule, and regulation contained in any filing made with the commission on or prior to July 4, 1963, shall be effective as of such date, subject, however, to investigation as provided in this chapter. If any such filing is made prior to the time the commission prescribes rules ~~as aforesaid~~, and if such filing does not comply as to form or substance with such rules, then the public utility which filed the same shall within a reasonable time after the adoption of such rules make a new filing or filings complying with such rules, which new filing or filings shall be deemed effective as of July 4, 1963.

Sec. 309. Section 476.22, Code 2021, is amended to read as follows:

**476.22 Definition.**

As used in ~~sections 476.23 to 476.26~~ this subchapter, unless the context otherwise requires, "*electric utility*" includes a public utility furnishing electricity as defined in section 476.1 and a city utility as defined in section 390.1.

Sec. 310. Section 476.49, subsection 1, paragraph c, Code 2021, is amended to read as follows:

*c.* "*Distributed generation facility*" means ~~the same as defined in section 476.58, subsection 1, paragraph "b", subparagraph (2) or (3)~~ an alternative energy production

facility or a small hydro facility as defined in section 476.42.

Sec. 311. Section 478.10, Code 2021, is amended to read as follows:

**478.10 Franchise transferable — notice.**

When any ~~such~~ electric transmission line or lines are sold and transferred either by voluntary or judicial sale, ~~such~~ the transfer shall carry with it the franchise under which the ~~said~~ improvement is owned, maintained, or operated. If a transfer of such franchise is made before the improvement for which it was issued is constructed, in whole or in part, ~~such~~ the transfer shall not be effective ~~till~~ until the person, company, or corporation to whom it was issued ~~shall file~~ files in the office of the utilities board granting the franchise a notice in writing stating the date of ~~such~~ the transfer and the name and address of the transferee.

Sec. 312. Section 481A.33, Code 2021, is amended to read as follows:

**481A.33 Violations relating to dams.**

1. ~~Whoever shall erect~~ A person who erects any dam or other obstruction prohibited by this chapter or at a place or in a manner prohibited shall be guilty of a simple misdemeanor~~, or shall injure or destroy~~.

2. A person who injures or destroys any dam lawfully erected~~,~~ shall be guilty of an aggravated misdemeanor.

Sec. 313. Section 491.10, Code 2021, is amended to read as follows:

**491.10 Interpretative clause.**

Nothing in sections 491.5 ~~to~~ through 491.9 shall be construed as repealing or modifying any statute now in force in respect to the approval of articles of incorporation relating to insurance companies or investment companies.

Sec. 314. Section 491.107, subsection 2, Code 2021, is amended to read as follows:

2. The procedure set forth in sections 491.6 ~~to~~ through

491.9 ~~of this chapter~~ shall be applicable to the filing of articles of consolidation or merger.

Sec. 315. Section 492.4, Code 2021, is amended to read as follows:

**492.4 Certain corporations excepted.**

Sections 492.1 ~~to~~ through 492.3 shall not apply to railway or quasi-public corporations organized before October 1, 1897.

Sec. 316. Section 492.10, Code 2021, is amended to read as follows:

**492.10 Cancellation of stock — reimbursement.**

The capital stock of any corporation issued in violation of the terms and provisions of sections 492.5 ~~to~~ through 492.8 shall be void, and in a suit brought by the attorney general on behalf of the state in any court having jurisdiction, a decree of cancellation shall be entered; and if the corporation has received any money or thing of value for the said stock, such money or thing of value shall be returned to the individual, firm, company, or corporation from whom it was received, and if represented by labor or other service of intangible nature, the value thereof shall constitute a claim against the corporation issuing stock in exchange therefor.

Sec. 317. Section 492.11, Code 2021, is amended to read as follows:

**492.11 Dissolution — distribution of assets.**

Any corporation violating the provisions of sections 492.5 ~~to~~ through 492.8 shall, upon the application of the attorney general, in behalf of the state, made to any court of competent jurisdiction, be dissolved, its affairs wound up, and its assets distributed among the stockholders other than those who have received the stock so unlawfully issued.

Sec. 318. Section 492.12, Code 2021, is amended to read as follows:

**492.12 Violation.**

Any officer, agent, or representative of a corporation who violates any of the provisions of sections 492.5 ~~to~~ through

492.8 shall be guilty of a simple misdemeanor.

Sec. 319. Section 495.1, Code 2021, is amended to read as follows:

**495.1 Capital stock and permit.**

Sections 492.5 ~~to~~ through 492.9 are applicable to any foreign corporation which directly or indirectly owns, uses, operates, controls, or is concerned in the operation of any public gasworks, electric light plant, heating plant, waterworks, interurban or street railway located within the state, or the carrying on of any gas, electric light, electric power, heating business, waterworks, interurban or street railway business within the state, or that owns or controls, directly or indirectly, any of the capital stock of any corporation which owns, uses, operates or is concerned in the operation of any public gasworks, electric light plant, electric power plant, heating plant, waterworks, interurban or street railway located within the state, or any foreign corporation that exercises any control in any way or in any manner over any of such works, plants, interurban or street railways or the business carried on by such works, plants, interurban or street railways by or through the ownership of the capital stock of any corporation or corporations or in any other manner whatsoever~~, and the~~. The ownership, operation, or control of any such works, plants, interurban or street railways or the business carried on by any of such works or plants or the ownership or control of the capital stock in any corporation owning or operating any of such works, plants, interurban or street railways by any foreign corporation in violation of this chapter is unlawful.

Sec. 320. Section 508.32, Code 2021, is amended to read as follows:

**508.32 Proceeds of policy held in trust.**

1. As used in this section:

*a. "Annuity contracts"* and *"life insurance policies"* include accident and health insurance policies and contracts, and

include undertakings, duties, and obligations incidental to or in furtherance of any such policies or contracts.

*b.* "*Proceeds*" includes additions and contributions.

*c.* "*Trust*" includes but is not limited to settlement options and contracts issued pursuant to policies or contracts, and funds held in a separate or segregated account in connection with pension or profit-sharing plans pursuant to agreements with the policyholders.

~~1.~~ 2. Any life insurance company organized under the provisions of this chapter and doing business in this state, shall have the power to hold in trust the premiums or consideration paid for, or the proceeds of any life insurance policy or annuity contract, either individual or group, issued by it, upon such terms and subject to such limitations as to revocation or control by the policyholder or beneficiary thereunder, as shall have been agreed to in writing by such company and the policyholder; provided that the trust provisions contemplated in this section shall in no manner subject the corporation to any of the provisions of the laws of Iowa relating to banks or trust companies; and provided further, that the trust or trusts for premiums or considerations may be invested by such company in the manner specified in the trust instruments or agreements and held in a separate or segregated account; and provided further, that the forms of such trust agreements for beneficiaries shall be first submitted to and approved by the commissioner of insurance. ~~The word "*trust*" shall include, but not be limited to settlement options and contracts issued pursuant to policies or contracts, and funds held in a separate or segregated account in connection with pension or profit-sharing plans pursuant to agreements with the policyholders.~~

~~2.~~ 3. ~~As used in this section, life insurance policies and annuity contracts include accident and health insurance policies and contracts, and include undertakings, duties, and obligations incidental to or in furtherance of any such~~

~~policies or contracts. As used in this section, proceeds include additions and contributions.~~ Funds held by an insurance company as authorized by this section may be held in a separate account established pursuant to section 508A.1, except that section 508A.1, subsection 5, shall not be applicable to such account. However, funds held by an insurance company as authorized in this section shall not be chargeable with liabilities arising out of any other business the company may conduct.

~~3.~~ 4. An instrument or agreement issued or used by an insurance company as authorized by this section does not constitute a security as defined in section 502.102.

Sec. 321. Section 511.12, Code 2021, is amended to read as follows:

**511.12 Officers not to profit by investments.**

~~No such~~ An officer or director of a life insurance company or association shall ~~gain through~~ not profit from the investment of funds of ~~any such~~ the company.

Sec. 322. Section 514D.3, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The commissioner shall issue rules to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of policies of individual accident and sickness insurance and individual subscriber contracts which shall be in addition to and in accordance with applicable laws of this state, including but not limited to sections 514A.1 ~~to~~ through 514A.8 and sections 514A.10 through 514A.12. These rules may include, but shall not be limited to, any of the following subjects:

Sec. 323. Section 514D.4, subsection 2, Code 2021, is amended to read as follows:

2. This section does not prohibit the issuance of a policy which combines two or more of the categories of coverage enumerated in paragraphs "*a*" ~~to~~ through "*f*" of subsection

1. A category of coverage referred to in paragraph "g", "h", or "i" of subsection 1 shall not be combined in a policy or contract either with another category of coverage referred to in paragraph "g", "h", or "i" of subsection 1 or with a category of coverage referred to in any of paragraphs "a" ~~to~~ through "f" of subsection 1 unless a rule issued by the commissioner specifically authorizes that combination of coverages.

Sec. 324. Section 514D.7, subsection 2, Code 2021, is amended to read as follows:

2. A policy of accident and sickness insurance which is exempt from the provisions of sections 514A.1 ~~to~~ through 514A.8 and sections 514A.10 through 514A.12 by virtue of an exemption set forth in section 514A.1 or 514A.8.

Sec. 325. Section 515.41, Code 2021, is amended to read as follows:

**515.41 Certificate of authority.**

The certificate and statements ~~above~~ contemplated in sections 515.38 through 515.40 shall be filed in the division and the commissioner of insurance shall deliver to the company a copy of the report of the examination, in the event one is made, together with the commissioner's written permission for ~~it~~ the company to commence the business proposed in its articles of incorporation, which permission shall be ~~its~~ the company's authority to commence business and issue policies.

Sec. 326. Section 515.48, subsection 1, paragraph b, Code 2021, is amended to read as follows:

*b.* Loss by depreciation as ~~herein~~ referred to in this subsection may include the cost of repair and replacement.

Sec. 327. Section 515.48, subsection 10, Code 2021, is amended to read as follows:

10. Insure any additional risk not specifically included within any of the ~~foregoing~~ classes enumerated in this section, which is a proper subject for insurance, is not prohibited by law or contrary to sound public policy, and which, after public notice and hearing, is specifically approved by

the commissioner of insurance, except title insurance or insurance against loss or damage by reason of defective title, encumbrances or otherwise. When such additional kind of insurance is approved by the commissioner, the commissioner shall designate within which classification of risks provided for in section 515.49 it shall fall.

Sec. 328. Section 515.109, subsection 2, paragraph c, Code 2021, is amended to read as follows:

*c.* The standard policy provided for ~~herein~~ in this section need not be used for effecting reinsurance between insurers.

Sec. 329. Section 515.111, Code 2021, is amended to read as follows:

**515.111 Nuclear loss or damage excluded.**

Insurers issuing the standard policy pursuant to section 515.109 are authorized to affix ~~thereto~~ to or include ~~therein~~ within a policy a written statement that the policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the policy. However, ~~that~~ nothing contained in this section shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.

Sec. 330. Section 515A.11, subsection 1, Code 2021, is amended to read as follows:

1. Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this chapter and, with respect to joint reinsurance, to sections 515A.12 and 515A.16 ~~to~~ through 515A.19.

Sec. 331. Section 518B.2, Code 2021, is amended to read as follows:

**518B.2 Reimbursement fund created.**

There is hereby created the federal riot reinsurance reimbursement fund in the office of the treasurer of state which shall be operated under the joint control of the director of the department of administrative services and the commissioner. The fund shall consist of all payments made by insurers in accordance with the provisions of this chapter. The director of the department of administrative services shall have the same power to enforce the collection of the assessments provided ~~hereunder~~ under this chapter as any other obligation due the state.

Sec. 332. Section 520.2, Code 2021, is amended to read as follows:

**520.2 Execution of contract.**

~~Such~~ Reciprocal or interinsurance contracts may be executed by an attorney, agent, or other representative ~~herein~~ designated as the attorney in fact, duly authorized and acting for such subscribers under powers of attorney~~, and such~~. The attorney may be a corporation. ~~Such~~ The attorney shall have the power and authority to execute any and all instruments, papers, and documents incident to and a part of the business of the reciprocal or interinsurance exchange, including deeds for the conveyance of real estate, and acquisition and sale of securities. ~~Such~~ The attorney shall have the power and authority to do all things necessary and incident to the management and operation of such business. The certificate of the commissioner of insurance certifying the name of the attorney for any reciprocal or interinsurance exchange shall be sufficient proof of the authority of any such attorney.

Sec. 333. Section 520.11, Code 2021, is amended to read as follows:

**520.11 Implied powers of corporations.**

Any corporation ~~now or hereafter~~ organized under the laws of this state shall, in addition to the rights, powers, and franchises specified in its articles of incorporation, have

full power and authority to exchange insurance contracts of the kind and character ~~herein~~ mentioned in this chapter. The right to exchange such contracts is hereby declared to be incidental to the purposes for which such corporations are organized and as fully granted as the rights and powers expressly conferred.

Sec. 334. Section 523.11, Code 2021, is amended to read as follows:

**523.11 Arbitrage transactions excepted.**

The provisions of sections 523.7, 523.8, and 523.9 shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the commissioner may adopt in order to carry out the purposes of sections 523.7 ~~to~~ through 523.10, this section, and sections 523.12 through 523.14.

Sec. 335. Section 523.12, Code 2021, is amended to read as follows:

**523.12 Equity security defined.**

The term *"equity security"* when used in sections 523.7 ~~to~~ through 523.11, this section, and sections 523.13 and 523.14 means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the commissioner shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as the commissioner may prescribe in the public interest or for the protection of investors, to treat as an equity security.

Sec. 336. Section 523.14, Code 2021, is amended to read as follows:

**523.14 Rules.**

The commissioner shall have the power to make such rules and regulations as may be necessary for the execution of the functions vested in the commissioner by sections 523.7 ~~to~~ through 523.13, and may for such purpose classify domestic

stock insurance companies, securities, and other persons or matters, within the commissioner's jurisdiction. No provisions of sections 523.7, 523.8, and 523.9 imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

Sec. 337. Section 524.1305, subsection 6, Code 2021, is amended to read as follows:

6. Safe-deposit boxes, the contents of which have not been removed by the owners after the date specified in the notice given under paragraph "*b*" of subsection 3 of this section, shall be opened under the supervision of the superintendent and the contents placed in sealed packages which, together with unclaimed property held by the state bank in safekeeping, shall be transmitted to the treasurer of state. Amounts due to depositors who are unknown, or who are under a disability and there is no person legally competent to receive the amount, or who cannot be found after the exercise of reasonable diligence, shall be transmitted to the treasurer of state, together with a statement giving the name of the person, if known, entitled to the amount, the person's last known address, the amount due the person, and other information about the person as the treasurer of state may reasonably require. All property transmitted to the treasurer of state pursuant to this subsection shall be treated as abandoned, retained by the treasurer of state, and subject to claim, in the manner provided for in sections 556.14 ~~to~~ through 556.21. All amounts due creditors described in section 490.1440 shall be deposited with the treasurer of state in accordance with that section. Such amounts shall be retained by the treasurer of state and are subject to claim in the manner provided for in section 490.1440.

Sec. 338. Section 524.1602, subsection 3, Code 2021, is amended to read as follows:

3. On which it has money loaned, credit extended, or holds discounted or purchased evidences of indebtedness or agreements for the payment of money, in violation of sections 524.904 ~~through~~, 524.905, and 524.907.

Sec. 339. Section 524.1807, Code 2021, is amended to read as follows:

**524.1807 Penalties.**

Any bank holding company which willfully violates any provision of sections ~~524.1801~~ 524.1802 through 524.1806 shall, upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars for each day during which the violation continues. Any individual who willfully participates in a violation of any provisions of sections ~~524.1801~~ 524.1802 through 524.1806 shall be guilty of a serious misdemeanor.

Sec. 340. Section 535.11, subsection 3, Code 2021, is amended to read as follows:

3. With respect to an account other than an open account, the creditor may impose a finance charge not exceeding that permitted by section 537.2201, subsections 2 ~~to~~ through 5.

Sec. 341. Section 536.21, Code 2021, is amended to read as follows:

**536.21 Rules.**

The superintendent is hereby authorized and empowered to ~~make~~ adopt such reasonable and relevant rules pursuant to chapter 17A as may be necessary for the execution and the enforcement of the provisions of this chapter, in addition hereto and not inconsistent herewith. ~~All rules shall be filed and entered by the superintendent in the banking division of the department of commerce in an indexed, permanent book or record, with the effective date thereof suitably indicated, and such book or record shall be a public document.~~

Sec. 342. Section 537.5110, subsection 2, paragraph a, Code 2021, is amended to read as follows:

*a.* A creditor who believes in good faith that a consumer is in default may give the consumer written notice of the alleged

default, and, if the consumer has a right to cure the default, shall give the consumer the notice of right to cure provided in section 537.5111 before commencing any legal action in any court on an obligation of the consumer and before repossessing collateral. However, this subsection and subsection 4 do not require a creditor to give notice of right to cure prior to the filing of a petition by a creditor seeking to enforce the consumer's obligation in which attachment under chapter 639 is sought upon any of the grounds specified in section 639.3, subsections 3 ~~to~~ through 12.

Sec. 343. Section 543C.2, subsection 2, paragraph a, Code 2021, is amended to read as follows:

*a.* The names, addresses, and business background of the subdivider as required in subsection 1, paragraphs "*a*" ~~to~~ through "*d*". If such subdivider is a partnership or corporation, the names, addresses, and business background of each of the partners, officers, and principal stockholders, the nature of their fiduciary relationship and their past, present, or anticipated financial relationship to the subdivider.

Sec. 344. Section 543D.23, subsection 1, paragraphs d and e, Code 2021, are amended to read as follows:

*d.* Rulemaking under chapter 17A, including orders on petitions for rulemaking.

*e.* Orders on petitions for declaratory orders or waivers ~~or variances~~.

Sec. 345. Section 557A.3, Code 2021, is amended to read as follows:

**557A.3 Applicability to time-share programs located out-of-state.**

1. Sections 557A.4 ~~to~~ through 557A.10 apply only to time-share programs located in Iowa.

2. Sections 557A.1, 557A.2, and 557A.11 ~~to~~ through 557A.20 apply to any time-share program, wherever located, which is marketed in Iowa.

Sec. 346. Section 561.7, Code 2021, is amended to read as

follows:

**561.7 Changes — nonconsenting spouse.**

1. The owner may, from time to time, change the limits of the homestead by changing the metes and bounds, as well as the record of the plat and description, or vacate it.

2. ~~Such~~ The changes described in subsection 1 shall not prejudice conveyances or liens made or created ~~previously thereto~~ prior to the changes.

3. No such change of the entire homestead, made without the concurrence of the other spouse, shall affect that spouse's rights, or those of the children.

Sec. 347. Section 573.14, subsection 1, Code 2021, is amended to read as follows:

1. The fund provided for in section 573.13 shall be retained by the public corporation for a period of thirty days after the completion and final acceptance of the improvement. If at the end of the thirty-day period claims are on file, ~~as provided~~ the public corporation shall continue to retain from the unpaid funds a sum equal to double the total amount of all claims on file. The remaining balance of the unpaid fund, or if no claims are on file, the entire unpaid fund, shall be released and paid to the contractor.

Sec. 348. Section 573.23, Code 2021, is amended to read as follows:

**573.23 Abandonment of public work — effect.**

When a contractor abandons the work on a public improvement or is legally excluded ~~therefrom~~ from work on a public improvement, the improvement shall be deemed completed for the purpose of filing claims as ~~herein~~ provided in this chapter, from the date of the official cancellation of the contract. The only fund available for the payment of the claims of persons for labor performed or material furnished shall be the amount then due the contractor, if any, and if ~~said~~ that amount ~~be~~ is insufficient to satisfy ~~said~~ the claims, the claimants shall have a right of action on the bond given for

the performance of the contract.

Sec. 349. Section 591.12, Code 2021, is amended to read as follows:

**591.12 Effect of foregoing statutes.**

Sections 591.1 ~~to~~ through 591.11 ~~hereof~~ shall not affect pending litigation and shall not operate to revive rights or claims previously barred, and shall not permit an action to be brought or maintained upon any claim or cause of action which was barred by any statute which was in force prior to July 4, 1955.

Sec. 350. Section 600.5, subsection 11, Code 2021, is amended to read as follows:

11. A description of the facilities and resources, including those provided under a subsidy agreement pursuant to sections 600.17 ~~to~~ through 600.22, that the petitioner is willing and able to supply for the nurture and care of any minor person to be adopted.

Sec. 351. Section 600.18, subsection 1, Code 2021, is amended to read as follows:

1. Any prospective adoptive parent desiring financial assistance shall state this fact in the petition for adoption. The department of human services shall investigate the person petitioning for adoption and the child and shall file with the juvenile court or court a statement of whether the department will provide assistance as provided in ~~sections~~ section 600.17 ~~to~~, this section, and sections 600.19 through 600.22, the estimated amount, extent, and duration of assistance, and any other information the juvenile court or court may order.

Sec. 352. Section 600.22, Code 2021, is amended to read as follows:

**600.22 Rules.**

The department of human services shall adopt rules in accordance with the provisions of chapter 17A, which are necessary for the administration of sections 600.17 ~~to~~ through 600.21 and 600.23.

Sec. 353. Section 600A.7, subsection 1, Code 2021, is amended to read as follows:

1. The hearing on termination of parental rights shall be conducted in accordance with the provisions of sections 232.91 ~~to~~ through 232.96 and otherwise in accordance with the rules of civil procedure. Such hearing shall be held no earlier than one week after the child is born.

Sec. 354. Section 602.10122, subsection 5, Code 2021, is amended to read as follows:

5. Soliciting legal business for the attorney or office, either by the attorney or representative. Nothing ~~herein~~ contained in this section shall be construed to prevent or prohibit listing in legal or other directories, law lists and other similar publications, or the publication of professional cards in any such lists, directories, newspapers or other publication.

Sec. 355. Section 614.17, subsection 2, Code 2021, is amended to read as follows:

2. For the purposes of this section, section 614.17A, and sections 614.18 ~~to~~ through 614.20, a person who holds title to real estate by will or descent from a person who held the title of record to the real estate at the date of that person's death or who holds title by decree or order of a court, or under a tax deed, trustee's, referee's, guardian's, executor's, administrator's, receiver's, assignee's, master's in chancery, or sheriff's deed, holds chain of title the same as though holding by direct conveyance.

Sec. 356. Section 624.28, Code 2021, is amended to read as follows:

**624.28 Priority.**

~~Said~~ The lien under section 624.27 shall be prior and superior to the lien of any mortgage or trust deed executed since July 4, 1862, by any railway corporation or partnership, and prior and superior to the lien of any mortgage or trust deed executed after August 9, 1897, by any interurban railway

or street railway corporation or partnership.

Sec. 357. Section 626.83, Code 2021, is amended to read as follows:

**626.83 Deficiency — additional execution.**

If the property levied on sells for less than sufficient to satisfy the execution, the judgment holder may order out another, which shall be credited with the amount of the previous sale. The proceedings under the second execution shall conform to those ~~hereinbefore~~ prescribed in this chapter for the first execution.

Sec. 358. Section 626.98, Code 2021, is amended to read as follows:

**626.98 Deed.**

If the debtor or the debtor's assignee fails to redeem, the sheriff then in office must, at the end of the period for redemption provided by law for the particular action, execute a deed to the person who is entitled to the certificate as ~~hereinbefore~~ provided in section 626.95, or to that person's assignee. If the person entitled is dead, the deed shall be made to the person's heirs.

Sec. 359. Section 631.3, subsection 4, Code 2021, is amended to read as follows:

4. Upon the request of a party to the action, the clerk or a judicial officer shall issue subpoenas for the attendance of witnesses at a hearing. Sections 622.63 ~~to~~ through 622.67, 622.69, 622.76, and 622.77 apply to subpoenas issued pursuant to this chapter.

Sec. 360. Section 633.126, subsection 2, Code 2021, is amended to read as follows:

2. *"Fiduciary"*, for the purposes of this section and sections 633.127 ~~to~~ through 633.129, means acting in any of the following capacities, namely: testamentary trustee appointed by any court, trustee under any written agreement, declaration or instrument of trust, executor, administrator, guardian, or conservator, custodian under chapter 565B, or

other capacity permitted under any state or federal law or regulation governing collective investment funds maintained by a bank or trust company.

Sec. 361. Section 633.198, Code 2021, is amended to read as follows:

**633.198 Attorney fee.**

There shall also be allowed and taxed as part of the costs of administration of estates as an attorney fee for the personal representative's attorney, such reasonable fee as may be determined by the court, for services rendered, but not in excess of the schedule of fees ~~herein~~ provided in this part for personal representatives.

Sec. 362. Section 633.210, Code 2021, is amended to read as follows:

**633.210 Rules of descent.**

The estate of a person dying intestate shall descend as provided in sections 633.211 ~~to~~ through 633.226.

Sec. 363. Section 633.523, Code 2021, is amended to read as follows:

**633.523 No sufficient evidence of survivorship.**

Where the title to property or the devolution thereof depends upon priority of death, and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if the person had survived, except as provided otherwise in sections 633.524 ~~to~~ through 633.527.

Sec. 364. Section 636.3, Code 2021, is amended to read as follows:

**636.3 Defects rectified.**

~~No~~ A defective bond or other security or affidavit in any case shall not prejudice the party giving or making ~~it~~ the bond, security, or affidavit, provided ~~it be so~~ that the defect is rectified, within a reasonable time after the defect is discovered, so as not to cause essential injury to the other party.

Sec. 365. Section 636.6, Code 2021, is amended to read as follows:

**636.6 New bond required.**

Whenever the board of supervisors of any county shall have knowledge that any attorney at law is surety upon any official bond, ~~above referred to~~ as prohibited under section 636.5, it shall require ~~said~~ the officer to forthwith file a new bond.

Sec. 366. Section 636.9, Code 2021, is amended to read as follows:

**636.9 Effect of affidavit.**

The taking of ~~such~~ an affidavit under section 636.8 shall not exempt the officer from any liability to which the officer might otherwise be subject for taking insufficient security.

Sec. 367. Section 636.12, Code 2021, is amended to read as follows:

**636.12 Certificate revoked — notice.**

Should ~~said~~ the certificate of authority for a corporate surety be withdrawn at any time, the commissioner of insurance shall at once notify the clerk of each district court to that effect.

Sec. 368. Section 636.32, Code 2021, is amended to read as follows:

**636.32 Receipt taken.**

If ~~said~~ a fiduciary not governed by the probate code shall otherwise discharge all the duties imposed upon that fiduciary by such appointment, the fiduciary may take the receipt of the clerk of the district court for such funds, moneys, or securities so deposited, which receipt shall specifically set forth from whom said funds, moneys, or securities, were derived, the amount thereof, and the name of the person to whom due or to become due, if known.

Sec. 369. Section 636.33, Code 2021, is amended to read as follows:

**636.33 Final discharge.**

~~Said~~ A fiduciary not governed by the probate code may file

the receipt described in section 636.32 with the fiduciary's final report, and if it shall be made to appear to the satisfaction of the court that the fiduciary has in all other respects complied with the law governing the fiduciary's appointment and duties, the court may approve such final report and enter the fiduciary's discharge.

Sec. 370. Section 641.5, Code 2021, is amended to read as follows:

**641.5 Sheriff indemnified.**

~~In case~~ If any sheriff ~~shall be~~ is held liable to pay any damages by reason of the wrongful execution of any writ of attachment issued under sections 641.2 ~~to~~ through 641.4 and if a judgment is rendered ~~therefor~~ for those damages, the amount ~~thereof~~ of the judgment, when paid by such sheriff, shall become a claim against the state in the sheriff's favor, and a warrant ~~therefor~~ for that amount shall be drawn by the director of the department of administrative services upon proper proof.

Sec. 371. Section 657.2, subsection 8, Code 2021, is amended to read as follows:

8. Any object or structure ~~hereafter~~ erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

Sec. 372. Section 657.3, Code 2021, is amended to read as follows:

**657.3 Penalty — abatement.**

~~Whoever~~ A person who is convicted of erecting, causing, or continuing a public or common nuisance as provided in this chapter, or at common law when the ~~same~~ common law has not been modified or repealed by statute, ~~where~~ if no other punishment ~~therefor~~ for the offense is specially provided, shall be guilty of an aggravated misdemeanor ~~and the~~. The court may order ~~such~~ the nuisance abated~~,~~ and issue a warrant as provided in this

chapter.

Sec. 373. Section 679A.9, Code 2021, is amended to read as follows:

**679A.9 Change of award by arbitrators.**

On application of a party or, if an application to the district court is pending under sections 679A.11 ~~to~~ through 679A.13, on submission to the arbitrators by the district court under the conditions the district court orders, the arbitrators may modify or correct the award upon the grounds stated in section 679A.13, subsection 1, paragraphs *"a"* and *"c"*, or for the purpose of clarifying the award. The application shall be made within twenty days after delivery of the award to the applicant. Written notice of the application shall be given to the opposing party, stating that the opposing party must serve any objections to the application within ten days from the notice. The modified or corrected award is subject to sections 679A.11 ~~to~~ through 679A.13.

Sec. 374. Section 709.13, Code 2021, is amended to read as follows:

**709.13 Child in need of assistance complaints.**

During or following an investigation into allegations of violations of this chapter or of chapter 726 or 728 involving an alleged victim under the age of eighteen and an alleged offender who is not a person responsible for the care of the ~~child~~ alleged victim, anyone with knowledge of the alleged offense may file a complaint pursuant to section 232.83 alleging the ~~child~~ alleged victim to be a child in need of assistance as defined under section 232.2. In all cases, the complaint shall be filed by any peace officer with knowledge of the investigation when the peace officer has reason to believe that the alleged victim may require treatment as a result of the alleged offense and that the ~~child's~~ alleged victim's parent, guardian, or custodian will be unwilling or unable to provide the treatment.

Sec. 375. Section 901.1, Code 2021, is amended to read as

follows:

**901.1 Short title.**

Chapters 901 ~~to~~ through 909 shall be known and may be cited as the "*Iowa Corrections Code*".

Sec. 376. Section 903.3, Code 2021, is amended to read as follows:

**903.3 Work release.**

The court may direct that a prisoner sentenced to confinement in a county jail, alternate jail facility, or community correctional residential treatment facility, be released from custody during specified hours, as provided by sections 356.26 ~~to~~ through 356.35.

Sec. 377. Section 910.3, subsections 7 and 8, Code 2021, are amended to read as follows:

7. If the defendant has any mental or physical impairment which would limit or prohibit the performance of ~~a public~~ community service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action.

8. The court shall enter a permanent restitution order setting out the amount of restitution including the amount of ~~public~~ community service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in section 814.6 and shall be considered in a properly perfected appeal.

Sec. 378. Section 915.36, subsections 1 and 5, Code 2021, are amended to read as follows:

1. Prior to an arrest or the filing of an information or indictment, whichever occurs first, against a person charged with a violation of chapter 709, section 726.2, or section 728.12, committed with or on a child, as defined in section 232.2, the identity of the child or any information reasonably likely to disclose the identity of the child shall not be released to the public by any public employee except as

authorized by the court ~~of~~ having jurisdiction.

5. This section also applies to ~~a child~~ an alleged victim of a violation of chapter 709, section 726.2, or section 728.12, ~~after attaining~~ who has attained the age of eighteen but who was a child, as defined in section 232.2, at the time the violation occurred.

Sec. 379. 2019 Iowa Acts, chapter 89, section 22, subsection 1, is amended to read as follows:

1. The section of this division of this Act amending section ~~29C.20~~ 29C.20C.

Sec. 380. 2019 Iowa Acts, chapter 89, section 24, is amended to read as follows:

SEC. 24. RETROACTIVE APPLICABILITY. The following applies retroactively to the effective date of 2019 Iowa Acts, Senate File 570, if enacted:

The section of this division of this Act amending section ~~29C.20~~ 29C.20C.

Sec. 381. Section 910.2B, subsection 1, unnumbered paragraph 1, as enacted by 2020 Iowa Acts, chapter 1074, section 73, is amended to read as follows:

All of the following, if entered by a district court prior to the effective date of this division of this Act, shall be converted to permanent restitution orders:

Sec. 382. 2020 Iowa Acts, chapter 1118, section 80, is amended to read as follows:

SEC. 80. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 383. REPEAL. Sections 100B.8, 100B.9, and 256.85, Code 2021, are repealed.

DIVISION II

APPLICABILITY PROVISIONS

Sec. 384. RETROACTIVE APPLICABILITY. The following apply retroactively to May 10, 2019:

1. The section of this Act amending 2019 Iowa Acts, chapter 89, section 22.

2. The section of this Act amending 2019 Iowa Acts, chapter 89, section 24.

Sec. 385. RETROACTIVE APPLICABILITY. The following applies retroactively to June 25, 2020:

The section of this Act amending section 910.2B, as enacted by 2020 Iowa Acts, chapter 1074, section 73.

Sec. 386. RETROACTIVE APPLICABILITY. The following applies retroactively to June 29, 2020:

The section of this Act amending 2020 Iowa Acts, chapter 1118, section 80.