

## CHAPTER 1041

### NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2348

AN ACT relating to nonsubstantive Code corrections.

Be It Enacted by the General Assembly of the State of Iowa:

#### DIVISION I MISCELLANEOUS CHANGES

Section 1. [Section 7A.14](#), Code 2018, is amended to read as follows:

##### **7A.14 Number of copies — style.**

1. The annual and biennial reports shall be published, printed, and bound in such number as the director of the department of administrative services may order. The officials and heads of departments shall furnish the director with information necessary to determine the number of copies to be printed.

2. ~~They~~ The reports shall be printed on good paper, in legible type with pages substantially six inches by nine inches in size. ~~They~~ The reports may be divided for binding where one portion should receive larger distribution than another, or be issued in parts or sections for greater convenience.

Sec. 2. [Section 12.1](#), Code 2018, is amended to read as follows:

##### **12.1 Office — accounts — reports.**

1. The treasurer shall keep the treasurer's office at the seat of government, and shall keep an accurate account of the receipts and disbursements at the treasury in books kept for that purpose, in which the treasurer shall specify the names of the persons from whom money is received, and on what account, and the time ~~thereof~~ of receipt.

2. The treasurer is responsible for reporting on the bonding activities of all political subdivisions, instrumentalities, and agencies of the state and shall make recommendations to the general assembly and the governor on modification in the bonding authority. The treasurer shall notify each political subdivision, instrumentality, and agency of the state to report to the treasurer the amount of bonds outstanding and each new bond issue. The treasurer shall adopt rules and establish forms for carrying out [this provision section](#). Each political subdivision, instrumentality, and agency of the state shall provide all the information required by the treasurer under [this provision section](#).

Sec. 3. [Section 15.333](#), Code 2018, is amended to read as follows:

##### **15.333 Investment tax credit.**

1. For purposes of [this section](#), "new investment" means the cost of machinery and equipment, as defined in [section 427A.1, subsection 1](#), paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "New investment" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business.

2. An eligible business may claim a tax credit equal to a percentage of the new investment directly related to new jobs created or retained by the project. The tax credit shall be amortized equally over five calendar years. The tax credit shall be allowed against taxes imposed under [chapter 422, division II, III, or V](#), and against the moneys and credits tax imposed in [section 533.329](#). If the business is a partnership, S corporation, limited liability company, cooperative organized under [chapter 501](#) and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual

shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under [chapter 501](#) and filing as a partnership for federal tax purposes, or estate or trust. The percentage shall be determined as provided in [section 15.335A](#). Any tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first.

~~2. 3. For purposes of [this section](#), "new investment" means the cost of machinery and equipment, as defined in [section 427A.1, subsection 1](#), paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "New investment" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under [this section](#), the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:~~

~~a. One hundred percent of the tax credit claimed under [this section](#) if the property ceases to be eligible for the tax credit within one full year after being placed in service.~~

~~b. Eighty percent of the tax credit claimed under [this section](#) if the property ceases to be eligible for the tax credit within two full years after being placed in service.~~

~~c. Sixty percent of the tax credit claimed under [this section](#) if the property ceases to be eligible for the tax credit within three full years after being placed in service.~~

~~d. Forty percent of the tax credit claimed under [this section](#) if the property ceases to be eligible for the tax credit within four full years after being placed in service.~~

~~e. Twenty percent of the tax credit claimed under [this section](#) if the property ceases to be eligible for the tax credit within five full years after being placed in service.~~

Sec. 4. [Section 15.333A](#), Code 2018, is amended to read as follows:

**15.333A Insurance premium tax credits.**

1. For purposes of [this section](#), "new investment" means the cost of machinery and equipment, as defined in [section 427A.1, subsection 1](#), paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "New investment" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business.

1. 2. An eligible business may claim an insurance premium tax credit equal to a percentage of the new investment directly related to new jobs created by the project. The tax credit shall be amortized equally over a five-year period. The tax credit shall be allowed against taxes imposed in [chapter 432](#). A tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first. The percentage shall be determined as provided in [section 15.335A](#).

~~2. 3. For purposes of [this section](#), "new investment" means the cost of machinery and equipment, as defined in [section 427A.1, subsection 1](#), paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business.~~

~~“New investment” also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer’s costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:~~

- ~~a. One hundred percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within one full year after being placed in service.~~
- ~~b. Eighty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within two full years after being placed in service.~~
- ~~c. Sixty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within three full years after being placed in service.~~
- ~~d. Forty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within four full years after being placed in service.~~
- ~~e. Twenty percent of the tax credit claimed under this section if the property ceases to be eligible for the tax credit within five full years after being placed in service.~~

Sec. 5. Section 15A.4, Code 2018, is amended to read as follows:

**15A.4 Competitive programs — good neighbor agreement — additional consideration.**

1. A good neighbor agreement is an enforceable contract between a business and a community group or coalition of community groups which requires the business to adhere to negotiated environmental, economic, labor, or other social and community standards.

2. For any program providing financial assistance for economic development in which the assistance is provided on a competitive basis, a business which enters into a good neighbor agreement shall receive extra consideration of at least ten points or the equivalent. ~~A good neighbor agreement is an enforceable contract between the business and a community group or coalition of community groups which requires the business to adhere to negotiated environmental, economic, labor, or other social and community standards. A business which fails to abide by the good neighbor agreement shall repay all financial assistance received under the program.~~

~~A business which fails to abide by the good neighbor agreement shall repay all financial assistance received under the program.~~

Sec. 6. Section 17A.2, subsection 11, paragraph f, Code 2018, is amended to read as follows:

f. Those portions of staff manuals, instructions, or other statements issued by an agency which set forth criteria or guidelines to be used by its staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases, when the disclosure of such statements would do any of the following:

- (1) enable Enable law violators to avoid detection; ~~or.~~
- (2) facilitate Facilitate disregard of requirements imposed by law; ~~or.~~
- (3) give Give a clearly improper advantage to persons who are in an adverse position to the state.

Sec. 7. Section 17A.5, subsection 2, paragraph b, subparagraph (1), Code 2018, is amended to read as follows:

(1) Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the administrative rules coordinator, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication, if the agency finds any of the following:

- (a) That a statute so provides;

(b) That the rule confers a benefit or removes a restriction on the public or some segment thereof; or

(c) That this effective date is necessary because of imminent peril to the public health, safety, or welfare.

Sec. 8. [Section 22.9](#), Code 2018, is amended to read as follows:

**22.9 Denial of federal funds — rules.**

1. If it is determined that any provision of [this chapter](#) would cause the denial of funds, services or essential information from the United States government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

2. An agency within the meaning of [section 17A.2, subsection 1](#), shall adopt as a rule, in each situation where [this section](#) is believed applicable, ~~its the agency's~~ determination identifying those particular provisions of [this chapter](#) that must be waived in the circumstances to prevent the denial of federal funds, services, or information.

Sec. 9. [Section 26.2, subsection 3](#), Code 2018, is amended to read as follows:

3. “*Public improvement*” means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding ~~urban~~ all of the following:

- a. ~~Urban~~ renewal demolition and low-rent housing projects, ~~industrial.~~
- b. ~~Industrial~~ aid projects authorized under [chapter 419](#), ~~emergency.~~
- c. ~~Emergency~~ work or repair or maintenance work performed by employees of a governmental entity, ~~and excluding a.~~
- d. ~~A~~ highway, bridge, or culvert project, ~~and excluding construction.~~
- e. ~~Construction~~ or repair or maintenance work performed for a city utility under [chapter 388](#) by its employees or performed for a rural water district under [chapter 357A](#) by its employees.<sup>1</sup>

Sec. 10. [Section 43.2](#), Code 2018, is amended to read as follows:

**43.2 Definitions.**

1. As used in [this chapter](#), unless the context otherwise requires:

~~1-~~ a. “*Book*”, “*list*”, “*record*”, or “*schedule*” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in [section 445.1](#).

~~2-~~ a. b. “*Political party*” shall mean a party which, at the last preceding general election, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at that election. It shall be the responsibility of the state commissioner to determine whether any organization claiming to be a political party qualifies as such under the foregoing definition.

b. 2. A political organization which is not a “political party” within the meaning of [this subsection 1, paragraph “b”](#), may nominate candidates and have the names of such candidates placed upon the official ballot by proceeding under [chapters 44](#) and [45](#).

Sec. 11. [Section 43.115, subsection 2](#), Code 2018, is amended to read as follows:

2. ~~A Notwithstanding any statute to the contrary, a candidate for precinct committee member may also file as a candidate for one additional office, any statute to the contrary notwithstanding.~~

Sec. 12. [Section 49.5](#), Code 2018, is amended to read as follows:

**49.5 City precincts.**

1. As used in [this section](#):

a. “*The convenience of the voters*” refers to but is not necessarily limited to the use of precinct boundaries which can be readily described to and identified by voters and for which

<sup>1</sup> See chapter 1172, §39 herein

there is ease of access by voters to their respective precinct polling places by reasonably direct routes of travel.

b. "Promoting electoral efficiency" means reducing the cost of staffing election precincts by requiring cities to avoid creating more precincts than is reasonably necessary to provide voters access to voting.

~~2. The council of a city where establishment of more than one precinct is necessary or deemed advisable shall, at the time required by law, divide the city into the number of election precincts as will best serve the convenience of the voters while promoting electoral efficiency. As used in [this section](#), the term "the convenience of the voters" refers to, but is not necessarily limited to, the use of precinct boundaries which can be readily described to and identified by voters and for which there is ease of access by voters to their respective precinct polling places by reasonably direct routes of travel. As used in [this section](#), the term "promoting electoral efficiency" means reducing the cost of staffing election precincts by requiring cities to avoid creating more precincts than is reasonably necessary to provide voters access to voting.~~

3. The precinct boundaries shall conform to [section 49.3](#) and shall be described in an ordinance adopted by the council within the time required by [section 49.7](#). Before final adoption of any change in election precinct boundaries pursuant to [this section](#) or [section 49.6](#), the council shall permit the commissioner not less than seven and not more than ten days' time to offer written comments to the council on the proposed reprecincting. If the commissioner recommends changes in the proposed reprecincting which the commissioner concludes could better serve the convenience of the voters or could promote electoral efficiency, including lowering election costs, the council shall, if no changes to the reprecincting are made, include reasons in the ordinance for not adopting the proposed changes of the commissioner. A public hearing shall be held before final adoption of the ordinance. Notice of the date, time, and place of the hearing shall be given as provided in [chapter 21](#).

Sec. 13. [Section 53.26](#), Code 2018, is amended to read as follows:

**53.26 Rejected ballots — how handled.**

Every ballot not counted shall be endorsed on the back thereof "Rejected because (giving reason therefor)". All rejected ballots shall be enclosed and securely sealed in an envelope on which the precinct election officials shall endorse "Defective ballots", with a statement of the precinct in which and the date of the election at which they were cast, and be signed by the precinct election officials and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

Sec. 14. [Section 59.1, subsection 1](#), Code 2018, is amended to read as follows:

1. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent in the manner provided by the rules of civil procedure for service of an original notice a statement of notice of contest which shall allege a fact or facts, believed true by the contestant which, if true, would alter the outcome of the election.

Sec. 15. [Section 59.3](#), Code 2018, is amended to read as follows:

**59.3 Depositions.**

Depositions may be taken in such cases in the same manner and under the same rules as in an action at law in the district court, but no cause for taking the same depositions need be shown.

Sec. 16. [Section 62.11](#), Code 2018, is amended to read as follows:

**62.11 Subpoenas.**

Subpoenas for witnesses may be issued at any time after the notice of trial is served, either by the county treasurer or by the county auditor, and shall command the witnesses to appear "appear at ....., on ....., to testify in relation to a contested election, wherein ..... (Insert contestant's name) is contestant and ..... (Insert incumbent's name) is incumbent incumbent".

Sec. 17. [Section 63A.2, subsection 1](#), Code 2018, is amended to read as follows:

1. Governor, secretary of state, secretary of agriculture, auditor of state, treasurer of state, and attorney general.

Sec. 18. [Section 68B.39](#), Code 2018, is amended to read as follows:

**68B.39 Supreme court rules.**

1. The supreme court of this state shall prescribe rules establishing a code of ethics for officials and employees of the judicial branch of this state, and the immediate family members of the officials and employees. Rules prescribed under [this paragraph subsection](#) shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of [this chapter](#).

2. The supreme court of this state shall also prescribe rules which relate to activities by officials and employees of the judicial branch which constitute conflicts of interest.

Sec. 19. [Section 69.16](#), Code 2018, is amended to read as follows:

**69.16 Appointive boards — political affiliation.**

1. All appointive boards, commissions, and councils of the state established by the Code if not otherwise provided by law shall be bipartisan in their composition. No person shall be appointed or reappointed to any board, commission, or council established by the Code if the effect of that appointment or reappointment would cause the number of members of the board, commission, or council belonging to one political party to be greater than one-half the membership of the board, commission, or council plus one.

2. In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly are appointed, the number representing a certain political party shall not exceed by more than one the legislative members of the other political party who may be appointed.

3. If there are multiple appointing authorities for a board, commission or council, the appointing authorities shall consult to avoid a violation of [this section](#).

4. [This section](#) shall not apply to any board, commission, or council established by the Code for which other restrictions regarding the political affiliations of members are provided by law.

Sec. 20. [Section 70A.20](#), Code 2018, is amended to read as follows:

**70A.20 Employees disability program.**

1. As used in [this section](#), unless the context otherwise requires:

a. “Adult” means a person who is eighteen years of age or older.

b. “Primary and family social security” shall not include social security benefits awarded to an adult child with a disability of the state employee with a disability who does not reside with the state employee with a disability if the social security benefits were awarded to the adult child with a disability prior to the approval of the state employee’s benefits under [this section](#), regardless of whether the United States social security administration records the benefits to the social security number of the adult child with a disability, the state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to [this section](#).

2. A state employees disability insurance program is created, which shall be administered by the director of the department of administrative services and which shall provide disability benefits in an amount and for the employees as provided in [this section](#). The monthly disability benefits shall, at a minimum, provide twenty percent of monthly earnings if employed less than one year, forty percent of monthly earnings if employed one year or more but less than two years, and sixty percent of monthly earnings thereafter, reduced by primary and family social security determined at the time social security disability payments commence, railroad retirement disability income, workers’ compensation if applicable, and any other state-sponsored sickness or disability benefits payable. However, the amount of benefits payable under the Iowa public employees’ retirement system pursuant to [chapter 97B](#) shall not reduce the benefits payable pursuant to [this section](#). Subsequent social security

or railroad retirement increases shall not be used to further reduce the insurance benefits payable. As used in [this section](#), “*primary and family social security*” shall not include social security benefits awarded to an adult child with a disability of the state employee with a disability who does not reside with the state employee with a disability if the social security benefits were awarded to the adult child with a disability prior to the approval of the state employee’s benefits under [this section](#), regardless of whether the United States social security administration records the benefits to the social security number of the adult child with a disability, the state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to [this section](#). As used in [this section](#), unless the context otherwise requires, “*adult*” means a person who is eighteen years of age or older. State employees shall receive credit for the time they were continuously employed prior to and on July 1, 1974.

3. The following provisions apply to the employees disability insurance program:

1. *a.* Waiting period of no more than ninety working days of continuous sickness or accident disability or the expiration of accrued sick leave, whichever is greater.

2. *b.* Maximum period benefits paid for both accident or sickness disability:

*a.* (1) If the disability occurs prior to the time the employee attains the age of sixty-one years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of sixty-five years, whichever is later.

*b.* (2) If the disability occurs on or after the time the employee attains the age of sixty-one years but prior to the age of sixty-nine years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of seventy years, whichever is earlier.

*e.* (3) If the disability occurs on or after the time the employee attains the age of sixty-nine years, the maximum benefit period shall end twelve months after continuous benefit payments begin.

3. *a.* *c.* (1) Minimum and maximum benefits of not less than fifty dollars per month and not exceeding three thousand dollars per month.

*b.* (2) In no event shall benefits exceed one hundred percent of the claimant’s predisability covered monthly compensation.

4. *d.* All probationary and permanent full-time state employees shall be covered under the employees disability insurance program, except board members and members of commissions who are not full-time state employees, and state employees who on July 1, 1974, are under another disability program financed in whole or in part by the state, and state employees who have agreed to participation in another disability program through a collective bargaining agreement. For purposes of [this section](#), members of the general assembly serving on or after January 1, 1989, are eligible for the plan during their tenure in office, on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in [chapter 20](#).

Sec. 21. [Section 80.18](#), Code 2018, is amended to read as follows:

**80.18 Expenses and supplies — reimbursement.**

1. The commissioner shall provide peace officers of the department when on duty, with suitable uniforms, subsistence, arms, equipment, quarters, and other necessary supplies, and also the expense and means of travel and boarding, according to rules adopted by the commissioner, and as may be provided by appropriation.

2. The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department’s peace officers or employees damaged or destroyed during a peace officer’s or employee’s course of employment. However, the reimbursement shall not exceed the greater of one hundred fifty dollars or the amount agreed to under the collective bargaining agreement for each item. The department shall adopt rules in accordance with [chapter 17A](#) to administer [this paragraph subsection](#).

Sec. 22. [Section 80A.13, subsection 1](#), Code 2018, is amended to read as follows:

1. File with the sheriff of the county in which the campus is located evidence that the individual has successfully completed an approved firearm safety training under [section 724.9](#). This requirement does not apply to armored car personnel.

Sec. 23. [Section 84A.4, subsection 1](#), Code 2018, is amended to read as follows:

1. A local workforce development board shall be established in each service delivery area as defined in [section 84B.3](#). The voting members of each board shall be appointed by the governor, consistent with the requirements of federal law and in consultation with chief elected officials within the local workforce development area. Chief elected officials responsible for recommendations for each board's voting membership shall include but are not limited to county elected officials, municipal elected officials, and community college directors. The voting membership of each board shall provide for equal representation of business and labor and shall include a county elected official, a city official, a representative of a school district, and a representative of a community college. A local workforce development board may appoint ex officio, nonvoting members.

Sec. 24. [Section 84A.7, subsections 2 and 3](#), Code 2018, are amended to read as follows:

2. *Iowa conservation corps established.* The Iowa conservation corps is established in this state to provide meaningful and productive public service jobs for youth, unemployed persons, persons with disabilities, disadvantaged persons, and elderly persons, and to provide participants with an opportunity to explore careers, gain work experience, and contribute to the general welfare of their communities and the state. The corps shall provide opportunities in the areas of natural resource and wildlife conservation, park maintenance and restoration, land management, energy savings, community improvement projects, tourism, economic development, and work benefiting human services programs. The department of workforce development shall administer the corps and shall adopt rules pursuant to [chapter 17A](#) governing its operation, eligibility for participation, cash contributions, and implementation of an incentive program.

3. *Funding.* Corps projects shall be funded by appropriations to the Iowa conservation corps account and by cash, services, and material contributions made by other state agencies or local public and private agencies. Public and private entities who benefit from a corps project shall contribute at least thirty-five percent of the total project budget. The contributions may be in the form of cash, materials, or services. Materials and services shall be intended for the project and acceptable to the department of workforce development. Minimum levels of contributions shall be prescribed in rules adopted by the department of workforce development pursuant to [chapter 17A](#).

Sec. 25. [Section 84A.8](#), Code 2018, is amended to read as follows:

**84A.8 Workforce investment program.**

A workforce investment program is established to enable more Iowans to enter or reenter the workforce. The workforce investment program shall provide training and support services to population groups that have historically faced barriers to employment. The department of workforce development shall administer the workforce investment program and shall adopt rules pursuant to [chapter 17A](#) governing its operation and eligibility guidelines for participation.

Sec. 26. [Section 85.22](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

When an employee receives an injury or incurs an occupational disease or an occupational hearing loss for which compensation is payable under [this chapter](#), [chapter 85A](#), or [chapter 85B](#), and which injury or occupational disease or occupational hearing loss is caused under circumstances creating a legal liability against some person, other than the employee's employer or any employee of such employer as provided in [section 85.20](#) to pay damages, the employee, or the employee's dependent, or the trustee of such dependent, may take proceedings against the employer for compensation, and the employee or, in case of death, the employee's legal representative may also maintain an action against such third party for damages. When an injured employee or the employee's legal representative brings an action

against such third party, a copy of the original notice shall be served upon the employer by the plaintiff, not less than ten days before the trial of the case, but a failure to give such notice shall not prejudice the rights of the employer, and the following rights and duties shall ensue:

Sec. 27. [Section 85.27, subsections 1 and 5](#), Code 2018, are amended to read as follows:

1. The employer, for all injuries compensable under [this chapter](#) or [chapter 85A](#), shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, and hospital services and supplies therefor and shall allow reasonably necessary transportation expenses incurred for such services. The employer shall also furnish reasonable and necessary crutches, artificial members and appliances but shall not be required to furnish more than one set of permanent prosthetic devices.

5. When an artificial member or orthopedic appliance, whether or not previously furnished by the employer, is damaged or made unusable by circumstances arising out of and in the course of employment other than through ordinary wear and tear, the employer shall repair or replace it. When any crutch, artificial member or appliance, whether or not previously furnished by the employer, either is damaged or made unusable in conjunction with a personal injury entitling the employee to disability benefits, or services as provided by [this section](#), or is damaged in connection with employee actions taken which avoid such personal injury, the employer shall repair or replace it.

Sec. 28. [Section 85.33, subsection 3](#), paragraph a, Code 2018, is amended to read as follows:

a. If an employee is temporarily, partially disabled and the employer for whom the employee was working at the time of injury offers to the employee suitable work consistent with the employee's disability the employee shall accept the suitable work, and be compensated with temporary partial benefits. If the employer offers the employee suitable work and the employee refuses to accept the suitable work offered by the employer, the employee shall not be compensated with temporary partial, temporary total, or healing period benefits during the period of the refusal. Work offered at the employer's principal place of business or established place of operation where the employee has previously worked is presumed to be geographically suitable for an employee whose duties involve travel away from the employer's principal place of business or established place of operation more than fifty percent of the time. If suitable work is not offered by the employer for whom the employee was working at the time of the injury and the employee who is temporarily, partially disabled elects to perform work with a different employer, the employee shall be compensated with temporary partial benefits.

Sec. 29. [Section 85.43, subsections 1 and 3](#), Code 2018, are amended to read as follows:

1. If the deceased employee leaves a surviving spouse qualified under the provisions of [section 85.42](#), the full compensation shall be paid to the surviving spouse, as provided in [section 85.31](#); provided that where a deceased employee ~~leave~~ leaves a surviving spouse and a dependent child or children the workers' compensation commissioner may make an order of record for an equitable apportionment of the compensation payments.

3. If the deceased leaves a dependent child or children who was or were such at the time of the injury, and the surviving spouse remarries, then and in such case, the payments shall be paid to the proper compensation trustee for the use and benefit of such dependent child or children for the period provided in [section 85.31](#).

Sec. 30. [Section 85.49](#), Code 2018, is amended to read as follows:

**85.49 Trustees for minors and dependents.**

1. When a minor or a dependent who is mentally incompetent is entitled to weekly benefits under [this chapter](#), or [chapter 85A](#) or [85B](#), payment shall be made to the parent, guardian, or conservator, who shall act as trustee, and the money coming into the trustee's hands shall be expended for the use and benefit of the person entitled to it under the direction and orders of a district judge. The trustee shall qualify and give bond in an amount as the district judge directs, which may be increased or diminished from time to time.

2. If the domicile or residence of the minor or dependent who is mentally incompetent is outside the state of Iowa, the workers' compensation commissioner may order and direct that benefits to the ~~minors minor~~ or ~~dependents dependent~~ be paid to a guardian, conservator, or legal representative duly qualified under the laws of the jurisdiction wherein the ~~minors minor~~ or ~~dependents dependent~~ shall be domiciled or reside. Proof of the identity and qualification of the guardian, conservator, or other legal representative shall be furnished to the workers' compensation commissioner.

Sec. 31. [Section 85.61, subsection 3](#), Code 2018, is amended to read as follows:

3. "Gross earnings" means recurring payments by the employer to the employee for employment, before any authorized or lawfully required deduction or withholding of funds by the employer, excluding irregular bonuses, retroactive pay, overtime, penalty pay, reimbursement of expenses, expense allowances, and the employer's contribution for welfare benefits.

Sec. 32. [Section 85.70, subsection 2](#), paragraphs c, d, and f, Code 2018, are amended to read as follows:

c. The employee shall be entitled to financial support from the employer or the employer's insurer for participation in the new career vocational ~~and education~~ training and education program in a total amount not to exceed fifteen thousand dollars to be used for the payment of tuition and fees and the purchase of required supplies. The community college in which an employee is enrolled pursuant to the program shall bill the employer or the employer's insurer for the employee's tuition and fees each semester, or the equivalent, that the employee is enrolled in the program. The employer or the employer's insurer shall also pay for the purchase of supplies required by the employee to participate in the program, upon receipt of documentation from the employee detailing the cost of the supplies and the necessity for purchasing the supplies. Such documentation may include written course requirements or other documentation from the community college or the course instructor regarding the necessity for the purchase of certain supplies.

d. The employer or the employer's insurer may request a periodic status report each semester from the community college documenting the employee's attendance and participation in and completion of the ~~education and~~ career vocational training and education program. If an employee does not meet the attendance requirements of the community college at which the employee is enrolled or does not maintain a passing grade in each course in which the employee is enrolled each semester, or the equivalent, the employee's eligibility for continued participation in the program is terminated.

f. Beginning on or before December 1, 2018, the department of workforce development, in cooperation with the department of education, the insurance division of the department of commerce, and all community colleges that are participating in the new career ~~and~~ vocational training and education program, shall prepare an annual report for submission to the general assembly that provides information about the status of the program including but not limited to the utilization of and participants in the program, program completion rates, employment rates after completion of the program and the types of employment obtained by the program participants, and the effects of the program on workers' compensation premium rates.

Sec. 33. [Section 88.7, subsection 1](#), paragraph b, Code 2018, is amended to read as follows:

b. If, upon inspection or investigation, the commissioner or the commissioner's authorized representative believes that an employee, under the employee's own volition, has violated the requirements of [section 88.4](#), of any standard, rule or rules promulgated pursuant to [section 88.5](#), or of any regulations prescribed pursuant to [this chapter](#), the commissioner shall with reasonable promptness issue a citation to the employee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the chapter, standard, rules, regulations or order alleged to have been violated. The commissioner shall prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety and health.

Sec. 34. [Section 88A.3, subsection 1](#), Code 2018, is amended to read as follows:

1. The commissioner shall adopt rules pursuant to [chapter 17A](#) for the safe installation, repair, maintenance, use, operation, and inspection of amusement devices, amusement rides, concession booths, and related electrical equipment at carnivals and fairs to the extent necessary for the protection of the public. The rules shall be based on generally accepted engineering standards and shall be concerned with, but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. If standards are available in suitable form, the standards may be incorporated by reference. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement devices or rides, concession booths, or related electrical equipment.

Sec. 35. [Section 92.4, subsection 1](#), Code 2018, is amended to read as follows:

1. Those persons legally out of school, ~~and~~ if such status is verified by the submission of written proof to the labor commissioner.

Sec. 36. [Section 92.21](#), Code 2018, is amended to read as follows:

**92.21 Rules and orders of labor commissioner.**

1. The labor commissioner may adopt rules pursuant to [chapter 17A](#) to more specifically define the occupations and equipment permitted or prohibited in [this chapter](#), to determine occupations for which work permits are required, and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in [this chapter](#) as hazardous to the health, safety, and welfare of the persons.

2. The labor commissioner shall adopt rules pursuant to [chapter 17A](#) specifically defining the civil penalty amount to be assessed for violations of [this chapter](#).

Sec. 37. [Section 100.19, subsection 4](#), paragraph d, Code 2018, is amended by striking the paragraph.

Sec. 38. [Section 100.19](#), Code 2018, is amended by adding the following new subsection:

**NEW SUBSECTION. 4A.** A retailer or community group shall not transfer consumer fireworks, as described in APA 87-1, chapter 3, to a person who is under eighteen years of age.

Sec. 39. [Section 123.38, subsection 2](#), Code 2018, is amended to read as follows:

2. a. Any licensee or permittee, or the licensee's or permittee's executor or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the division. When a license or permit is surrendered the division shall notify the local authority, and the division or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the division or the local authority for the license or permit as follows: if

(1) If a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee; if

(2) If surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if

(3) If surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee.

(4) No refund shall be made, ~~however~~, for any special permit, liquor control license, wine permit, or beer permit surrendered more than nine months after issuance.

b. For purposes of [this subsection](#), any portion of license or permit fees used for the purposes authorized in [section 331.424, subsection 1](#), paragraph "a", subparagraphs (1) and (2), and in [section 331.424A](#), shall not be deemed received either by the division or by a local authority.

c. No refund shall be made to any licensee or permittee upon the surrender of the license or permit if there is at the time of surrender a complaint filed with the division or local authority charging the licensee or permittee with a violation of [this chapter](#).

d. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in [this section](#). However, if the license or permit is revoked or suspended upon hearing, the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 40. [Section 124.206, subsection 2](#), paragraph d, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical to any of such substances, except that the substances shall not include:

Sec. 41. [Section 124.510](#), Code 2018, is amended to read as follows:

**124.510 Reports of arrests and analyses to department.**

Any peace officer who arrests for any crime, any known unlawful user of the drugs described in schedule I, II, III, or IV, or who arrests any person for a violation of [this chapter](#), or charges any person with a violation of [this chapter](#) subsequent to the person's arrest, shall within five days after the arrest or the filing of the charge, whichever is later, report the arrest and the charge filed to the department. The peace officer or any other peace officer or law enforcement agency which makes or obtains any quantitative or qualitative analysis of any substance seized in connection with the arrest of the person charged, shall report to the department the results of the analysis at the time the arrest is reported or at such later time as the results of the analysis become available. This information is for the exclusive use of the division of narcotics enforcement in the department of public safety, and shall not be a matter of public record.

~~This information is for the exclusive use of the division of narcotics enforcement in the department of public safety, and shall not be a matter of public record.~~

Sec. 42. [Section 126.14, subsection 1](#), Code 2018, is amended to read as follows:

1. *a.* It bears or contains a poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in its labeling or under customary or usual conditions of use. However, this does not apply to coal-tar hair dye if the label of the dye bears the following legend conspicuously displayed and the label bears adequate directions for the preliminary testing:

~~“Caution Caution — This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness”; and the label bears adequate directions for the preliminary testing blindness.~~

*b.* For the purposes of [this subsection](#) and [subsection 5](#), “hair dye” does not include eyelash dyes or eyebrow dyes.

Sec. 43. [Section 135B.21](#), Code 2018, is amended to read as follows:

**135B.21 Functions of hospital.**

The ownership, and maintenance, and operation of the laboratory and X-ray facilities ~~and the operation of same~~ under [this subchapter](#) are proper functions of a hospital.

Sec. 44. [Section 137C.1](#), Code 2018, is amended to read as follows:

**137C.1 Title.**

~~This chapter shall be known as the Iowa hotel sanitation code~~ “Iowa Hotel Sanitation Code”.

Sec. 45. [Section 137C.35](#), Code 2018, is amended to read as follows:

**137C.35 Bed and breakfast homes and inns.**

1. [This chapter](#) does not apply to bed and breakfast homes as defined in [section 137F.1](#). However, a bed and breakfast home shall have a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor. A bed and breakfast home which does not receive its drinking water from a public water supply shall

have its drinking water tested at least annually by the state hygienic laboratory or the local board of health. A violation of [this section](#) is punishable as provided in [section 137C.28](#).

2. A bed and breakfast inn is subject to regulation, licensing, and inspection under [this chapter](#), but separate toilet and lavatory facilities shall not be required for each guest room. Additionally, a bed and breakfast inn is exempt from fire safety rules adopted pursuant to [section 100.35](#) and applicable to hotels, but is subject to fire safety rules which the state fire marshal shall specifically adopt for bed and breakfast inns.

3. A violation of [this section](#) is punishable as provided in [section 137C.28](#).

Sec. 46. [Section 147.136A, subsection 1](#), paragraph a, Code 2018, is amended to read as follows:

a. “*Health care provider*” means a hospital as defined in [section 135B.1](#), a health care facility as defined in [section 135C.1](#), a health facility as defined in [section 135P.1](#), a physician or an osteopathic physician licensed under [chapter 148](#), ~~a chiropractor licensed under [chapter 151](#), a podiatrist licensed under [chapter 149](#)~~, a physician assistant licensed and practicing under a supervising physician under [chapter 148C](#), a podiatrist licensed under [chapter 149](#), a chiropractor licensed under [chapter 151](#), a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under [chapter 152](#) or [152E](#), a dentist licensed under [chapter 153](#), an optometrist licensed under [chapter 154](#), a pharmacist licensed under [chapter 155A](#), ~~a hospital as defined in [section 135B.1](#), a health care facility as defined in [section 135C.1](#), a health facility as defined in [section 135P.1](#)~~, a professional corporation under [chapter 496C](#) that is owned by persons licensed to practice a profession listed in this paragraph, or any other person or entity who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

Sec. 47. [Section 148D.2](#), Code 2018, is amended to read as follows:

**148D.2 Establishment.**

1. A statewide medical education system is established for the purpose of training resident physicians in family practice. The dean of the college of medicine is responsible for implementing the development and expansion of residency programs in cooperation with the medical profession, hospitals, and clinics located throughout the state. The head of the department of family practice in the college of medicine shall determine where affiliated residency programs shall be established, giving consideration to communities in the state where the population, hospital facilities, number of physicians and interest in medical education indicate the potential success of the residency programs. The medical education systems shall provide financial support for residents in training in accredited affiliated residency programs and shall establish positions for a director, assistant director, and other faculty in the programs.

2. To assure continued growth, development, and academic essentials in ongoing programs, nonaffiliated residency programs which are accredited by a recognized national accrediting organization, shall be funded under [this chapter](#) at a level commensurate with the support of the affiliated residency programs having a comparable number of residents in training or, if there are no affiliated residency programs having a comparable number of residents in training, then a nonaffiliated program shall be funded in an amount determined on a pro rata capitation basis for each resident in training, equivalent to the per capita funding for each resident in training in an affiliated program having the nearest number of residents in training. As used in ~~the preceding sentence~~ [this subsection](#), “*support*” means both cash grants and the value of service directly provided to affiliated residency programs by the college of medicine.

Sec. 48. [Section 161A.24](#), Code 2018, is amended to read as follows:

**161A.24 Assessment for improvements.**

1. At the time of appointing said the appraisers, the governing body shall fix the time within which said assessment, classification, and apportionment shall be made, which may be extended for good cause shown. Within twenty days after their appointment, ~~they~~ the appraisers shall begin to inspect and classify all the lands within said the district,

or any change, extension, enlargement, or relocation thereof in tracts of forty acres or less according to the legal or recognized subdivisions, in a graduated scale of benefits to be numbered according to the benefit to be received by each of such tracts from such improvement, and pursue ~~said the work~~ continuously until completed ~~and, when~~. When the work is completed, the appraisers shall make a full, accurate, and detailed report thereof and file the same report with the governing body. The lands receiving the greatest benefit shall be marked on a scale of one hundred, and those benefited in a less degree with such percentage of one hundred as the benefits received bear in proportion thereto.

2. The amount of benefit appraised to each forty acres of land within the subdistrict shall be determined by the improvements within said subdistrict based upon the work plan as agreed upon by the subdistrict.

Sec. 49. [Section 164.3](#), Code 2018, is amended to read as follows:

**164.3 Female animals vaccinated.**

Native female bovine animals of any breed between the ages of four months and twelve months may be officially vaccinated for brucellosis according to procedures approved by the United States department of agriculture. Native female designated animals other than bovine animals may be vaccinated as provided by rules adopted by the department of agriculture and land stewardship. The expense of the vaccination shall be borne in the same manner as provided in [section 164.6](#).

Sec. 50. [Section 179.8](#), Code 2018, is amended to read as follows:

**179.8 Payment of expenses — limitation.**

1. No part of the expense incurred by the commission shall be paid out of moneys in the state treasury except moneys transferred to the commission from the dairy industry fund. Moneys transferred from the fund to the commission, as provided in [section 179.5](#), shall be used for the payment of all salaries, and other expenses necessary, to carry out the provisions of [this chapter](#). However, in no event shall the total expenses exceed the total taxes collected and transferred from the fund to the commission.

2. No more than five percent of the excise tax collected and received by the commission pursuant to [section 179.5](#) shall be utilized for administrative expenses of the commission.

Sec. 51. [Section 185.25](#), Code 2018, is amended to read as follows:

**185.25 Special referendum — producer petition.**

1. Upon receipt of a petition not less than one hundred fifty nor more than two hundred forty days from a four-year anniversary of the effective date of an initial promotional order signed within that same period by a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture, requesting a referendum to determine whether to extend the promotional order, the secretary shall call a referendum to be conducted not earlier than thirty days before the four-year anniversary date. If the secretary determines that extension of the promotional order is not favored by a majority of the producers voting in the referendum, the promotional order shall be terminated as provided in [section 185.24](#). If the promotional order is terminated, another referendum shall not be held within one hundred eighty days. A succeeding referendum shall be called by the secretary upon the petition of a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture requesting a referendum, who shall guarantee the costs of the referendum.

2. If no valid petition is received by the secretary within the time period described ~~above~~ in [subsection 1](#), or if a petition is received but the referendum to extend the promotional order passes, the promotional order shall continue in effect for four additional years from the anniversary of its effective date.

Sec. 52. [Section 192.103](#), [subsections 1 and 2](#), Code 2018, are amended to read as follows:

1. Only grade “A” pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; ~~except~~. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case, such products shall be labeled “ungraded”.

2. No person shall within the state produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated or misbranded; ~~except. However,~~ in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case such products shall be labeled “ungraded”.

Sec. 53. [Section 200.17](#), Code 2018, is amended to read as follows:

**200.17 Seizure, condemnation, and sale.**

Any lot of commercial fertilizer or soil conditioner not in compliance with the provisions of [this chapter](#) shall be subject to seizure on complaint of the secretary to a court of competent jurisdiction in the county or adjoining county in which ~~said the~~ commercial fertilizer or soil conditioner is located. In the event the court finds the ~~said~~ commercial fertilizer or soil conditioner to be in violation of [this chapter](#) and orders the condemnation of ~~said the~~ commercial fertilizer or soil conditioner, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer or soil conditioner and the laws of the ~~state. Except state.~~ ~~However,~~ in no instance shall the disposition of ~~said the~~ commercial fertilizer or soil conditioner be ordered by the court without first giving the claimant an opportunity to apply to the court for release of ~~said the~~ commercial fertilizer or soil conditioner or for permission to reprocess or relabel ~~said the~~ commercial fertilizer or soil conditioner to bring it into compliance with [this chapter](#).

Sec. 54. [Section 206.2, subsection 18](#), paragraph b, subparagraph (8), Code 2018, is amended to read as follows:

(8) If in the case of a plant growth regulator, defoliant, or desiccant when used as directed it shall be injurious to living ~~man~~ humans or other vertebrate animals, or vegetation to which it is applied, or to the person applying such pesticide; provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant growth regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

Sec. 55. [Section 206.2, subsection 31](#), Code 2018, is amended to read as follows:

31. “*Unreasonable adverse effects on the environment*” means any unreasonable risk to ~~man~~ humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

Sec. 56. [Section 217.5](#), Code 2018, is amended to read as follows:

**217.5 Director of human services.**

The chief administrative officer for the department of human services is the director of human services. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. The director shall be selected primarily for administrative ability. The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

~~The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.~~

Sec. 57. [Section 218.4, subsection 2](#), Code 2018, is amended to read as follows:

2. Rules adopted by the council pursuant to [chapter 17A](#) shall be uniform and shall apply to all institutions under the particular administrator and to all other institutions under the administrator’s jurisdiction, ~~and the.~~ The primary rules for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to patients by competent physicians. Annually, signed copies of the rules shall be sent to the superintendent of each institution or hospital under the control or supervision of a particular administrator ~~and copies.~~ Copies shall also be sent to the clerk of each district court, the chairperson of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the

rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

Sec. 58. [Section 218.9](#), Code 2018, is amended to read as follows:

**218.9 Appointment of superintendents.**

1. The administrator in charge of an institution, subject to the approval of the director of human services, shall appoint the superintendent of the institution. The tenure of office shall be at the pleasure of the appointing authority. The appointing authority may transfer a superintendent or warden from one institution to another.

2. The superintendent or warden shall have immediate custody and control, subject to the orders and policies of the division administrator in charge of the institution, of all property used in connection with the institution except as provided in [this chapter](#). The tenure of office shall be at the pleasure of the appointing authority. The appointing authority may transfer a superintendent or warden from one institution to another.

Sec. 59. [Section 218.21](#), Code 2018, is amended to read as follows:

**218.21 Record of residents.**

The administrator of the department of human services in control of a state institution shall, as to every person committed to any of ~~said~~ the institutions, keep the following record:

1. Name, residence, sex, age, nativity, occupation, civil.
2. Residence.
3. Sex.
4. Age.
5. Nativity.
6. Occupation.
7. Civil condition, date.
8. Date of entrance or commitment, date.
9. Date of discharge, whether.
10. Whether a discharge was final, condition.
11. Condition of the person when discharged, the.
12. The name of the institutions from which and to which such person has been transferred, and, if.
13. If dead, the date, and cause of the person's death.

Sec. 60. [Section 222.85](#), Code 2018, is amended to read as follows:

**222.85 Deposit of moneys — exception to guardians.**

1. Any funds coming into the possession of the superintendent or any employee of a resource center or special unit belonging to any patient in that institution shall be deposited in the name of the patient in the patients' personal deposit fund, except that if a guardian of the property has been appointed for the person, the guardian shall have the right to demand and receive such funds. Funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals, desires, and comforts for the patient.

2. Money paid to a resource center from any source other than state appropriated funds and intended to pay all or a portion of the cost of care of a patient, which cost would otherwise be paid from state or county funds or from the patient's own funds, shall not be deemed money "funds belonging to the patient a patient" for the purposes of [this section](#).

Sec. 61. [Section 232.52, subsection 2](#), paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2018, is amended to read as follows:

(viii) [Section 724.4](#) ~~or 724.4B~~.

Sec. 62. [Section 232.72, subsection 2](#), Code 2018, is amended to read as follows:

2. However, if ~~If~~ the person making a report of child abuse pursuant to [this chapter](#) does not know where the child's home is located, or if the child's home is not located in the service area where the health practitioner examines, attends, or treats the child, the report may be made to the department or to the local office serving the county where the person making the report resides or the county where the health practitioner examines, attends, or treats

the child. These agencies shall promptly proceed as provided in [section 232.71B](#), unless the matter is transferred as provided in [this section](#).

Sec. 63. [Section 232.158A, subsection 1](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

Notwithstanding any provision of the interstate compact on the placement of children under [section 232.158](#) to the contrary, the department of human services shall permit the legal risk placement of a child under the interstate compact on the placement of children if the prospective adoptive parent provides a legal risk statement, in writing, acknowledging all of the following:

Sec. 64. [Section 249A.47, subsection 4](#), Code 2018, is amended to read as follows:

4. Of any amount recovered arising out of a claim under Tit. XIX or XXI of the federal Social Security Act, the department shall receive the amount bearing the same proportion paid by the department for such claims, including any federal share that must be returned to the centers for Medicare and Medicaid services of the United States department of health and human services. The remainder of any amount recovered shall be deposited in the general fund of the state.

Sec. 65. [Section 251.1](#), Code 2018, is amended to read as follows:

**251.1 Definitions.**

As used in [this chapter](#):

1. "Administrator" means the administrator of the division of adult, children, and family services of the department of human services.

2. "Division" or "state division" means the division of ~~child~~ adult, children, and family services of the department of human services; "~~administrator" means the administrator of the division of child and family services of the department of human services.~~

Sec. 66. [Section 260C.35](#), Code 2018, is amended to read as follows:

**260C.35 Limitation on land.**

1. A merged area shall not purchase land which will increase the aggregate of land owned by the merged area, excluding land acquired by donation or gift, to more than three hundred twenty acres without the approval of the director of the department of education. The limitation does not apply to a merged area owning more than three hundred twenty acres, excluding land acquired by donation or gift, prior to January 1, 1969.

2. With the approval of the director of the department of education, the board of directors of a merged area at any time may sell any land in excess of one hundred sixty acres owned by the merged area, and an election is not necessary in connection with the sale. The proceeds of the sale may be used for any of the purposes stated in [section 260C.22](#). [This paragraph subsection](#) is in addition to any authority under other provisions of law.

Sec. 67. [Section 260F.2, subsection 11](#), Code 2018, is amended to read as follows:

11. "Project" means a training arrangement which is the subject of an agreement entered into between the community college and a business to provide program services. "Project" also means ~~an authority-sponsored~~ a training arrangement which is sponsored by the authority and administered under [sections 260F.6A](#) and [260F.6B](#).

Sec. 68. [Section 261.1, subsection 2](#), paragraph d, subparagraph (2), Code 2018, is amended to read as follows:

(2) One member shall be selected to represent Iowa's community colleges. When appointing this member, the governor shall give careful consideration to any person ~~or persons~~ nominated or recommended by any organization or association of Iowa community colleges.

Sec. 69. [Section 261.2, subsection 10](#), paragraph b, Code 2018, is amended to read as follows:

b. The institutions are eligible to participate in a federal student aid program authorized under Tit. IV of the federal Higher Education Act of 1965, Pub. L. No. 89-329, as amended.

Sec. 70. [Section 262.75](#), Code 2018, is amended to read as follows:

**262.75 Incentives for cooperating teachers.**

1. A cooperating teacher incentive program is established to encourage experienced teachers to serve as cooperating teachers for student teachers enrolled in the institutions of higher education under the control of the board.

2. An individual who submits evidence to an institution that the individual has satisfactorily served as a cooperating teacher for a student teacher from any of the institutions of higher education under the control of the board for the duration of the student teaching experience shall receive from the institution either a monetary recompense or a reduction in tuition for graduate hours of coursework equivalent to the value of the monetary recompense, rounded to the nearest whole credit hour.

a. If, because of a policy adopted by the board of directors employing the teacher, the amount of the monetary recompense is not made available to the teacher for the teacher's own personal use or the salary paid to the cooperating teacher by the employing board is correspondingly reduced, the institution shall grant the teacher the reduction in tuition pursuant to [this section](#) in lieu of the monetary recompense.

b. In lieu of the payment of monetary recompense to a cooperating teacher, the cooperating teacher may direct that the monetary recompense be paid by the institution directly into a scholarship fund which has been established jointly by the board of directors of the school district that employs the teacher and the local teachers' association. In such cases, the cooperating teacher shall receive neither monetary recompense nor any reduction in tuition at the institution.

Sec. 71. [Section 263.17, subsection 2](#), Code 2018, is amended to read as follows:

2. a. The center shall be a cooperative effort of representatives of the following organizations:

(1) The state university of Iowa department of ~~preventive medicine~~ occupational and environmental health.

(2) The department of pediatrics of the university of Iowa college of medicine.

(3) The state hygienic laboratory.

(4) The institute of ~~agricultural medicine~~ rural and environmental health.

(5) The university of Iowa Holden comprehensive cancer center.

(6) The department of civil and environmental engineering.

(7) Appropriate clinical and basic science departments.

(8) The college of law.

(9) The college of liberal arts and sciences.

(10) The Iowa department of public health.

(11) The department of natural resources.

(12) The department of agriculture and land stewardship.

b. The active participation of the national cancer institute, the agency for toxic substances and disease ~~registries~~ registry, the national ~~center~~ centers for disease control and prevention, the United States environmental protection agency, and the United States geological survey, shall also be sought and encouraged.

Sec. 72. [Section 273.25](#), Code 2018, is amended to read as follows:

**273.25 Dissolution commission meetings.**

1. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

2. The commission shall request statements from contiguous area education agencies outlining each agency's willingness to accept attachments of the affected area education agency to the contiguous agencies and what conditions, if any, the contiguous agency recommends. The commission shall meet with boards of contiguous area education agencies and with boards of directors of the affected school districts to the extent possible in drawing up the dissolution proposal.

3. The commission may seek assistance from the department of education.

Sec. 73. [Section 274.37](#), Code 2018, is amended to read as follows:

**274.37 Boundaries changed by action of boards — buildings constructed.**

1. The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings called for that purpose. Such concurrent action shall be subject to the approval of the area education agency board but such concurrent action shall stand approved if the said board does not disapprove such concurrent action within thirty days following receipt of notice thereof. The corporation from which territory is detached shall, after the change, contain not less than four government sections of land.

2. The boards in the respective districts, the boundaries of which have been changed under [this section](#), complete in all respects except for the passage of time prior to the effective date of the change, and when the right of appeal of the change has expired, may enter into joint contracts for the construction of buildings for the benefit of the corporations whose boundaries have been changed, using funds accumulated under the physical plant and equipment levy in [section 298.2](#). The district in which the building is to be located may use any funds authorized in accordance with [chapter 75](#).

3. [This section](#) does not permit the changed districts to expend any funds jointly which they are not entitled to expend acting individually.

Sec. 74. [Section 275.2](#), Code 2018, is amended to read as follows:

**275.2 Scope of surveys.**

1. The scope of the studies and surveys shall include all of the following matters in the various districts in the area education agency and all districts adjacent to the area education agency: the

a. The adequacy of the educational program, ~~pupil.~~

b. Pupil enrollment, ~~property.~~

c. Property valuations, ~~existing.~~

d. Existing buildings and equipment, ~~natural.~~

e. Natural community areas, ~~road.~~

f. Road conditions, ~~transportation, economic.~~

g. Transportation.

h. Economic factors, ~~individual.~~

i. Individual attention given to the needs of students, ~~the.~~

j. The opportunity of students to participate in a wide variety of activities related to the total development of the student, ~~and other.~~

k. Other matters that may bear on educational programs meeting minimum standards required by law.

2. The plans shall also include suggested alternate plans that incorporate the school districts in the area education agency into reorganized districts that meet the enrollment standards specified in [section 275.3](#) and may include alternate plans proposed by school districts for sharing programs under [section 28E.9](#), [256.13](#), [280.15](#), [282.7](#), or [282.10](#) as an alternative to school reorganization.

Sec. 75. [Section 275.52](#), Code 2018, is amended to read as follows:

**275.52 Meetings.**

1. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

2. The commission shall request statements from contiguous school districts outlining each district's willingness to accept attachments of the affected school district to the contiguous districts and what conditions, if any, the contiguous school district recommends. The commission shall meet with boards of contiguous school districts and with residents of the affected school district to the extent possible in drawing up the dissolution proposal.

3. The commission may seek assistance from the area education agency and the department of education.

Sec. 76. [Section 306.41](#), Code 2018, is amended to read as follows:

**306.41 Temporary closing for construction.**

1. The agency having jurisdiction and control over any highway in the state, or the chief engineer of said the agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance or natural disaster and shall cause to be erected “road closed” signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed for over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of [this section](#), or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor.

2. Nothing ~~herein~~ [in this section](#) shall be construed to prohibit or deny any person from gaining lawful access to the person’s property or residence, nor shall it change or limit liability to such persons.

Sec. 77. [Section 306A.5](#), Code 2018, is amended to read as follows:

**306A.5 Acquisition of property and property rights.**

1. For the purposes of [this chapter](#), cities and highway authorities having jurisdiction and control over the highways of the state, as provided by [chapter 306](#), may acquire private or public property rights for controlled-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as such units are authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdictions. All property rights acquired under [this chapter](#) shall be in fee simple. In connection with the acquisition of property or property rights for a controlled-access facility or portion of, or service road in connection with a controlled-access facility, the cities and highway authorities, in their discretion, may acquire an entire lot, block, or tract of land, if by so doing the interests of the public will be best served, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper.

2. ~~No access~~ Access rights to any highway shall not be acquired by any authority having jurisdiction and control over the highways of this state by adverse possession or prescriptive right. ~~No action heretofore or hereafter~~ Action taken by any such authority shall not form the basis for any claim of adverse possession of, or prescriptive right to any access rights by any such authority.

Sec. 78. [Section 308.1](#), Code 2018, is amended to read as follows:

**308.1 Planning commission.**

1. The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows:

- a. One member from the state transportation commission, ~~one.~~
- b. One member from the natural resource commission, ~~one.~~
- c. One member from the state soil conservation and water quality committee, ~~one.~~
- d. One member from the state historical society of Iowa, ~~one.~~
- e. One member from the faculty of the landscape architectural division of the Iowa state university of science and technology, ~~one.~~
- f. One member from the economic development authority, ~~and one.~~
- g. One member from the environmental protection commission.

2. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose.

Sec. 79. [Section 308A.3](#), Code 2018, is amended to read as follows:

**308A.3 Certain elevated structures prohibited — exception.**

Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. §217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings unless the following condition is met:

That the portion of project funds that is necessary to obtain federal funds is provided by private parties benefited by the facilities.

Sec. 80. [Section 317.3](#), Code 2018, is amended to read as follows:

**317.3 Weed commissioner — standards for noxious weed control.**

1. The board of supervisors of each county may annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is removed from office as provided for by law. ~~The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship.~~ The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment.

2. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. Compensation shall be for the period of actual work only, although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day, or month and the rate of pay for the employment time. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses.

3. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship.

4. The board of supervisors shall prescribe the time of year the weed commissioner shall perform the powers and duties of county weed commissioner under [this chapter](#) which may be during that time of year when noxious weeds can effectively be killed. ~~Compensation shall be for the period of actual work only although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day or month and the rate of pay for the employment time.~~

Sec. 81. [Section 317.13](#), Code 2018, is amended to read as follows:

**317.13 Program of control.**

1. The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed control for purposes of complying with all sections of [this chapter](#). The county board of supervisors of each county may also by adopting an integrated roadside vegetation management plan prescribe and order a program of weed control for purposes of complying with all sections

of [this chapter](#). The program for weed control ordered or adopted by the county board of supervisors shall provide that spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.

2. The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. [This paragraph subsection](#) applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

Sec. 82. [Section 321.285, subsection 7](#), Code 2018, is amended to read as follows:

7. A person who violates [this section](#) for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 5](#). A person who operates a school bus at a speed which exceeds a limit established under [this section](#) by ten miles an per hour or less commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 10](#). A person who violates any other provision of [this section](#) commits a simple misdemeanor.

Sec. 83. [Section 350.2](#), Code 2018, is amended to read as follows:

**350.2 Petition — board membership.**

1. Upon a petition to the board of supervisors which meets the requirements of [section 331.306](#), the board of supervisors shall submit to the voters at the next general election the question of whether a county conservation board shall be created as provided for in [this chapter](#). If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county.

2. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When a member of the county conservation board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant.

3. Members of the county conservation board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties.

4. Members of the county conservation board may be removed for cause by the board of supervisors as provided in [section 331.321, subsection 3](#), if the cause is malfeasance, nonfeasance, disability, or failure to participate in board activities as set forth by the rules of the county conservation board.

Sec. 84. [Section 350.3](#), Code 2018, is amended to read as follows:

**350.3 Meetings — records — annual report.**

1. Within thirty days after the appointment of members of the county conservation board, the board shall organize by selecting from its members a president and secretary and such other officers as are deemed necessary, who shall hold office for the calendar year in which elected and until their successors are selected and qualify. ~~Three members of the board shall constitute a quorum for the transaction of business.~~

2. The board shall hold regular monthly meetings. Special meetings may be called by the president, and shall be called on the request of a majority of members, as the necessity may require. Three members of the board shall constitute a quorum for the transaction of business. The county conservation board shall have power to adopt bylaws, to adopt and use a common seal, and to enter into contracts.

3. The county board of supervisors shall provide suitable offices for the meetings of the county conservation board and for the safekeeping of its records. Such records shall be

subject to public inspection at all reasonable hours and under such regulations as the county conservation board may prescribe.

4. The county conservation board shall annually make a full and complete report to the county board of supervisors of ~~its~~ the county conservation board's transactions and operations for the preceding year. Such report shall contain a full statement of ~~its~~ the board's receipts, disbursements, and the program of work for the period covered, and may include such recommendations as may be deemed advisable.

Sec. 85. [Section 350.5](#), Code 2018, is amended to read as follows:

**350.5 Regulations — penalty — officers.**

1. The county conservation board may make, alter, amend or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state.

2. The regulations shall not take effect until ten days after their adoption by the board and after their publication as provided in [section 331.305](#) and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply.

3. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor.

4. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators upon all property under its control within and without the county. The board may grant the director and those employees of the board designated as police officers the authority to enforce the provisions of [chapters 321G, 321I, 461A, 462A, 481A, and 483A](#) on land not under the control of the board within the county.

Sec. 86. [Section 355.8, subsection 17](#), Code 2018, is amended to read as follows:

17. Interior excepted parcels shall be clearly indicated and labeled, ~~“not as follows:~~ Not a part of this survey (or ~~subdivision~~” subdivision).

Sec. 87. [Section 357E.5](#), Code 2018, is amended to read as follows:

**357E.5 Hearing of petition — action by board.**

At the public hearing required in [section 357E.3](#), the board of supervisors may consider the boundaries of a proposed district, whether the boundaries shall be as described in the petition or otherwise, and for that purpose may amend the petition and change the boundaries of the proposed district as stated in the petition. The supervisors may adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. However, the boundaries of a proposed district shall not be changed to incorporate property which is not included in the original petition. Within ten days after the hearing, the board of supervisors shall establish the district by resolution or disallow the petition.

~~After, and within ten days of, the hearing, the board of supervisors shall establish the district by resolution or disallow the petition.~~

Sec. 88. [Section 358.5](#), Code 2018, is amended to read as follows:

**358.5 Hearing of petition and order.**

1. The board of supervisors to whom the petition is addressed shall preside at the hearing provided for in [section 358.4](#) and shall continue the hearing in session, with adjournments from day to day, if necessary, until completed, without being required to give any further notice of the hearing. Proof of the residences and qualifications of the petitioners as eligible electors shall be made by affidavit or otherwise as the board may direct. The board may consider the boundaries of a proposed sanitary district, whether they shall be as described in the petition or otherwise, and for that purpose may alter and amend the petition and limit or change the boundaries of the proposed district as stated in the petition. The board shall adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. The boundaries of a proposed district shall not be changed to incorporate property not included in the original petition and

published notice until the owner of the property is given notice of inclusion as on the original hearing. All persons in the proposed district shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding the location and boundaries. The board of supervisors, after hearing the statements, evidence and suggestions made and offered at the hearing, shall enter an order fixing and determining the limits and boundaries of the proposed district and directing that an election be held for the purpose of submitting to the registered voters residing within the boundaries of the proposed district the question of organization and establishment of the proposed sanitary district as determined by the board of supervisors. The order shall fix a date for the election not more than sixty days after the date of the order.

2. ~~However,~~ a majority of the landowners, owning in the aggregate more than seventy percent of the total land in the proposed district, may file a written remonstrance against the proposed district at or before the time fixed for the hearing on the proposed district with the county auditor. If the remonstrance is filed, the board of supervisors shall discontinue all further proceedings on the proposed district and charge the costs incurred to date relating to the establishment of the proposed district.

Sec. 89. [Section 414.28](#), Code 2018, is amended to read as follows:

**414.28 Manufactured home.**

1. 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.

2. A city 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 city 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.

3. A city shall not adopt or enforce construction, building, or design ordinances, regulations, requirements, or restrictions which would mandate width standards greater than twenty-four feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with 42 U.S.C. §5403. However, [this paragraph subsection](#) shall not prohibit a city from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

4. [This section](#) shall not be construed as abrogating a recorded restrictive covenant.

Sec. 90. [Section 414.28A](#), Code 2018, is amended to read as follows:

**414.28A Land-leased communities.**

1. “*Land-leased community*” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free

of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term "land-leased community" shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

2. A city shall not adopt or enforce zoning or subdivision regulations or other ordinances which disallow or make infeasible the plans and specifications of land-leased communities because the housing within the land-leased community will be manufactured housing.

3. ~~"Land-leased community" means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term "land-leased community" shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. A manufactured home located in a land-leased community shall be taxed under [section 435.22](#) as if the manufactured home were located in a mobile home park.~~

Sec. 91. [Section 422.30](#), Code 2018, is amended to read as follows:

**422.30 Jeopardy assessments — posting of bond.**

1. If the director believes that the assessment or collection of taxes will be jeopardized by delay, the director may immediately make an assessment of the estimated amount of tax due, together with all interest, additional amounts, or penalties, as provided by law. The director shall serve the taxpayer by regular mail at the taxpayer's last known address or in person, with a written notice of the amount of tax, interest, and penalty due, which notice may include a demand for immediate payment. Service of the notice by regular mail is complete upon mailing. A distress warrant may be issued or a lien filed against the taxpayer immediately.

2. The director shall be permitted to accept a bond from the taxpayer to satisfy collection until the amount of tax legally due shall be determined. Such bond to be in an amount deemed necessary, but not more than double the amount of the tax involved, and with securities satisfactory to the director.

Sec. 92. [Section 425.20](#), Code 2018, is amended to read as follows:

**425.20 Filing dates — affidavit — extension.**

1. A claim for reimbursement for rent constituting property taxes paid shall not be paid or allowed, unless the claim is filed with and in the possession of the department of revenue on or before June 1 of the year following the base year.

2. A claim for credit for property taxes due shall not be paid or allowed unless the claim is filed with the county treasurer between January 1 and June 1, both dates inclusive, immediately preceding the fiscal year during which the property taxes are due. However, in case of sickness, absence, or other disability of the claimant, or if in the judgment of the county treasurer good cause exists, the county treasurer may extend the time for filing a claim for credit through September 30 of the same calendar year. The county treasurer shall certify to the director of revenue on or before May 1 of each year the total amount of dollars due for claims allowed.

3. In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension, the director may extend the time for filing a claim for reimbursement or credit. However, any further time granted shall not extend beyond December 31 of the year following the year in which the claim was required to be filed. Claims filed as a result of [this paragraph subsection](#) shall be filed with the director who shall provide for the reimbursement of the claim to the claimant.

Sec. 93. [Section 428A.1](#), Code 2018, is amended to read as follows:

**428A.1 Amount of tax on transfers — declaration of value.**

1. *a.* There is imposed on each deed, instrument, or writing by which any lands, tenements, or other realty in this state are granted, assigned, transferred, or otherwise conveyed, a tax determined in the following manner:

(1) When there is no consideration or when the deed, instrument, or writing is executed and tendered for recording as an instrument corrective of title, and so states, there is no tax.

(2) When there is consideration and the actual market value of the real property transferred is in excess of five hundred dollars, the tax is eighty cents for each five hundred dollars or fractional part of five hundred dollars in excess of five hundred dollars.

*b.* The term “*consideration*”, as used in [this chapter](#), means the full amount of the actual sale price of the real property involved, paid or to be paid, including the amount of an encumbrance or lien on the property, if assumed by the grantee.

*c.* It is presumed that the sale price so stated includes the value of all personal property transferred as part of the sale unless the dollar value of personal property is stated on the instrument of conveyance. When the dollar value of the personal property included in the sale is so stated, it shall be deducted from the consideration shown on the instrument for the purpose of determining the tax.

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 5, 7 to 13, and 16 to 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 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 enter on the declaration of value the information the director of revenue requires for the production of the sales/assessment ratio study and transmit one copy of each declaration of value to the director of revenue, at times as directed by the director of revenue. The assessor shall retain one copy of each declaration of value 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. 94. [Section 441.29](#), Code 2018, is amended to read as follows:

**441.29 Plat book — index system.**

1. The county auditor shall furnish to each assessor a plat book on which shall be platted the lands and lots in the assessor’s assessment district, showing on each subdivision or part thereof, written in ink or pencil, the name of the owner, the number of acres, or the boundary lines and distances in each, and showing as to each tract the number of acres to be deducted for railway right-of-way and for roads and for rights-of-way for public levees and open public drainage improvements.

2. The auditor, or the auditor’s designee, of any county shall establish a permanent real estate index number system with related tax maps for all real estate tax administration

purposes, including the assessment, levy, and collection of such taxes. Wherever in real property tax administration the legal description of tax parcels is required, such permanent number system shall be adopted in addition thereto. The permanent real estate index numbers shall begin with the two-digit county number and be a unique identifying number for each parcel within the county. These numbers shall follow the property, not the owner, and can be an alphanumeric system. In the event of a division of an existing parcel, the original permanent parcel index number shall be retired and new numbers assigned. The auditor shall prepare and maintain permanent real estate index number tax maps, which shall carry such numbers. The auditor shall prepare and maintain cross indexes of the numbers assigned under this system, with legal descriptions of the real estate to which such numbers relate. Indexes and tax maps established as provided ~~herein~~ [in this section](#) shall be open to public inspection.

Sec. 95. [Section 455B.311, subsection 3](#), Code 2018, is amended to read as follows:

3. Grants shall be awarded only for an amount determined by the department to be reasonable and necessary to conduct the work as set forth in the grant application. Grants for less than a ~~county-wide~~ [countywide](#) planning area shall be limited to twenty-five percent state funds, for a single-county planning area the state funds shall be limited to fifty percent, and for a two-county planning area the state funds shall be limited to seventy-five percent. For each additional county above a two-county planning area, the maximum allowable state funds shall be increased by an additional five percent, up to a maximum of ninety percent state funds.

Sec. 96. [Section 455B.337](#), Code 2018, is amended to read as follows:

**455B.337 Emergency action.**

1. Whenever the director finds that an emergency exists requiring immediate action to protect the public health and safety, the director may, without notice or hearing, issue an emergency order reciting that an emergency exists and requiring that such action be taken as the director deems necessary to meet the emergency. The order may be issued orally to the person whose operation constitutes the emergency by the director and confirmed by a copy of such order to be sent by certified mail within twenty-four hours after the issuance of the oral order. The emergency order shall be effective immediately. Any person receiving an emergency order may request a hearing before the commission within thirty days following the receipt of the order. The commission shall schedule a hearing within fourteen days after receipt of the request for a hearing and give written notice to the alleged violator by certified mail. The commission may also schedule a hearing in the absence of a request by the alleged violator. On the basis of the findings, the commission shall issue a final order which shall be forwarded to the alleged violator by certified mail.

2. The director may, if an emergency exists, impound or order the impounding of any radioactive material in the possession of any person who is not equipped to observe, or fails to observe, the provisions of [this part 2 of division IV](#) or any rules adopted under said [this part](#).

Sec. 97. [Section 465C.11](#), Code 2018, is amended to read as follows:

**465C.11 Area held in trust.**

1. An area designated as a preserve within the system is hereby declared put to its highest, best, and most important use for public benefit. It shall be held in trust and shall not be alienated except to another public use upon a finding by the board of imperative and unavoidable public necessity and with the approval of the commission, the general assembly by concurrent resolution, and the governor. The board's interest or interests in any area designated as a preserve shall not be taken under the condemnation statutes of this state without such a finding of imperative and unavoidable public necessity by the board, and with the consent of the commission, the general assembly by concurrent resolution, and the governor.

2. The board, with the approval of the governor, may enter into amendments to any articles of dedication upon its finding that such amendment will not permit an impairment, disturbance, or development of the area inconsistent with the purposes of [this chapter](#).

3. Before the board shall make a finding of imperative and unavoidable public necessity, or shall enter into any amendment to articles of dedication, ~~it~~ the board shall provide notice of such proposal and opportunity for any person to be heard. Such notice shall be published at least once in a newspaper with a general circulation in the county or counties wherein the area directly affected is situated, and mailed within ten days of such published notice to all persons who have requested notice of all such proposed actions. Each notice shall set forth the substance of the proposed action and describe, with or without legal description, the area affected, and shall set forth a place and time not less than sixty days thence for all persons desiring to be heard to have reasonable opportunity to be heard prior to the finding of the board.

Sec. 98. [Section 468.68](#), Code 2018, is amended to read as follows:

**468.68 Drainage warrants received for assessments.**

Warrants drawn upon the construction or maintenance funds of any district for which an assessment has been or must be levied, shall be transferable by endorsement, and may be acquired by any taxpayer of such district and applied at their accrued face value upon the assessment levied to create the fund against which the warrant was drawn; when the amount of the warrant exceeds the amount of the assessment, the treasurer shall cancel the said warrant, and give the holder thereof a certificate for the amount of such excess, which certificate shall be filed with the auditor, who shall issue a warrant for the amount of such excess, and charge the treasurer therewith. Such certificate is transferable by endorsement, and will entitle the holder to the new warrant, made payable to the holder's order, and bearing the original number, preceded by the words, following words:

~~"Issued~~ Issued as unpaid balance due on warrant ~~number .....~~" number .....

Sec. 99. [Section 476.52](#), Code 2018, is amended to read as follows:

**476.52 Management efficiency.**

1. It is the policy of this state that a public utility shall operate in an efficient manner.

2. If the board determines in the course of a proceeding conducted under [section 476.3](#) or [476.6](#) that a utility is operating in an inefficient manner, or is not exercising ordinary, prudent management, or in comparison with other utilities in the state the board determines that the utility is performing in a less beneficial manner than other utilities, the board may reduce the level of profit or adjust the revenue requirement for the utility to the extent the board believes appropriate to provide incentives to the utility to correct its inefficient operation.

3. If the board determines in the course of a proceeding conducted under [section 476.3](#) or [476.6](#) that a utility is operating in such an extraordinarily efficient manner that tangible financial benefits result to the ratepayer, the board may increase the level of profit or adjust the revenue requirement for the utility.

4. In making its determination under [this section](#), the board may also consider a public utility's pursuit of energy efficiency programs. The board shall adopt rules for determining the level of profit or the revenue requirement adjustment that would be appropriate. The board shall also adopt rules establishing a methodology for an analysis of a utility's management efficiency.

~~The board shall also adopt rules establishing a methodology for an analysis of a utility's management efficiency.~~

Sec. 100. [Section 476.86, subsection 2](#), Code 2018, is amended to read as follows:

2. a. "Competitive natural gas provider" means a person who takes title to natural gas and sells it for consumption by a retail end user in the state of Iowa. "Competitive natural gas provider" includes an affiliate of an Iowa gas utility.

b. "Competitive natural gas provider" does not include the following:

a. (1) A public utility which is subject to rate regulation under [this chapter](#).

b. (2) A municipally owned utility which provides natural gas service within its incorporated area or within the municipal natural gas competitive service area, as defined in [section 437A.3, subsection 22](#), paragraph "a", subparagraph (1), in which the municipally owned utility is located.

Sec. 101. [Section 479.4](#), Code 2018, is amended to read as follows:

**479.4 Dangerous construction — inspection.**

1. The board is vested with power and authority and it shall be ~~its~~ the board's duty to supervise all pipelines and underground storage and pipeline companies and shall from time to time inspect and examine the construction, maintenance, and the condition of ~~said the pipelines and underground storage facilities and whenever said facilities.~~ Whenever the board shall determine that any pipeline and underground storage facilities or any apparatus, device, or equipment used in connection therewith is unsafe and dangerous it, the board shall immediately in writing notify said the pipeline company, which is constructing or operating said the pipeline and underground storage facilities, device, apparatus, or other equipment to repair or replace any defective or unsafe part or portion of said the pipeline and underground storage facilities, device, apparatus, or equipment.

2. All faulty construction, as determined by the inspector, shall be repaired immediately by the contractor operating for the pipeline company and the cost of such repairs shall be paid by ~~said the~~ the contractor. If such repairs are not made by the contractor, the board shall proceed to collect under the provisions of [section 479.26](#).

Sec. 102. [Section 514A.8](#), Code 2018, is amended to read as follows:

**514A.8 Nonapplication to certain policies.**

Nothing in [this chapter](#) shall apply to or affect ~~(1) any of the following:~~

1. ~~Any policy of workers' compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (2) any.~~

2. ~~Any policy or contract of reinsurance; or (3) any.~~

3. ~~Any blanket or group policy of insurance; or (4) life.~~

4. ~~Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as (a) provide additional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.~~

Sec. 103. [Section 514C.15, subsection 1](#), Code 2018, is amended to read as follows:

1. Discussing treatment options with a covered individual, notwithstanding the carrier's, or plan's position on such treatment option.

Sec. 104. [Section 515F.2, subsection 3](#), Code 2018, is amended to read as follows:

3. "*Developed losses*" means losses ~~(including, including loss adjustment expenses) expenses,~~ adjusted, using standard actuarial techniques, to eliminate the effect of differences between current payment or reserve estimates and those needed to provide actual ultimate loss ~~(including, including loss adjustment expense) expense,~~ payments.

Sec. 105. [Section 519A.4, subsection 2](#), Code 2018, is amended to read as follows:

2. The plan of operation shall provide for economic, fair and nondiscriminatory administration, and for the prompt and efficient provision of medical malpractice insurance. The plan shall contain other provisions, including but not limited to preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements, and procedures for determining amounts of insurance to be provided by the association.

Sec. 106. [Section 543B.8](#), Code 2018, is amended to read as follows:

**543B.8 Real estate commission created — staff.**

1. A real estate commission is created within the professional licensing and regulation bureau of the banking division of the department of commerce. The commission consists of five members licensed under [this chapter](#) and two members not licensed under [this chapter](#)

and who shall represent the general public. Commission members shall be appointed by the governor subject to confirmation by the senate.

2. No more than one member shall be appointed from a county. A commission member shall not hold any other elective or appointive state or federal office. At least one of the licensed members shall be a licensed real estate salesperson, except that if the licensed real estate salesperson becomes a licensed real estate broker during a term of office, that person may complete the term, but is not eligible for reappointment on the commission as a licensed real estate salesperson. A licensed member shall be actively engaged in the real estate business and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Professional associations or societies of real estate brokers or real estate salespersons may recommend the names of potential commission members to the governor. However, the governor is not bound by their recommendations. A commission member shall not be required to be a member of any professional association or society composed of real estate brokers or salespersons. Commission members shall be appointed by the governor subject to confirmation by the senate.

3. Appointments shall be for three-year terms and shall commence and end as provided in section 69.19. A member shall serve no more than three terms or nine years, whichever is less. No more than one member shall be appointed from a county. A commission member shall not hold any other elective or appointive state or federal office. Vacancies shall be filled for the unexpired term by appointment of the governor and are subject to senate confirmation.

4. A majority of the commission members constitutes a quorum.

5. The administrator of the professional licensing and regulation bureau of the banking division shall hire and provide staff to assist the commission with implementing this chapter. The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce shall hire a real estate education director to assist the commission in administering education programs for the commission.

~~The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce shall hire a real estate education director to assist the commission in administering education programs for the commission.~~

Sec. 107. [Section 544A.17, subsection 2](#), Code 2018, is amended to read as follows:

2. Persons acting under the instruction, control, or supervision of, and those executing the plans of, a licensed architect or a professional engineer licensed under [chapter 542B](#), provided that such unlicensed persons shall not be placed in responsible charge of architectural or professional engineering work.

Sec. 108. [Section 554.1201, subsection 1](#), Code 2018, is amended to read as follows:

1. Unless the context otherwise requires, words or phrases defined in [this section](#), or in the additional definitions contained in other Articles of [this chapter](#) that apply to particular Articles or ~~Parts~~ parts thereof, have the meanings stated.

Sec. 109. [Section 554.1201, subsection 2](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

Subject to definitions contained in other Articles of [this chapter](#) that apply to particular Articles or ~~Parts~~ parts thereof:

Sec. 110. [Section 569.4](#), Code 2018, is amended to read as follows:

**569.4 Costs and expenses.**

1. In all cases in which the state becomes the purchaser of real estate under the provisions of [this chapter](#), the costs and expenses attending such purchases shall be audited and allowed by the director of the department of administrative services, and paid out of any ~~money~~ moneys in the state treasury not otherwise appropriated, upon the director's warrant, and charged to the fund to which the indebtedness belonged upon which such real estate was taken.

2. If the real estate is purchased by a county, the costs and expenses shall be audited by the board of supervisors and paid out of the county treasury, upon a warrant drawn by the auditor on the treasurer, from the fund to which the debt belonged upon which said real estate was purchased.

3. If the real estate is purchased by any other municipal corporation, then the costs shall be audited and paid by ~~it~~ the municipal corporation in the same manner as other claims against ~~it~~ the municipal corporation are audited and paid.

Sec. 111. [Section 642.21, subsection 1](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

The disposable earnings of an individual are exempt from garnishment to the extent provided by the federal Consumer Credit Protection Act, Tit. III, 15 U.S.C. §1671 – 1677 (1982). The maximum amount of an employee's earnings which may be garnished during any one calendar year is two hundred fifty dollars for each judgment creditor, except as provided in [chapter 252D](#) and [sections 598.22, 598.23, and 627.12](#), or when those earnings are reasonably expected to be in excess of twelve thousand dollars for that calendar year as determined from the answers taken by the sheriff or by the court pursuant to [section 642.5, subsection 1](#), question number four. When the employee's earnings are reasonably expected to be more than twelve thousand dollars, the maximum amount of those earnings which may be garnished during a calendar year for each creditor is as follows:

Sec. 112. [Section 657.9](#), Code 2018, is amended to read as follows:

**657.9 Shooting ranges.**

1. Before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the county zoning commission or the city zoning commission, whichever is appropriate. The appropriate commission shall comply with [section 335.8](#) or [414.6](#). In the event a county or city does not have a zoning commission, the county board of supervisors or the city council shall comply with [section 335.6](#) or [414.5](#) before granting the approval.

2. A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been a substantial change in the nature of the use of the range.

3. [This section](#) does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

Sec. 113. [Section 674.6](#), Code 2018, is amended to read as follows:

**674.6 Notice — consent.**

1. If the petitioner is married, the petitioner must give legal notice to the spouse, in the manner of an original notice, of the filing of the petition.

2. If the petition includes or is filed on behalf of a minor child fourteen years of age or older, the child's written consent to the change of name of that child is required.

3. If the petition includes or is filed on behalf of a minor child under fourteen, both parents as stated on the birth certificate of the minor child shall file their written consent to the name change. If one of the parents does not consent to the name change, a hearing shall be set on the petition on twenty days' notice to the nonconsenting parent pursuant to the rules of civil procedure. At the hearing the court may waive the requirement of consent as to one of the parents if it finds any of the following:

1. a. That the parent has abandoned the child;
2. b. That the parent has been ordered to contribute to the support of the child or to financially aid in the child's birth and has failed to do so without good cause; ~~or,~~
3. c. That the parent does not object to the name change after having been given due and proper notice.

Sec. 114. [Section 692.8](#), Code 2018, is amended to read as follows:

**692.8 Intelligence data.**

1. Intelligence data contained in the files of the department of public safety or a criminal or juvenile justice agency may be placed within a computer data storage system, provided that access to the computer data storage system is restricted to authorized employees of the department or criminal or juvenile justice agency. The department shall adopt rules to implement [this paragraph subsection](#).

2. Intelligence data in the files of the department may be disseminated only to a peace officer, criminal or juvenile justice agency, or state or federal regulatory agency, and only if the department is satisfied that the need to know and the intended use are reasonable. However, intelligence data may also be disseminated to an agency, organization, or person when disseminated for an official purpose, and in order to protect a person or property from a threat of imminent serious harm. Whenever intelligence data relating to a defendant or juvenile who is the subject of a petition under [section 232.35](#) for the purpose of sentencing or adjudication has been provided a court, the court shall inform the defendant or juvenile or the defendant's or juvenile's attorney that it the court is in possession of such data and shall, upon request of the defendant or juvenile or the defendant's or juvenile's attorney, permit examination of such data.

3. If the defendant or juvenile disputes the accuracy of the intelligence data, the defendant or juvenile shall do so by filing an affidavit stating the substance of the disputed data and wherein it is inaccurate. If the court finds reasonable doubt as to the accuracy of such information, it the court may require a hearing and the examination of witnesses relating thereto on or before the time set for sentencing or adjudication.

Sec. 115. [Section 708.2B](#), Code 2018, is amended to read as follows:

**708.2B Treatment of domestic abuse offenders.**

1. As used in [this section](#), “*district department*” means a judicial district department of correctional services, established pursuant to [section 905.2](#).

2. A person convicted of, or receiving a deferred judgment for, domestic abuse assault as defined in [section 708.2A](#), shall report to the district department in order to participate in a batterers’ treatment program for domestic abuse offenders. In addition, a person convicted of, or receiving a deferred judgment for, an assault, as defined in [section 708.1](#), which is domestic abuse, as defined in [section 236.2, subsection 2](#), paragraph “e”, may be ordered by the court to participate in a batterers’ treatment program. Participation in the batterers’ treatment program shall not require a person to be placed on probation, but a person on probation may participate in the program.

3. The district departments may contract for services in completing the duties relating to the batterers’ treatment programs. The district departments shall assess the fees for participation in the program, and shall either collect or contract for the collection of the fees to recoup the costs of treatment, but may waive the fee or collect a lesser amount upon a showing of cause. The fees shall be used by each of the district departments or contract service providers for the establishment, administration, coordination, and provision of direct services of the batterers’ treatment programs.

4. District departments or contract service providers shall receive upon request peace officers’ investigative reports regarding persons participating in programs under [this section](#). The receipt of reports under [this section](#) shall not waive the confidentiality of the reports under [section 22.7](#).

Sec. 116. [Section 805.8B, subsection 3](#), paragraph h, Code 2018, is amended to read as follows:

*h.* For violations of [section 481A.48](#) relating to restrictions on game birds and animals, the scheduled fines are as follows:

- (1) ~~Out-of-season~~ For out-of-season, the scheduled fine is one hundred dollars.
- (2) ~~Over~~ For over limit, the scheduled fine is one hundred dollars.
- (3) ~~Attempt~~ For attempt to take, the scheduled fine is fifty dollars.
- (4) ~~General~~ For general waterfowl restrictions, the scheduled fine is fifty dollars.
  - (a) ~~No~~ For no federal stamp, the scheduled fine is fifty dollars.
  - (b) ~~Unplugged~~ For unplugged shotgun, the scheduled fine is ten dollars.
  - (c) ~~Possession~~ For possession of other than steel shot, the scheduled fine is twenty-five dollars.
  - (d) ~~Early~~ For early or late shooting, the scheduled fine is twenty-five dollars.
  - (5) ~~Possession~~ For possession of a prohibited pistol or revolver while hunting deer, the scheduled fine is one hundred dollars.

(6) ~~Possession~~ For possession of a prohibited rifle while hunting deer, the scheduled fine is two hundred fifty dollars.

Sec. 117. [Section 904.319](#), Code 2018, is amended to read as follows:

**904.319 Temporary quarters in emergency.**

If the buildings at any institution under the management of the director are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the inmates cannot be confined and cared for at the institution, the director shall make temporary provision for the confinement and care of the inmates at some other place in the state. Like provision may be made in case of an epidemic among the inmates. The reasonable cost of the change including the cost of transfer of inmates, shall be paid from any ~~money~~ moneys in the state treasury not otherwise appropriated.

Sec. 118. [Section 906.1](#), Code 2018, is amended to read as follows:

**906.1 Definition Definitions of parole and work release — temporary assignment to director.**

1. *a.* Parole “Parole” is the release of a person who has been committed to the custody of the director of the Iowa department of corrections by reason of the person’s commission of a public offense, which release occurs prior to the expiration of the person’s term, is subject to supervision by the district department of correctional services, and is on conditions imposed by the district department.

*b.* Work release “Work release” is the release of a person, who has been committed to the custody of the director of the Iowa department of corrections, pursuant to [sections 904.901 through 904.909](#).

2. A person who has been released on parole or work release may be temporarily assigned to the supervision of the director of the department of corrections as a result of placement in a violator facility established pursuant to [section 904.207](#).

## DIVISION II CORRESPONDING CHANGES

Sec. 119. [Section 22.7, subsection 10](#), Code 2018, is amended to read as follows:

10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in [section 815.11](#), as provided in [section ~~13B.4B~~ 13B.4A](#).

Sec. 120. [Section 232.68](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

The definitions in [section 235A.13](#) are applicable to [this part 2 of division III](#). As used in [sections 232.67 through 232.77](#) and [235A.12 through 235A.24 chapter 235A, subchapter II](#), unless the context otherwise requires:

Sec. 121. [Section 232.151](#), Code 2018, is amended to read as follows:

**232.151 Criminal penalties.**

Any person who knowingly discloses, receives, or makes use or permits the use of information derived directly or indirectly from the records concerning a child referred to in [sections 232.147 through 232.150](#), except as provided by those sections or [section ~~13B.4B~~ 13B.4A, subsection 2](#), paragraph “c”, shall be guilty of a serious misdemeanor.

Sec. 122. [Section 235A.13](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

As used in [chapter 232, division III, part 2](#), and [sections ~~235A.13 to 235A.24~~ this subchapter](#), unless the context otherwise requires:

Sec. 123. [Section 331.486](#), Code 2018, is amended to read as follows:

**331.486 Assessment of costs of public improvements.**

A county may assess to property within a county special assessment district the cost of construction and repair of public improvements benefiting the district and may assess to

property within a joint special assessment district the cost of construction and repair of public improvements benefiting the district. A county may construct and assess the cost of public improvements within a district in the same manner as a city may proceed under [chapter 384, division subchapter IV](#), and [chapter 384, division subchapter IV](#), applies to counties with respect to public improvements, the assessment of their costs, and the issuance of bonds for the public improvements. A county may contract for a public improvement benefiting a district under this part pursuant to [chapter 331, division subchapter III, part 3, of this chapter](#).

Sec. 124. [Section 355.16](#), Code 2018, is amended to read as follows:

**355.16 Iowa plane coordinate system defined.**

As used in [this section, and sections 355.17 through 355.19 subchapter](#), unless the context otherwise requires, “*Iowa plane coordinate system*” or “*coordinate system*” means the system of plane coordinates established by the United States national ocean survey, or the United States national geodetic survey, or a successor agency, for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Iowa.

Sec. 125. [Section 452A.76](#), Code 2018, is amended to read as follows:

**452A.76 Enforcement authority.**

1. Authority to enforce [division subchapter III](#) is given to the state department of transportation. Employees of the state department of transportation designated enforcement employees have the power of peace officers in the performance of their duties; however, they shall not be considered members of the state patrol. The state department of transportation shall furnish enforcement employees with necessary equipment and supplies in the same manner as provided in [section 80.18](#), including uniforms which are distinguishable in color and design from those of the state patrol. Enforcement employees shall be furnished and shall conspicuously display badges of authority.

2. Authority is given to the department of revenue, the state department of transportation, the department of public safety, and any peace officer as requested by such departments to enforce the provisions of [division subchapter I](#) and [this division subchapter](#) of [this chapter](#). The department of revenue shall adopt rules providing for enforcement under [division subchapter I](#) and [this division subchapter](#) of [this chapter](#) regarding the use of motor fuel or special fuel in implements of husbandry. Enforcement personnel or requested peace officers are authorized to stop a conveyance suspected to be illegally transporting motor fuel or special fuel on the highways, to investigate the cargo, and also have the authority to inspect or test the fuel in the supply tank of a conveyance to determine if legal fuel is being used to power the conveyance. The operator of any vehicle transporting motor fuel or special fuel shall, upon request, produce and offer for inspection the manifest or loading and delivery invoices pertaining to the load and trip in question and shall permit the authority to inspect and measure the contents of the vehicle. If the vehicle operator fails to produce the evidence or if, when produced, the evidence fails to contain the required information and it appears that there is an attempt to evade payment of the fuel tax, the vehicle operator will be subject to the penalty provisions contained in [section 452A.74A](#).

3. For purposes of [this section](#), “*vehicle*” means as defined in [section 321.1](#).

Sec. 126. [Section 453A.13, subsection 2](#), paragraph a, Code 2018, is amended to read as follows:

a. The department shall issue state permits to distributors, wholesalers, and cigarette vendors, and retailers that make delivery sales of alternative nicotine products and vapor products, subject to the conditions provided in [this division subchapter](#). If an out-of-state retailer makes delivery sales of alternative nicotine products or vapor products, an application shall be filed with the department and a permit shall be issued for the out-of-state retailer’s principal place of business. Cities may issue retail permits to retailers with a place of business located within their respective limits. County boards of supervisors may issue retail permits to retailers with a place of business in their respective counties, outside of the corporate limits of cities.

DIVISION III  
CODE EDITOR DIRECTIVES

Sec. 127. CODE EDITOR DIRECTIVES.

1. [Section 508E.8, subsection 1](#), paragraph “f”, Code 2018, is amended by striking the word “recision” and inserting in lieu thereof the word “rescission”.

2. [Sections 100B.21 and 135.11](#), Code 2018, are amended by striking the word “firefighters” and inserting in lieu thereof the words “fire fighters”.

3. [Sections 92.5, subsection 7; 160.5, subsection 2; and 298.3, subsection 1](#), paragraph “m”, Code 2018, are amended by striking the word “clean-up” and inserting in lieu thereof the word “cleanup”.

4. [Sections 537.2202, 537.2308, and 537.2508](#), Code 2018, are amended by striking the words “open end” and inserting in lieu thereof the word “open-end”.

5. [Sections 537.1201, subsections 1 and 2; 537.2201, subsection 1; 537.2504, unnumbered paragraph 1; 537.2506, subsection 2; 537.2601, subsection 2; 537.3203, unnumbered paragraph 1; 537.3206, subsection 3; 537.3212, subsections 1 and 3; 537.3303, subsections 1 and 2; 537.3308, subsection 2, paragraph “b”; 537.3403, subsection 5; 537.3404, subsection 3, paragraphs “a” and “b”; and 537.3405, subsection 3, paragraphs “a” and “b”, Code 2018, are amended by striking the words “open end” and inserting in lieu thereof the word “open-end”.](#)

6. [Sections 28M.3, 145A.20, 331.486, 331.487, 347A.3, 364.13, 384.11, 384.23, 384.31, 384.34, 384.35, 384.44, 384.67, 384.76, 384.79, 384.88, 384.90, 384.93, 392.1, 392.3, 425.16, 425.18, 425.19, 425.21, 425.22, 425.24, 425.27, 425.29, 425.30, 425.31, 425.32, 425.35, 425.36, 425.37, 425.39, 452A.1, 452A.9, 452A.50, 452A.51, 452A.55, 452A.76, 453A.9, 453A.11, 453A.12, 453A.18, 453A.28, 453A.37, 453A.47, 453A.49, 453A.50, 468.240, 468.586, 468.587, 633.246A, 633.352, 633.402, 633.700, 633.722, and 633.751](#), Code 2018, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

7. [Sections 97B.1A, subsection 8, paragraph “b”, subparagraph \(2\); 231E.4, subsection 6, paragraph “e”; 231E.5, subsection 2, paragraph “h”, subparagraphs \(1\) and \(3\); 231E.8, subsection 4; 249A.3, subsection 11, paragraph “d”; 331.231, subsection 1; 331.233, subsection 1, unnumbered paragraph 1; 331.238, subsection 2, paragraph “a”, subparagraph \(2\); 331.382, subsection 8, paragraph “b”; 331.384, subsection 3; 331.424A, subsection 1, unnumbered paragraph 1; 331.447, subsection 1, paragraph “a”; 331.552, subsection 21; 350.6, subsection 4; 357A.11, subsection 9; 358.16, subsection 3; 384.13, subsection 1; 384.24, unnumbered paragraph 1; 384.25, subsection 1; 384.26, subsection 1; 384.37, unnumbered paragraph 1; 384.37, subsection 10; 384.49, subsection 3, paragraph “a”; 384.58, subsection 1, unnumbered paragraph 1; 384.66, subsection 4; 384.68, subsection 2; 384.68, subsection 6, paragraph “a”; 384.74, unnumbered paragraph 2; 384.75, unnumbered paragraph 2; 384.80, unnumbered paragraph 1; 384.83, subsection 5; 384.84, subsection 1; 386.7, subsection 6; 386.12 subsection 3; 403.12, subsection 5; 420.41, subsection 3; 423A.7, subsection 4, paragraph “d”, subparagraph \(1\); 425.17, unnumbered paragraph 1; 425.17, subsection 2, paragraph “a”, subparagraphs \(1\) and \(2\); 425.17, subsections 4, 7, 8, 9, and 10; 425.23, unnumbered paragraph 1; 425.33, subsection 1; 425.33, subsection 2, unnumbered paragraph 1; 425.40, subsection 2; 452A.2, unnumbered paragraph 1; 452A.2, subsection 27; 452A.3, subsection 1, unnumbered paragraph 1; 452A.3, subsection 2; 452A.3, subsection 6, paragraph “a”, subparagraph \(1\); 452A.3, subsection 6, paragraph “a”, subparagraph \(2\), unnumbered paragraph 1; 452A.3, subsection 10, paragraph “b”; 452A.3, subsection 11; 452A.4, subsection 3, paragraph “a”; 452A.6, subsection 1, paragraph “a”; 452A.8, subsection 1, paragraph “c”; 452A.15, subsection 1, paragraph c; 452A.15, subsection 4; 452A.17, subsection 1, unnumbered paragraph 1; 452A.21, subsection 1; 452A.31, unnumbered paragraph 1; 452A.52, subsection 1; 452A.54, subsections 1, 3, and 4; 452A.57, subsections 1 and 5; 452A.58, subsections 1 and 3; 452A.65, subsection 2; 453A.6, subsection 6; 453A.8, subsection 4; 453A.13, subsection 2, paragraph “a”; 453A.13, subsection 3, paragraph “a”; 453A.13, subsection 10; 453A.14, subsection 1, unnumbered paragraph 1; 453A.14, subsection 2; 453A.15, subsections 1 and 7; 453A.17, subsection 2; 453A.22, subsections 1 and 8; 453A.23, subsections 1 and 2; 453A.24, subsection 2; 453A.31, subsection 1, unnumbered paragraph 1; 453A.32, subsections 1 and 6; 453A.36, subsections 1 and 6; 453A.42, unnumbered paragraph 1; 453A.42, subsection 12; 453A.43, subsection](#)

1, paragraph “d”; 453A.43, subsection 5; 453A.44, subsections 2, 3, 4, 5, 7, 10, 11, and 12; 453A.45, subsection 1, paragraph “b”; 453A.46, subsection 5; 453A.47A, subsection 4; 453A.47A, subsection 7, paragraph “a”, unnumbered paragraph 1; 453A.47A, subsection 11; 453A.48, subsections 1 and 2; 633.3, unnumbered paragraph 1; 633.701, subsection 1; 633.703, subsection 1; 633.713, subsection 4; and 633.720, subsection 2, Code 2018, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

8. The Code editor may change chapter division designations to subchapter designations and correct internal references as necessary in and to the following chapters:

- a. 331.
- b. 384.
- c. 425.
- d. 452A.
- e. 453A.
- f. 633.

9. The Code editor may designate unnumbered chapter headings as numbered subchapters and correct internal references as necessary within and to the following chapters:

- a. 137C.
- b. 235A.
- c. 235B.
- d. 309.
- e. 313.
- f. 321A.
- g. 327D.
- h. 355.
- i. 481A.
- j. 515.
- k. 614.
- l. 622.
- m. 636.
- n. 654.

10. The Code editor may add or delete subchapters in the following chapters:

- a. 235B: After section 235B.15, add a new subchapter entitled “Miscellaneous Provisions”.
- b. 515: After section 515.119, delete header entitled “Surplus Lines Insurance”.

11. The Code editor is directed to make the following transfer:

- a. Section 13B.4B to section 13B.4A.

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

12. The Code editor may number unnumbered paragraphs within sections 28M.3, 43.42, 49.58, 85.32, 85.37, 135.11A, 135.69, 135.71, 161E.6, 215A.9, 249A.20, 252.22, 257.27, 257.33, 257.36, 257.48, 306.8, 313.36, 321I.23, 321J.2A, 321J.11, 327D.67, 327G.17, 347A.3, 384.74, 384.75, 421B.11, 422.30, 427B.4, 427B.21, 435.25, 441.42, 441.46, 445.16, 445.56, 446.31, 452A.55, 452A.56, 452A.61, 452A.63, 452A.67, 452A.75, 452A.77, 453A.12, 453A.28, 453B.2, 453B.3, 453B.9, 453B.11, 455B.117, 455B.276, 455B.277, 455B.281, 455B.303, 455B.362, 455E.6, 462A.20, 465C.9, 465C.13, 468.159, 478.6, 479.24, 479.41, 479.42, 479B.6, 479B.11, 479B.16, 479B.25, 479B.26, 481A.36, 483A.21, 491.13, 491.28, 491.55, 491.107, 496C.9, 496C.11, 496C.22, 499.42, 499.54, 499.65, 499A.3A, 499A.3C, 499A.19, 506.10, 507B.8, 507B.12, 508.4, 508.32, 508.32A, 508B.2, 508B.5, 508B.9, 508B.14, 514A.13, 514B.13, 514B.24, 514B.26, 514B.30, 515.71, 515B.4, 515G.5, 522B.16, 524.222, 524.535, 524.608, 524.610, 524.611, 524.703, 524.1004, 524.1006, 533D.13, 535.16, 536A.11, 542.17, 542B.20, 543B.45, 548.106, 554.10101, 554.10105, 594A.6, 594A.8, 595.4, 600.1, 600.14, 600.18, 600A.1, 600A.3, 690.5, 692.14, 692.22, 708.6, 708A.3, 709.2, 709.14, 710.2, 710.3, 710.4, 710.6, 714.12, 714.13, 718A.6, 729A.5, 804.10, 804.23, 808.6, 820.5, 820.12, 820.25, 822.6, 904.311, 904.514, 906.14, 906.15, 907.2, 908.10, 908.10A, 909.6, 909.7, and 910.9, Code 2018, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

13. The Code editor may number unnumbered paragraphs within [section 96.7, subsection 2](#), paragraphs “e” and “f”, Code 2018, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved March 28, 2018