

CHAPTER 1062

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2535

AN ACT relating to nonsubstantive Code corrections, and including effective date and retroactive applicability provisions.

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

DIVISION I MISCELLANEOUS CHANGES

Section 1. [Section 12.82, subsection 4](#), Code 2020, is amended to read as follows:

4. Any amounts remaining in the school infrastructure fund at the end of the fiscal year beginning July 1, 2010, and for each fiscal year thereafter, which are determined by the treasurer of state to be unencumbered and unobligated and otherwise unnecessary to make the payments for such fiscal year, shall be transferred to the rebuild Iowa infrastructure fund created in [section 8.57](#).

Sec. 2. [Section 12.89, subsection 5](#), Code 2020, is amended to read as follows:

5. Moneys in the revenue bonds debt service fund and any bond reserve fund created pursuant to [this section](#) are not subject to [section 8.33](#); provided however, that on August 31 following the close of each fiscal year, any moneys on deposit in the revenue bonds debt service fund at the end of such fiscal year, which is determined by the treasurer of state to not be encumbered or obligated or otherwise necessary to make the payments for such fiscal year authorized to be made from such fund pursuant to [subsection 1](#), shall be credited to the rebuild Iowa infrastructure fund created in [section 8.57](#). Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys in the revenue bonds debt service fund and any bond reserve fund shall be credited to such funds.

Sec. 3. [Section 12.89A, subsection 5](#), Code 2020, is amended to read as follows:

5. At any time during each fiscal year that there are moneys on deposit in the revenue bonds federal subsidy holdback fund that are not needed to pay principal and interest on federal subsidy bonds during such fiscal year as determined by the treasurer of state or the treasurer's designee, such moneys on deposit in the revenue bonds federal subsidy holdback fund shall be credited to the rebuild Iowa infrastructure fund ~~of the state~~ created in [section 8.57](#).

Sec. 4. [Section 15.101, subsection 2](#), Code 2020, is amended to read as follows:

2. The collaboration shall involve the economic development authority and the Iowa ~~innovation~~ bioscience development corporation, both of which shall work together to further economic development policy according to the provisions of [this subchapter](#).

Sec. 5. [Section 15E.71](#), Code 2020, is amended to read as follows:

15E.71 Executive council action.

Notwithstanding [section 7D.29, subsection 1](#), the executive council in full consultation with the attorney general, and with the agreement of the attorney general, shall take any action deemed necessary to protect the interests of the state with respect to any certificates, tax credits, entities created, or action taken in relation to [this subchapter](#). Such actions may include but are not limited to initiation of legal action, commencement of special investigations, institution of special audits of any involved entity, or establishment of receiverships. If such action is taken, the council may incur the necessary expense to perform such a duty or cause such a duty to be performed, and pay the same out of any ~~money~~ moneys in the state treasury not otherwise appropriated.

Sec. 6. [Section 15E.362, subsection 10](#), Code 2020, is amended to read as follows:

10. The authority may contract with outside service providers for assistance with the program or may delegate the administration of the program to the ~~Iowa innovation bioscience development corporation~~ pursuant to [section 15.106B](#).

Sec. 7. [Section 15H.3, subsection 1](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

The ~~Iowa commission on volunteer service~~ shall consist of the following members:

Sec. 8. [Section 15H.5, subsection 2](#), Code 2020, is amended to read as follows:

2. The Iowa summer youth corps program is established to provide meaningful summer enrichment programming to Iowa youth. The program shall be administered by the ~~Iowa commission on volunteer service~~ using a competitive grant process to implement projects in accordance with program requirements. The commission shall adopt administrative rules for the program, including but not limited to incentives, grant criteria, and grantee selection processes. A percentage of the grants shall be designated by the commission to address the needs of economically distressed areas as defined in [section 15.335C](#).

Sec. 9. [Section 15H.6, subsection 1](#), Code 2020, is amended to read as follows:

1. The ~~Iowa commission on volunteer service~~, in collaboration with the department of natural resources, the department of workforce development, and the utilities board of the department of commerce, shall establish an Iowa green corps program. The commission shall work with the collaborating agencies and nonprofit agencies in developing a strategy for attracting additional financial resources for the program from other sources which may include but are not limited to utilities, private sector, and local, state, and federal government funding sources. The financial resources received shall be credited to the community programs account created pursuant to [section 15H.5](#).

Sec. 10. [Section 15H.7, subsection 1](#), paragraph a, Code 2020, is amended to read as follows:

a. The ~~Iowa commission on volunteer service~~, in collaboration with the department of education, may establish an Iowa reading corps program to provide Iowa reading corps Americorps members with a data-based, problem-solving model of literacy instruction to use in tutoring students from prekindergarten to third grade who are not proficient in reading or who are at risk of becoming not proficient in reading.

Sec. 11. [Section 15H.8, subsection 1](#), paragraph a, Code 2020, is amended to read as follows:

a. The ~~Iowa commission on volunteer service~~, in collaboration with the department of human services, shall establish a Refugee Rebuild, Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program to increase community integration and engagement for diverse refugee communities in rural and urban areas across the state.

Sec. 12. [Section 15H.9, subsection 1](#), Code 2020, is amended to read as follows:

1. The ~~Iowa commission on volunteer service~~ may establish an Iowa national service corps program to provide opportunities for state agencies, political subdivisions of the state, and private, nonprofit organizations to create national service programs outside of existing state and federal programs to meet state and local needs and to provide more opportunities for Iowans to serve their state and country and foster a cultural expectation of service in Iowa through a unified service corps.

Sec. 13. [Section 16.82A, subsection 1](#), paragraph c, Code 2020, is amended to read as follows:

c. If, after ~~making a tax credit award is made~~, the eligible taxpayer or qualified beginning farmer no longer meets the requirements of the agreement or the program, the authority may revoke a the tax credit award and may rescind a any tax credit certificate that has been issued.

Sec. 14. [Section 29A.47, subsection 1](#), Code 2020, is amended to read as follows:

1. Troops occupying a military district established under martial law, may, if necessary, pursue, arrest, and subpoena persons wanted in said the military district, anywhere within the state of Iowa.

Sec. 15. [Section 29B.35, subsection 2](#), Code 2020, is amended to read as follows:

2. If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence may be made.

Sec. 16. [Section 43.77, subsection 5](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

A vacancy has occurred in the office of county supervisor or in any of the offices listed in [section 39.17](#), and the term of office has more than seventy days remaining after the date of the next general election, and one of the following circumstances applies:

Sec. 17. [Section 43.101](#), Code 2020, is amended to read as follows:

43.101 County central committee officers.

The county central committee shall elect a chair, co-chair, secretary, treasurer, and other officers as it may determine. The term of office of an officer begins at the time specified by the party's state constitution or bylaws and continues for two years and until the officer's successor is elected and qualified, unless the officer dies, resigns, or is sooner removed by the county central committee for inattention to duty or incompetency.

Sec. 18. [Section 45.1, subsection 8](#), paragraph c, Code 2020, is amended to read as follows:

c. In cities having a population of less than one hundred according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than five eligible electors who are residents of the city.

Sec. 19. [Section 52.2](#), Code 2020, is amended to read as follows:

52.2 Optical scan voting system required.

Notwithstanding any provision to the contrary, for elections held on or after November 4, 2008, a county shall use an optical scan voting system only. The requirements of the federal Help America Vote Act, Pub. L. No. 107-252, 116 Stat. 1666, relating to disabled voters shall be met by a county through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

Sec. 20. [Section 80.15](#), Code 2020, is amended to read as follows:

80.15 Examination — oath — probation — discipline — dismissal.

1. An applicant to be a peace officer in the department shall not be appointed as a peace officer until the applicant has passed a satisfactory physical and mental examination. In addition, the applicant must be a citizen of the United States and be not less than twenty-two years of age. However, an applicant applying for assignment to provide protection and security for persons and property on the grounds of the state capitol complex or a peace officer candidate shall not be less than eighteen years of age. The mental examination shall be conducted under the direction or supervision of the commissioner and may be oral or written or both. An applicant shall take an oath on becoming a peace officer of the department, to uphold the laws and Constitution of the United States and Constitution of the State of Iowa.

2. During the period of twelve months after appointment, a peace officer of the department is subject to dismissal at the will of the commissioner. After the twelve months' service, a peace officer of the department, who was appointed after having passed the examinations, is not subject to dismissal, suspension, disciplinary demotion, or other disciplinary action resulting in the loss of pay unless charges have been filed with the department of inspections and appeals and a hearing held by the employment appeal board created by [section 10A.601](#), if requested by the peace officer, at which the peace officer has an opportunity to present a

defense to the charges. The decision of the appeal board is final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#). However, these procedures as to dismissal, suspension, demotion, or other discipline do not apply to a peace officer who is covered by a collective bargaining agreement which provides otherwise, and do not apply to the demotion of a division head to the rank which the division head held at the time of appointment as division head, if any. A division head who is demoted has the right to return to the rank which the division head held at the time of appointment as division head, if any.

3. All rules, except employment provisions negotiated pursuant to [chapter 20](#), regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the commissioner in consultation with the director of the department of administrative services, subject to approval by the governor.

Sec. 21. [Section 85.42, subsection 1](#), paragraph a, Code 2020, is amended to read as follows:

a. When it is shown that at the time of the injury the surviving spouse had willfully deserted the deceased without fault of the deceased, then ~~such~~ the survivor shall not be considered as dependent in any degree.

Sec. 22. [Section 96.19, subsection 25A](#), Code 2020, is amended to read as follows:

25A. "Indian tribe" shall have the meaning given to the term pursuant to section 4(e) of the federal Indian Self-Determination and Education Assistance Act, [Pub. L. No. 93-638](#), and shall include any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.

Sec. 23. [Section 124.409](#), Code 2020, is amended to read as follows:

124.409 Conditional discharge, commitment for treatment, and probation.

1. Whenever the court finds that a person who is charged with a violation of [section 124.401](#) and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of that section, is addicted to, dependent upon, or a chronic abuser of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, ~~it the court~~ may order that the person be committed as an in-patient or out-patient to a facility licensed by the Iowa department of public health for medical treatment and rehabilitative services.

2. A person committed under [this section](#) who is not possessed of sufficient income or estate to enable the person to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in [section 125.44](#). The determination of ability to pay shall be made by the court. The court shall require the patient, or the patient's parent, guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for the patient's support to reimburse the state with the costs, or any part thereof.

3. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit the person to the custody of a public or private agency or any other responsible person and impose other conditions upon the commitment as is necessary to insure compliance with the court's order and to insure that the person will not, during the period of treatment and rehabilitation, again violate a provision of [this chapter](#).

4. If it is established thereafter to the satisfaction of the court that the person has again violated a provision of [this chapter](#), the person may be returned to custody or sentenced upon conviction as provided by law.

5. The public or private agency or responsible person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of the case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been

convicted or is thereafter convicted, the court shall sentence the person as provided by law but may remit all or any part of the sentence and place the person on probation upon terms and conditions as the court may prescribe.

Sec. 24. [Section 135B.5, subsection 2](#), Code 2020, is amended to read as follows:

2. The provisions of [this section](#) shall not in any way affect, change, deny, or nullify any rights set forth in, or arising from the provisions of [this chapter](#) and particularly [section 135B.7](#), arising before or after December 31, 1960.

Sec. 25. [Section 144F.1, subsection 1](#), Code 2020, is amended to read as follows:

1. “*Aftercare assistance*” means any assistance provided by a lay caregiver to a patient following discharge of the patient that ~~are~~ involves tasks directly related to the patient’s condition at the time of discharge, ~~do~~ does not require a licensed professional, and ~~are~~ is determined to be appropriate by the patient’s discharging physician or other licensed health care professional.

Sec. 26. [Section 217.6, subsection 3](#), Code 2020, is amended to read as follows:

3. The director shall organize the department of human services into divisions to carry out in an efficient manner the intent of [this chapter](#). The department of human services may be initially divided into the following divisions of responsibility: ~~the~~

~~a. The division of child and family services, the~~

~~b. The division of mental health and disability services, the~~

~~c. The division of administration, and the~~

~~d. The division of planning, research, and statistics.~~

Sec. 27. [Section 217.43, subsection 1](#), Code 2020, is amended to read as follows:

1. a. The department shall establish a service area advisory board in each service area. Each of the county boards of supervisors of the counties comprising the service area shall appoint two service area advisory board members. ~~The~~ All of the following requirements apply to the appointments made by a county board of supervisors: ~~the~~

(1) The membership shall be appointed in accordance with [section 69.16](#), relating to political affiliation, and [section 69.16A](#), relating to gender balance; ~~not.~~

(2) Not more than one of the members shall be a member of the board of supervisors; ~~and appointments.~~

(3) Appointments shall be made on the basis of interest in maintaining and improving service delivery.

b. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the service area manager. A vacancy on the board shall be filled in the same manner as the original appointment.

c. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

Sec. 28. [Section 218.2, subsection 2](#), Code 2020, is amended to read as follows:

2. The administrator to whom primary responsibility ~~of~~ for a particular institution has been assigned shall make reports to the director of human services as are requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the institutions.

Sec. 29. [Section 232.2, subsection 46A](#), Code 2020, is amended to read as follows:

46A. “*Relative*” for purposes of [divisions subchapters III and IV of this chapter](#) includes the parent of a sibling.

Sec. 30. [Section 232.11, subsection 6](#), Code 2020, is amended to read as follows:

6. Nothing in [this section](#) shall be construed to prevent the child or the child’s parent, guardian or custodian from retaining counsel to represent the child in proceedings under [this division subchapter II of this chapter](#) in which the alleged delinquent act constitutes a simple misdemeanor under the Iowa Code.

Sec. 31. [Section 232.37, subsections 3 and 6](#), Code 2020, are amended to read as follows:

3. Upon request of the child who is identified in the petition as a party to the proceeding, the child's parent, guardian, or custodian; or a county attorney; or on the court's own motion, the court or the clerk of the court shall issue subpoenas requiring the attendance and testimony of witnesses and production of papers at any hearing under [this division subchapter](#).

6. The court may issue an order for the removal of the child from the custody of the child's parent, guardian, or custodian when there exists an immediate threat that the parent, guardian, or custodian will flee the state with the child, or when it appears that the child's immediate removal is necessary to avoid imminent danger to the child's life or health.

Sec. 32. [Section 232.48, subsection 4](#), Code 2020, is amended to read as follows:

4. A predisposition report shall not be disclosed except as provided in [this section](#) and in [division subchapter VIII of this chapter](#). The court shall permit the child's attorney to inspect the predisposition report prior to consideration by the court. The court may order counsel not to disclose parts of the report to the child, or to the child's parent, guardian, guardian ad litem, or custodian if the court finds that disclosure would seriously harm the treatment or rehabilitation of the child. If the report indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person with custody of the child shall be provided with that information.

Sec. 33. [Section 232.89, subsection 2](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

Upon the filing of a petition, the court shall appoint counsel and a guardian ad litem for the child identified in the petition as a party to the proceedings. If a guardian ad litem has previously been appointed for the child in a proceeding under [division subchapter II of this chapter](#) or a proceeding in which the court has waived jurisdiction under [section 232.45](#), the court shall appoint the same guardian ad litem upon the filing of the petition under [this part](#). Counsel shall be appointed as follows:

Sec. 34. [Section 232.103, subsection 2](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

The following persons shall be authorized to file a motion to terminate, modify, or vacate and substitute a dispositional order:

Sec. 35. [Section 232.109](#), Code 2020, is amended to read as follows:

232.109 Jurisdiction.

The juvenile court shall have exclusive jurisdiction over proceedings under [this chapter](#) to terminate a parent-child relationship and all parental rights with respect to a child. No such termination shall be ordered except under the provisions of [this chapter](#) if the court has made an order concerning the child pursuant to the provisions of [division subchapter III of this chapter](#) and the order is in force at the time a petition for termination is filed.

Sec. 36. [Section 232.147, subsection 10](#), Code 2020, is amended to read as follows:

10. Subject to restrictions imposed by [sections 232.48, subsection 4](#), and [232.97, subsection 3](#), all juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to [division subchapter VI of this chapter](#).

Sec. 37. [Section 256.11, subsection 5](#), paragraph k, subparagraph (1), subparagraph division (e), Code 2020, is amended to read as follows:

(e) Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act, [codified at 15 U.S.C. §1692 – 1692p](#).

Sec. 38. [Section 257.39](#), Code 2020, is amended to read as follows:
257.39 Definitions — returning dropouts and potential dropouts.

As used in [this chapter](#):

1. ~~“Returning dropouts” are resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than transfer to another school or school district and who subsequently enrolled in a public school in the district.~~

2. 1. “Potential dropouts” are resident pupils who are enrolled in a public or nonpublic school who demonstrate poor school adjustment as indicated by two or more of the following:

- a. High rate of absenteeism, truancy, or frequent tardiness.
- b. Limited or no extracurricular participation or lack of identification with school, including but not limited to, expressed feelings of not belonging.
- c. Poor grades, including but not limited to, failing in one or more school subjects or grade levels.
- d. Low achievement scores in reading or mathematics which reflect achievement at two years or more below grade level.
- e. Children in grades kindergarten through three who meet the definition of at-risk children adopted by the department of education.

2. “Returning dropouts” are resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than transfer to another school or school district and who subsequently enrolled in a public school in the district.

Sec. 39. [Section 261E.8, subsection 2](#), paragraph b, subparagraph (2), subparagraph divisions (a) and (b), Code 2020, are amended to read as follows:

(a) Subject to an appropriation of funds by the general assembly for this purpose, a student enrolled in a unit of coursework provided under this subparagraph shall be counted as if the student was assigned a weighting under [section 257.11, subsection 3](#), paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4), if the accredited nonpublic school is accredited under the standards required of a school district pursuant to [section 256.11](#), the number of students enrolled in a class used to meet the unit requirement exceeds five, and the accredited nonpublic school’s total enrollment in grades nine through twelve does not exceed two hundred pupils.

(b) A student enrolled in a unit of coursework provided under this subparagraph is not eligible to be counted as if the student was assigned a weighting under [section 257.11, subsection 3](#), paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4), if the accredited nonpublic school’s total enrollment in grades nine through twelve exceeds two hundred pupils.

Sec. 40. [Section 272.15, subsection 1](#), paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The board of directors of a school district or area education agency, the superintendent of a school district, the chief administrator of an area education agency, and the authorities in charge of an accredited nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person’s contract executed under [sections 279.12, 279.13, 279.15, 279.16, 279.18](#) through [279.21, 279.23, and 279.24](#), and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the rules adopted by the board to implement [section 272.2, subsection 14](#), paragraph “b”, subparagraph (1); soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student; falsifying student grades, test scores, or other official information or material; or converting public property or funds to the personal use of the school employee, when the board or reporting official has a good faith belief that the incident occurred or the allegation is true. The board may deny a license or revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding

a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by [this section](#).

Sec. 41. [Section 279.11, subsection 2](#), paragraph a, Code 2020, is amended to read as follows:

a. A parent or guardian of siblings may request of a school principal that the children siblings be placed in the same classroom or in separate classrooms if the children siblings are in the same grade level academically for kindergarten through grade five. The school principal in consultation with the siblings' classroom teachers for the prior school year, may recommend classroom placement to the parent or guardian. The school principal shall provide the placement requested by the parent or guardian, unless the school principal makes a classroom placement determination as provided under paragraph "b" or if the placement would require the school district to add an additional class at the siblings' grade level. A request made by a parent or guardian under this paragraph must be submitted to the school principal at the time of registration for classes or, if the children siblings are enrolled in the school district after the school year commences, within fourteen days after the children's siblings' first day of attendance during the school year.

Sec. 42. [Section 307.13](#), Code 2020, is amended to read as follows:

307.13 Reassignment of personnel.

The director may reassign personnel within the department among the various divisions of the department in order to properly coordinate the work of the divisions and perform the duties and responsibilities of the department efficiently and economically. However, any employee so transferred or transferred from one employment system to another, either administratively or legislatively, shall not be considered to be a probationary employee simply because of this action.

~~However, any employee so transferred or transferred from one employment system to another either administratively or legislatively, shall not be considered to be a probationary employee simply because of this action.~~

Sec. 43. [Section 321.208, subsection 1](#), paragraph c, Code 2020, is amended to read as follows:

c. Operating a commercial motor vehicle involved in a fatal accident and being convicted of manslaughter under [section 707.4](#) or [707.5](#) or vehicular homicide under [section 707.6A](#).

Sec. 44. [Section 322G.12](#), Code 2020, is amended to read as follows:

322G.12 Resale of returned vehicles.

1. A manufacturer who accepts the return of a motor vehicle pursuant to a settlement, determination, or decision under [this chapter](#) shall notify the state department of transportation, report the vehicle identification number of that motor vehicle within ten days after the acceptance, and obtain a new certificate of title for the vehicle in the manufacturer's name pursuant to [section 321.46](#). In obtaining a new certificate of title, the manufacturer shall title the vehicle in the county of the transferor's residence and shall be exempt from the registration fee requirements of [section 321.46](#) and the fee for new registration under [section 321.105A](#). The new certificate of title, and all subsequent registration receipts and certificates of title issued for the motor vehicle, shall contain a designation indicating that the motor vehicle was returned to the manufacturer pursuant to [this chapter](#) or a similar law of another state. The state department of transportation shall determine the manner in which the designation is to be indicated on registration receipts and certificates of title and may determine that a "REBUILT" or "SALVAGE" designation supersedes the designation required by [this paragraph subsection](#) and include the "REBUILT" or "SALVAGE" designation on the registration receipt and certificate of title in lieu of the designation required by [this paragraph subsection](#).

2. A person shall not knowingly lease, sell, either at wholesale or retail, or transfer a title to a motor vehicle returned by reason of a settlement, determination, or decision pursuant to [this chapter](#) or a similar law of another state unless the nature of the nonconformity is clearly and conspicuously disclosed to the prospective transferee, lessee, or buyer. The attorney general shall prescribe by rule the form, content, and procedure pertaining to such

a disclosure statement, recognizing the need of manufacturers to implement a uniform disclosure form. The manufacturer shall make a reasonable effort to ensure that such disclosure is made to the first subsequent retail buyer or lessee. For purposes of [this section](#), “*settlement*” includes an agreement entered into between the manufacturer and the consumer that occurs after the thirtieth day following the manufacturer’s receipt of the consumer’s written notification pursuant to [section 322G.4](#).

Sec. 45. [Section 330.13](#), Code 2020, is amended to read as follows:

330.13 Federal aid.

1. Any subdivision of government is authorized to accept, receive, and receipt for federal moneys, and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, and other air navigation facilities, and sites for airports and other navigation facilities, and to comply with the laws of the United States and any regulations for the expenditure of federal moneys upon airports and other air navigation facilities.

2. All preapplications for funds authorized to be received pursuant to [this section](#) by any governmental subdivision, commission, or authority, whether acting alone or jointly with another governmental or private entity, shall be approved by the state transportation commission prior to being submitted to any federal agency or department. Approval shall be based on criteria consistent with the Iowa aviation system plan. However, [this paragraph subsection](#) does not apply to preapplications from airports which receive federal primary commercial service entitlement funds if the airport making the preapplication files a copy of the preapplication with the state department of transportation.

Sec. 46. [Section 335.30](#), Code 2020, is amended to read as follows:

335.30 Manufactured and modular homes.

1. A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A county shall not require more than one permanent foundation system for a manufactured home. For purposes of [this section](#), a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in [this section](#), “*manufactured home*” means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. [This section](#) shall not be construed as abrogating a recorded restrictive covenant.

2. A county 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. A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which mandate width standards for a single modular or manufactured home which is sited upon land otherwise zoned as agricultural land. However, [this paragraph subsection](#) shall not prohibit a county from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

Sec. 47. [Section 352.4, subsection 1](#), paragraphs b, c, and d, Code 2020, are amended to read as follows:

b. The lands used for public facilities, which may include parks, recreation areas, schools, government buildings, and historical sites.

c. The lands used for private open spaces, which may include woodlands, wetlands, and water bodies.

d. The land used for each of the following uses: commercial, industrial including mineral extraction, residential, and transportation.

Sec. 48. [Section 352.4, subsection 3](#), Code 2020, is amended to read as follows:

3. The information required by [subsection 1](#) shall be provided both in narrative and map form. The county commission shall provide a cartographic display which contrasts the county's present land use with the land use in the county in 1960 based on the best available information. The display need only show the areas in agriculture, private open spaces, public facilities, commercial, industrial, residential, and transportation uses.

Sec. 49. [Section 357.17](#), Code 2020, is amended to read as follows:

357.17 Bond of contractor.

1. The successful bidder, when awarded a contract, shall be required to give an approved surety bond for one hundred percent of the contract price, guaranteeing completion of the work in accordance with the plans and specifications, and for maintenance, including backfilling, for one year after the final acceptance of the work.

2. If the contractor ~~shall fail~~ fails to complete the work as provided in the contract, ~~or shall abandon~~ abandons the same work, or fail fails to proceed in a reasonable manner toward its final completion, the board may proceed against the contractor and surety as provided in [sections 468.104](#) and [468.105](#).

Sec. 50. [Section 359.14](#), Code 2020, is amended to read as follows:

359.14 Changing name — petition — notice.

1. Eligible electors of a township wishing to change its name may petition the board of supervisors ~~and, if,~~

2. If it appears to the board that a majority of the eligible electors of the township are in favor of the change, the board shall cause notices, attested by the auditor, to be posted in three of the most public places of the township, for at least thirty days before the next regular session of the board.

3. The notice shall state ~~that~~ all of the following:

a. That a petition has been presented to the board by the eligible electors of the township, seeking a change of the name of the township ~~and shall state the.~~

b. The name sought in the petition, ~~and that,~~

c. That, unless those interested in the change of name appear at the next regular session of the board and show cause why the name shall not be changed, there will be an order made granting the change.

Sec. 51. [Section 411.23, subsection 3](#), paragraph b, Code 2020, is amended to read as follows:

b. In the event a refund is made in accordance with [this subsection](#) without the member's consent, the system shall pay the distribution in a direct rollover to an individual retirement plan designated by the system unless the member elects to have such distribution paid directly to an eligible retirement plan specified by the member in a direct rollover in accordance with [section 411.6B](#) or elects to receive the distribution directly. The system may, by rule, implement a ~~de minimus de minimis~~ exception to the automatic rollover provision of [this subsection](#), subject to the limitations of the Internal Revenue Code and any applicable internal revenue service regulations.

Sec. 52. [Section 425.8, subsection 1](#), Code 2020, is amended to read as follows:

1. The director of revenue shall prescribe the form for the making of a verified statement and designation of homestead, the form for the supporting affidavits required herein, and such other forms as may be necessary for the proper administration of [this chapter](#).

Whenever necessary, the department of revenue shall forward to the county auditors of the several counties in the state the prescribed sample forms, and the county auditors shall furnish blank forms prepared in accordance therewith with the assessment rolls, books, and supplies delivered to the assessors. The department of revenue shall prescribe and the county auditors shall provide on the forms for claiming the homestead credit a statement to the effect that the owner realizes that the owner must give written notice to the assessor when the owner changes the use of the property.

Sec. 53. [Section 456A.28](#), Code 2020, is amended to read as follows:
456A.28 Fish restoration projects.

The state of Iowa assents to the provisions of the Act of Congress entitled “An Act To Provide That The United States Shall Aid The States In Fish Restoration Projects, And For Other Purposes”, approved August 9, 1950, ~~Ch.~~ [Chapter 658](#), 64 Stat. 430, codified at 16 U.S.C. §777 – 777n, and the department may perform acts as necessary to the conduct and establishment of cooperative fish restoration projects, as defined in the Act of Congress, in compliance with the Act and with regulations promulgated by the secretary of the interior under the Act. No funds accruing to the state of Iowa from fishing license fees shall be diverted for any other purposes than as set out in [sections 456A.17](#) and [456A.19](#).

Sec. 54. [Section 461A.1, subsection 1](#), Code 2020, is amended to read as follows:

1. “*Commission*” means the natural resource commission created under [section 455A.5](#).

Sec. 55. [Section 462A.5, subsection 4](#), paragraph b, Code 2020, is amended to read as follows:

b. If the name of a person, who has registered a vessel, is changed, the person shall, within ten days, notify any county recorder of the former and new name.

Sec. 56. [Section 462A.12, subsection 4](#), Code 2020, is amended to read as follows:

4. No person shall operate on the waters of this state under the jurisdiction of the ~~conservation~~ commission any vessel displaying or reflecting a blue light or flashing blue light unless such vessel is an authorized emergency vessel.

Sec. 57. [Section 515G.3, subsection 1](#), paragraph c, Code 2020, is amended to read as follows:

c. The manner and basis of exchanging the rights of each voting policyholder and each eligible policyholder of the mutual insurer to be converted to a stock company pursuant to [this chapter](#). Such exchange may include a base value for each voting policyholder in recognition of the voting policyholder’s voting rights as a mutual policyholder as well as consideration to be provided to each eligible policyholder in exchange for the eligible policyholder’s rights as a mutual policyholder of the mutual insurer to be converted. After determining the base value to be provided to each voting policyholder in recognition of the voting rights of the voting policyholder, the equitable share of each eligible policyholder in the remaining statutory surplus of the mutual insurer, plus any adjustments for nonadmitted assets or additional value permitted by the commissioner, to be provided to each eligible policyholder shall be determined by the ratio which the net earned premiums the eligible policyholder has properly and timely paid to the mutual insurer on insurance policies in effect during the three-year period immediately preceding the adoption of the plan of conversion, including the date of the adoption of the plan of conversion, bears to the total net earned premiums received by the mutual insurer from all eligible policyholders during that three-year period. The base value to be provided to each voting policyholder in recognition of voting rights and the equitable share of each eligible policyholder may be exchanged, without additional payment, for securities or other consideration, or both, of the stock corporation or an affiliate into which the mutual insurer is to be converted. If the base value for each voting policyholder or the equitable share of each eligible policyholder entitles the policyholder to the purchase of a fractional share of stock, the policyholder has the option to receive the value of the fractional share in cash or purchase a full share by paying the balance in cash. However, policyholders due a ~~de minimus~~ de minimis amount, as established by the commissioner, need not be offered the value of the fractional share or

the option to purchase a full share. The plan shall also provide for the disposition of any unclaimed shares.

Sec. 58. [Section 515I.4A, subsection 7](#), Code 2020, is amended to read as follows:

7. A policy or contract issued by a domestic surplus lines insurer in this state is exempt from all requirements imposed in this state relating to insurance rating plans, policy or contract forms, policy or contract cancellation and nonrenewal, or premiums charged to the insured, in the same manner and to the same extent as a policy or contract issued by a nonadmitted insurer domiciled in another state.

Sec. 59. [Section 521I.11, subsection 3](#), Code 2020, is amended to read as follows:

3. The allocation to a resulting insurer of capital, surplus, or other asset that is collateral covered by an effective financing statement shall not be effective until a new effective financing statement naming the resulting insurer as a debtor is effective under the uniform commercial code, [chapter 554](#).

Sec. 60. [Section 523C.9, subsection 3](#), Code 2020, is amended to read as follows:

3. The service company has without just cause refused to perform or negligently or incompetently performed services required to be performed under its service contracts and the refusal, or negligent or incompetent performance has occurred with such frequency, as determined by the commissioner ~~determines~~, as to indicate the general business practices of the service company.

Sec. 61. [Section 554.2402, subsection 3](#), paragraph b, Code 2020, is amended to read as follows:

b. where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a ~~pre-existing~~ preexisting claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from [this Article](#) constitute the transaction a fraudulent transfer or voidable preference.

Sec. 62. [Section 573.14](#), Code 2020, is amended to read as follows:

573.14 Retention of unpaid funds.

1. The fund provided for in [section 573.13](#) shall be retained by the public corporation for a period of thirty days after the completion and final acceptance of the improvement. If at the end of the thirty-day period claims are on file as provided the public corporation shall continue to retain from the unpaid funds a sum equal to double the total amount of all claims on file. The remaining balance of the unpaid fund, or if no claims are on file, the entire unpaid fund, shall be released and paid to the contractor.

2. The public corporation shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Except as provided in [section 573.12](#) for progress payments, failure to make payment pursuant to [this section](#), of any amount due the contractor, within forty days, unless a greater time period not to exceed fifty days is specified in the contract documents, after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding public corporation by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall accrue during the period commencing the thirty-first day following the completion of work and satisfaction of the other requirements of [this paragraph subsection](#) and ending on the date of payment. The rate of interest shall be determined by the period of time during which interest accrues, and shall be the same as the rate of interest that is in effect under [section 12C.6](#), as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. However, for institutions governed pursuant to [chapter 262](#), the rate of interest shall be determined by the period of time during which interest accrues, and shall be calculated as the prime rate plus one percent per year as of the day interest begins to accrue. [This paragraph subsection](#) does not abridge any of the rights set forth in [section 573.16](#). Except as provided in [sections 573.12](#) and [573.16](#), interest shall not accrue on funds retained by the public corporation to

satisfy the provisions of [this section](#) regarding claims on file. [This chapter](#) does not apply if the public corporation has entered into a contract with the federal government or accepted a federal grant which is governed by federal law or rules that are contrary to the provisions of [this chapter](#). For purposes of [this unnumbered paragraph subsection](#), “prime rate” means the prime rate charged by banks on short-term business loans, as determined by the board of governors of the federal reserve system and published in the federal reserve bulletin.

Sec. 63. [Section 602.10134](#), Code 2020, is amended to read as follows:

602.10134 Plea of guilty or failure to plead.

If the accused ~~plead~~ pleads guilty, or ~~fail~~ fails to answer, the court shall proceed to render such judgment as the case requires.

Sec. 64. [Section 624.1](#), Code 2020, is amended to read as follows:

624.1 Evidence in ordinary actions.

1. All issues of fact in ordinary actions shall be tried upon oral evidence taken in open court, except that depositions may be used as provided by law.

2. A party may interrogate any unwilling or hostile witness by leading questions.

3. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate the party or person by leading questions and contradict and impeach the party or person in all respects as if the party or person had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of the examination in chief.

Sec. 65. [Section 633.402](#), Code 2020, is amended to read as follows:

633.402 Sale defined.

For purposes of [this part 6 of this subchapter](#), sale of property includes but is not limited to the granting of an easement, the granting of an option, the granting of a right of refusal and the granting or conveyance of any other interest, title, or right regarding property.

Sec. 66. [Section 633.551, subsection 6](#), Code 2020, is amended to read as follows:

6. Except as otherwise provided in [this subchapter](#), the Iowa rules of civil procedure shall govern proceedings to establish, modify, or terminate a guardianship or conservatorship.

Sec. 67. [Section 633.558, subsection 3](#), Code 2020, is amended to read as follows:

3. Notice of the filing of a petition given to persons under [subsections subsection 2 and 3](#) shall include a statement that such persons may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

Sec. 68. [Section 633.563, subsection 1](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

At or before a hearing on a petition for the appointment of a guardian or conservator or the modification or termination of a guardianship or conservatorship, the court shall order a professional evaluation of the respondent unless one of the following criteria are met:

Sec. 69. [Section 633.634](#), Code 2020, is amended to read as follows:

633.634 Combination of petitions.

If, prior to the time of hearing on a petition for the appointment of a guardian or a conservator, a petition is filed under the provisions of [section 633.556, 633.557, or 633.591](#), the court shall combine the hearing hearings on such the petitions and determine who shall be appointed guardian or conservator, ~~and such petition.~~ The petitions shall be triable to the court.

Sec. 70. [Section 712.2](#), Code 2020, is amended to read as follows:

712.2 Arson in the first degree.

1. Arson is arson in the first degree when the presence of one or more persons can be reasonably anticipated in or near the property which is the subject of the arson, or the arson results in the death of a fire fighter, whether paid or volunteer.

2. Arson in the first degree is a class “B” felony.

Sec. 71. [Section 712.3](#), Code 2020, is amended to read as follows:

712.3 Arson in the second degree.

1. Arson which is not arson in the first degree is arson in the second degree when the property which is the subject of the arson is a building or a structure, or real property of any kind, or standing crops, or is personal property the value of which exceeds seven hundred fifty dollars.

2. Arson in the second degree is a class “C” felony.

Sec. 72. [Section 712.4](#), Code 2020, is amended to read as follows:

712.4 Arson in the third degree.

1. Arson which is not arson in the first degree or arson in the second degree is arson in the third degree.

2. Arson in the third degree is an aggravated misdemeanor.

Sec. 73. [2019 Iowa Acts, chapter 135, section 14](#), is amended by striking the section and inserting in lieu thereof the following:

SEC. 14. [Section 261.86, subsection 1](#), unnumbered paragraph 1, Code 2019, is amended to read as follows:

A national guard ~~educational assistance service scholarship~~ program is established to be administered by the college student aid commission for members of the Iowa national guard who are enrolled as undergraduate students in a community college, an institution of higher learning under the state board of regents, or an accredited private institution. The college student aid commission shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#). An individual is eligible for the national guard ~~educational assistance service scholarship~~ program if the individual meets all of the following conditions:

Sec. 74. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this Act amending [2019 Iowa Acts, chapter 135, section 14](#).

Sec. 75. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2019:

The section of this Act amending [2019 Iowa Acts, chapter 135, section 14](#).

DIVISION II
CORRESPONDING CHANGES

Sec. 76. [Section 85.28](#), Code 2020, is amended to read as follows:

85.28 Burial expense.

When death ensues from the injury, the employer shall pay the reasonable expenses of burial of such employee, not to exceed twelve times the statewide average weekly wage paid employees as determined by the department of workforce development under [section 96.19 96.1A, subsection 36](#), and in effect at the time of death, which shall be in addition to other compensation or any other benefit provided for in [this chapter](#).

Sec. 77. [Section 85.31, subsection 1](#), paragraph b, Code 2020, is amended to read as follows:

b. The weekly benefit amount shall not exceed a weekly benefit amount, rounded to the nearest dollar, equal to two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under [section 96.19 96.1A, subsection 36](#), and in effect at the time of the injury. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings

are thirty-five percent of the statewide average weekly wage. Such compensation shall be in addition to the benefits provided by [sections 85.27](#) and [85.28](#).

Sec. 78. [Section 85.34, subsection 2](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

Compensation for permanent partial disability shall begin when it is medically indicated that maximum medical improvement from the injury has been reached and that the extent of loss or percentage of permanent impairment can be determined by use of the guides to the evaluation of permanent impairment, published by the American medical association, as adopted by the workers' compensation commissioner by rule pursuant to [chapter 17A](#). The compensation shall be in addition to the benefits provided by [sections 85.27](#) and [85.28](#). The compensation shall be based upon the extent of the disability and upon the basis of eighty percent per week of the employee's average spendable weekly earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to one hundred eighty-four percent of the statewide average weekly wage paid employees as determined by the department of workforce development under [section 96.19 96.1A, subsection 36](#), and in effect at the time of the injury. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. For all cases of permanent partial disability compensation shall be paid as follows:

Sec. 79. [Section 85.34, subsection 3](#), paragraph a, Code 2020, is amended to read as follows:

a. Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average spendable weekly earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under [section 96.19 96.1A, subsection 36](#), and in effect at the time of the injury. The minimum weekly benefit amount is equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. The weekly compensation is payable until the employee is no longer permanently and totally disabled.

Sec. 80. [Section 85.37, subsection 1](#), Code 2020, is amended to read as follows:

1. If an employee receives a personal injury causing temporary total disability, or causing a permanent partial disability for which compensation is payable during a healing period, compensation for the temporary total disability or for the healing period shall be upon the basis provided in [this section](#). The weekly benefit amount payable to any employee for any one week shall be upon the basis of eighty percent of the employee's weekly spendable earnings, but shall not exceed an amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the department of workforce development under [section 96.19 96.1A, subsection 36](#), and in effect at the time of the injury. However, as of July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals two hundred percent of the statewide average weekly wage as determined in [this section](#). Total weekly compensation for any employee shall not exceed eighty percent per week of the employee's weekly spendable earnings. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less.

Sec. 81. [Section 85.59, subsection 3](#), paragraph d, Code 2020, is amended to read as follows:

d. If death results from the injury, death benefits shall be awarded and paid to the dependents of the inmate as in other workers' compensation cases except that the weekly rate shall be equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of workforce development under [section 96.19 96.1A, subsection 36](#), and in effect at the time of the injury.

Sec. 82. [Section 93.1, subsections 1 and 2](#), Code 2020, are amended to read as follows:

1. “Governmental entity” means the same as defined in [section 96.19 96.1A](#).
2. “Indian tribe” means the same as defined in [section 96.19 96.1A](#).

Sec. 83. [Section 96.3, subsections 1 and 3](#), Code 2020, are amended to read as follows:

1. *Payment*. Twenty-four months after the date when contributions first accrue under [this chapter](#), benefits shall become payable from the fund; provided, that wages earned for services defined in [section 96.19 96.1A, subsection 18](#), paragraph “g”, subparagraph (3), irrespective of when performed, shall not be included for purposes of determining eligibility, under [section 96.4](#) or full-time weekly wages, under [subsection 4 of this section](#), for the purposes of any benefit year, nor shall any benefits with respect to unemployment be payable under [subsection 5 of this section](#) on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the department of workforce development may prescribe.

3. *Partial unemployment*. An individual who is partially unemployed in any week as defined in [section 96.19 96.1A, subsection 38](#), paragraph “b”, and who meets the conditions of eligibility for benefits shall be paid with respect to that week an amount equal to the individual’s weekly benefit amount less that part of wages payable to the individual with respect to that week in excess of one-fourth of the individual’s weekly benefit amount. The benefits shall be rounded to the lower multiple of one dollar.

Sec. 84. [Section 96.4, subsections 1 and 3](#), Code 2020, are amended to read as follows:

1. The individual has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the department may prescribe. The provisions of [this subsection](#) shall be waived if the individual is deemed temporarily unemployed as defined in [section 96.19 96.1A, subsection 38](#), paragraph “c”.

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. [This subsection](#) is waived if the individual is deemed partially unemployed, while employed at the individual’s regular job, as defined in [section 96.19 96.1A, subsection 38](#), paragraph “b”, subparagraph (1), or temporarily unemployed as defined in [section 96.19, subsection 38](#), paragraph “c”. The work search requirements of [this subsection](#) and the disqualification requirement for failure to apply for, or to accept suitable work of [section 96.5, subsection 3](#), are waived if the individual is not disqualified for benefits under [section 96.5, subsection 1](#), paragraph “h”.

Sec. 85. [Section 96.4, subsection 4](#), paragraph b, unnumbered paragraph 1, Code 2020, is amended to read as follows:

For an individual who does not have sufficient wages in the base period, as defined in [section 96.19 96.1A](#), to otherwise qualify for benefits pursuant to [this subsection](#), the individual’s base period shall be the last four completed calendar quarters immediately preceding the first day of the individual’s benefit year if such period qualifies the individual for benefits under [this subsection](#).

Sec. 86. [Section 96.4, subsection 5](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

Benefits based on service in employment in a nonprofit organization or government entity, defined in [section 96.19 96.1A, subsection 18](#), are payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the same basis of other service subject to [this chapter](#), except that:

Sec. 87. [Section 96.5, subsection 7](#), paragraphs a, b, and d, Code 2020, are amended to read as follows:

a. When an employer makes a payment or becomes obligated to make a payment to an individual for vacation pay, or for vacation pay allowance, or as pay in lieu of vacation, such payment or amount shall be deemed “wages” as defined in [section 96.19 96.1A, subsection 41](#), and shall be applied as provided in paragraph “c” hereof.

b. When, in connection with a separation or layoff of an individual, the individual’s employer makes a payment or payments to the individual, or becomes obligated to make a

payment to the individual as, or in the nature of, vacation pay, or vacation pay allowance, or as pay in lieu of vacation. The amount of a payment or obligation to make payment, is deemed “wages” as defined in [section 96.19 96.1A, subsection 41](#), and shall be applied as provided in paragraph “c” of [this subsection 7](#).

d. Notwithstanding contrary provisions in paragraphs “a”, “b”, and “c”, if an individual is separated from employment and is scheduled to receive vacation payments during the period of unemployment attributable to the employer, then payments made by the employer to the individual or an obligation to make a payment by the employer to the individual for vacation pay, vacation pay allowance or pay in lieu of vacation shall not be deemed wages as defined in [section 96.19 96.1A, subsection 41](#), for any period in excess of five workdays and such payments or the value of such obligations shall not be deducted for any period in excess of one week from the unemployment benefits the individual is otherwise entitled to receive under [this chapter](#).

Sec. 88. [Section 96.7, subsection 2](#), paragraph b, subparagraph (1), Code 2020, is amended to read as follows:

(1) If an organization, trade, or business, or a clearly segregable and identifiable part of an organization, trade, or business, for which contributions have been paid is sold or transferred to a subsequent employing unit, or if one or more employing units have been reorganized or merged into a single employing unit, and the successor employer, having qualified as an employer as defined in [section 96.19 96.1A, subsection 16](#), paragraph “b”, continues to operate the organization, trade, or business, the successor employer shall assume the position of the predecessor employer or employers with respect to the predecessors’ payrolls, contributions, accounts, and contribution rates to the same extent as if no change had taken place in the ownership or control of the organization, trade, or business. However, the successor employer shall not assume the position of the predecessor employer or employers with respect to the predecessor employer’s or employers’ payrolls, contributions, accounts, and contribution rates which are attributable to that part of the organization, trade, or business transferred, unless the successor employer applies to the department within ninety days from the date of the partial transfer, and the succession is approved by the predecessor employer or employers and the department.

Sec. 89. [Section 96.8, subsection 2](#), Code 2020, is amended to read as follows:

2. *Voluntary termination.* Except as otherwise provided in [subsection 3](#) of [this section](#), an employing unit ceases to be an employer subject to [this chapter](#), as of the first day of January of any year, if it files with the department, prior to the fifteenth day of February of that year, a written application for termination of coverage, and the department finds that the employing unit did not meet any of the qualifying liability requirements as provided under [section 96.19 96.1A, subsection 16](#), in the preceding calendar year.

Sec. 90. [Section 96.23, subsection 1](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

The department shall exclude three or more calendar quarters from an individual’s base period, as defined in [section 96.19 96.1A, subsection 3](#), if the individual received workers’ compensation benefits for temporary total disability or during a healing period under [section 85.33, section 85.34, subsection 1](#), or [section 85A.17](#) or indemnity insurance benefits during those three or more calendar quarters, if one of the following conditions applies to the individual’s base period:

Sec. 91. [Section 96.40, subsection 10](#), Code 2020, is amended to read as follows:

10. An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year shall be considered an exhaustee, as defined in [section 96.19 96.1A, subsection 20](#), for purposes of the extended benefit program administered pursuant to [section 96.29](#).

Sec. 92. [Section 422.11A](#), Code 2020, is amended to read as follows:
422.11A New jobs tax credit.

The taxes imposed under [this division](#), less the credits allowed under [section 422.12](#), shall be reduced by a new jobs tax credit. An industry which has entered into an agreement under [chapter 260E](#) and which has increased its base employment level by at least ten percent within the time set in the agreement or, in the case of an industry without a base employment level, adds new jobs within the time set in the agreement is entitled to this new jobs tax credit for the tax year selected by the industry. In determining if the industry has increased its base employment level by ten percent or added new jobs, only those new jobs directly resulting from the project covered by the agreement and those directly related to those new jobs shall be counted. The amount of this credit is equal to the product of six percent of the taxable wages upon which an employer is required to contribute to the state unemployment compensation fund, as defined in [section 96.19 96.1A, subsection 37](#), times the number of new jobs existing in the tax year that directly result from the project covered by the agreement or new jobs that directly result from those new jobs. The tax year chosen by the industry shall either begin or end during the period beginning with the date of the agreement and ending with the date by which the project is to be completed under the agreement. An individual may claim the new jobs tax credit allowed a partnership, subchapter S corporation, or estate or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, subchapter S corporation, or estate or trust. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following ten tax years or until depleted, whichever is the earlier. For purposes of [this section](#), "agreement", "industry", "new job", and "project" mean the same as defined in [section 260E.2](#) and "base employment level" means the number of full-time jobs an industry employs at the plant site which is covered by an agreement under [chapter 260E](#) on the date of that agreement.

Sec. 93. [Section 422.33, subsection 6](#), Code 2020, is amended to read as follows:

6. The taxes imposed under [this division](#) shall be reduced by a new jobs tax credit. An industry which has entered into an agreement under [chapter 260E](#) and which has increased its base employment level by at least ten percent within the time set in the agreement or, in the case of an industry without a base employment level, adds new jobs within the time set in the agreement is entitled to this new jobs tax credit for the tax year selected by the industry. In determining if the industry has increased its base employment level by ten percent or added new jobs, only those new jobs directly resulting from the project covered by the agreement and those directly related to those new jobs shall be counted. The amount of this credit is equal to the product of six percent of the taxable wages upon which an employer is required to contribute to the state unemployment compensation fund, as defined in [section 96.19 96.1A, subsection 37](#), times the number of new jobs existing in the tax year that directly result from the project covered by the agreement or new jobs that directly result from those new jobs. The tax year chosen by the industry shall either begin or end during the period beginning with the date of the agreement and ending with the date by which the project is to be completed under the agreement. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following ten tax years or until depleted in less than the ten years. For purposes of [this section](#), "agreement", "industry", "new job" and "project" mean the same as defined in [section 260E.2](#) and "base employment level" means the number of full-time jobs an industry employs at the plant site which is covered by an agreement under [chapter 260E](#) on the date of that agreement.

DIVISION III CODE EDITOR DIRECTIVES

Sec. 94. CODE EDITOR DIRECTIVES.

1. [Sections 257.11, subsection 3](#), paragraph "c", subparagraph (1); [272.2, subsection 22; 279.50A, subsection 1](#), paragraph "a"; [284.17, subsection 3](#); and [915.80, subsection 8](#), Code 2020, are amended by striking the words "good-faith effort" and inserting in lieu thereof the words "good faith effort".

2. a. The Code editor is directed to number unnumbered chapter headings in [chapter 12](#).

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

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

a. 232.

b. 422.

4. Sections 232.12, 232.39, 232.41, 232.67, 232.88, 232.92, 232.94, 232.107, 232.115, 232.168, 232.175, 232.180, 422.1, 422.2, 422.4, 422.5, 422.10B, 422.11, 422.11A, 422.11C, 422.11D, 422.11E, 422.11F, 422.11H, 422.11J, 422.11Q, 422.11R, 422.11V, 422.11Z, 422.22, 422.27, 422.31, 422.38, 422.39, 422.40, 422.41, 422.66, 422.74, 422.85, 422.110, and 422D.2, Code 2020, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

5. Sections 15.319, subsection 2; 15.333, subsection 2; 16.82, subsection 1; 29C.24, subsection 3, paragraph “b”, subparagraph (2); 35A.13, subsection 2, paragraph “b”; 100B.13, subsection 2, paragraph “a”; 135L.3, subsection 3, paragraph “m”, subparagraph (4); 232.2, subsection 11, paragraph “a”; 232.11, subsection 1, unnumbered paragraph 1; 232.38, subsection 1; 232.42, subsection 2; 232.52, subsection 9; 232.55, subsection 1; 232.55, subsection 2, paragraph “a”; 232.57, subsections 1 and 3; 232.58, subsection 1, unnumbered paragraph 1; 232.68, unnumbered paragraph 1; 232.72, subsection 1; 232.87, subsection 5; 232.90, subsections 2 and 4; 232.91, subsections 1 and 2; 232.96, subsection 6; 232.99, subsection 4; 232.101A, subsection 1, paragraph “b”; 232.102, subsection 10, paragraph “a”, unnumbered paragraph 1; 232.108, subsection 1; 232.112, subsection 1; 232.114, subsections 2 and 4; 232.117, subsection 9; 232.127, subsection 2; 232.182, subsection 2; 235A.2, subsection 1; 235A.13, unnumbered paragraph 1; 257.21, subsection 2; 422.6, subsection 1; 422.7, subsection 36; 422.8, subsection 4; 422.10, subsection 1, unnumbered paragraph 1; 422.10, subsection 4; 422.11L, subsection 1, unnumbered paragraph 1; 422.11N, subsection 3, unnumbered paragraph 1; 422.11O, subsection 2, unnumbered paragraph 1; 422.11P, subsection 3, unnumbered paragraph 1; 422.11S, subsection 1; 422.11W, subsection 1; 422.11Y, subsection 3, unnumbered paragraph 1; 422.12, subsection 2, unnumbered paragraph 1; 422.12A, subsection 2; 422.12B, subsection 1, paragraph “a”, unnumbered paragraph 1; 422.12C, subsection 1, unnumbered paragraph 1; 422.12C, subsection 2, paragraph “a”; 422.12N, subsection 1; 422.13, subsection 1, paragraphs “a” and “b”; 422.13, subsection 2; 422.13, subsection 5, paragraph “c”; 422.14, subsections 1 and 3; 422.25, subsections 5, 6, and 8; 422.32, subsection 1, unnumbered paragraph 1; 422.32, subsection 1, paragraph “k”; 422.32, subsection 2; 422.33, subsection 4, paragraph “a”; 422.33, subsection 5, paragraph “a”, unnumbered paragraph 1; 422.33, subsections 6 and 8; 422.33, subsection 9, paragraph “a”; 422.33, subsection 10; 422.33, subsection 11A, unnumbered paragraph 1; 422.33, subsection 11B, unnumbered paragraph 1; 422.33, subsection 11C, unnumbered paragraph 1; 422.33, subsection 11D, unnumbered paragraph 1; 422.33, subsections 12, 13, 14, 15, 19, 20, 21, and 22; 422.33, subsection 25, paragraph “a”; 422.33, subsections 26 and 28; 422.33, subsection 29, paragraph “a”; 422.33, subsection 30; 422.34, unnumbered paragraph 1; 422.34, subsection 2, paragraph “b”; 422.34A, unnumbered paragraph 1; 422.35, subsection 18; 422.36, subsection 2; 422.60, subsection 2, paragraph “a”; 422.60, subsections 4, 5, 6, 7, 8, 9, 10, and 11; 422.60, subsection 12, paragraph “a”; 422.60, subsection 13; 422.61, unnumbered paragraph 1; 422.61, subsection 3, paragraph “b”; 422.61, subsection 5; 422.73, subsection 1; 422D.3, subsection 3; 428A.8, subsection 1, paragraph “c”; 452A.17, subsection 2; 476B.6, subsection 5, paragraphs “a”, “b”, “c”, and “d”; 476C.4, subsection 4, paragraphs “a”, “b”, “c”, and “d”; 483A.1A, subsection 10, paragraph “e”; and 600A.5, subsection 2, Code 2020, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

6. Sections 28A.24, 190B.103, and 476B.2, Code 2020, are amended by striking the word “divisions” and inserting in lieu thereof the word “subchapters”.

7. Section 15.293A, subsection 1, paragraph “a”; 15.293A, subsection 2, paragraphs “c” and “f”; 15.319, subsection 6, paragraph “c”; 15.355, subsection 3, paragraph “b”; 15.355, subsection 3, paragraph “e”, subparagraphs (3) and (6); 15E.43, subsection 1, paragraphs “a” and “d”; 15E.44, subsection 4; 15E.52, subsection 2, paragraph “a”; 15E.52, subsection 13; 15E.62, subsection 8; 15E.305, subsection 1; 16.64, subsection 2; 16.82A, subsection 3,

paragraph “c”; 29C.24, subsection 3, paragraph “a”, subparagraph (3); 404A.2, subsection 2; 404A.2, subsection 3, paragraph “c”; 404A.2, subsection 5, paragraph “c”; 422.16, subsection 5; 476B.7, subsection 2; and 476C.6, subsection 1, paragraph “b”, Code 2020, are amended by striking the word “divisions” and inserting in lieu thereof the word “subchapters”.

8. a. The Code editor is directed to make the following transfers:

(1) Section 96.1A to section 96.1B.

(2) Section 96.19 to section 96.1A.

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

9. The Code editor may number unnumbered paragraphs within sections 1C.9, 6B.45, 8E.208, 9G.6, 21.3, 24.17, 25B.6, 55.3, 55.4, 69.13, 85A.12, 85A.19, 142.4, 142.8, 154C.7, 158.6, 173.6, 173.16, 182.3, 182.7, 216A.99, 225C.41, 303.51, 307.11, 307.44, 307.48, 311.6, 311.15, 311.16, 311.19, 311.23, 311.26, 330.21, 330.23, 335.30A, 357.7, 357.14, 357.28, 357.29, 357.34, 359.23, 372.12, 422.111, 428.20, 434.15, 458A.21, 543C.8, 554.12206, 599.1, and 633.13, Code 2020, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved June 17, 2020